



**ORDINANCE**  
**ON INTERNAL CORRUPTION REPORTING IN**  
**THE STATE INVESTIGATION AND PROTECTION AGENCY**

Istočno Sarajevo, April 2014

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Pursuant to Articles 16 and 61, Paragraph (2) of the Law on Administration (“Official Gazette of BH” No. 32/02 and 102/09), Article 8, Paragraph (2), Item h) of the Law on the State Investigation and Protection Agency (“Official Gazette of BH” No. 27/04, 63/04, 35/05, 49/09 and 40/12) and Article 13 in conjunctions with Article 5, Paragraph (2) of the Law on Protection of Persons Reporting Corruption in the Institutions of Bosnia and Herzegovina (“Official Gazette BH” No. 100/13), the Director of the State Investigation and Protection Agency (SIPA) hereby i s s u e s

**ORDINANCE**  
**on Internal Corruption Reporting in State Investigation and Protection Agency**

Article 1  
(Subject)

The Ordinance on Internal Corruption Reporting in the State Investigation and Protection Agency (hereinafter: Ordinance) shall regulate the method of internal corruption reporting in the State Investigation and Protection Agency (hereinafter: Agency), action upon receiving reports, obligation of notifying a person who reported corruption, protection of such individuals and other issues related to the internal corruption reporting in the Agency.

Article 2  
(Definitions)

Terms used in this Ordinance shall have the same meaning as in Article 2 of the Law on Protection of Persons Reporting Corruption in the Institutions of Bosnia and Herzegovina (hereinafter: Law).

Article 3  
(Right to Internal Corruption Reporting)

(1) Any civil servant, police official and administrative worker of the Agency (hereinafter: Employees of the Agency), having information and/or material evidence on corruption in the Agency, can submit an internal report due to suspicion or circumstances indicating corruption.

(2) Abuse of the right set out in Paragraph (1) of this Article shall represent a serious violation of working duties.

(3) The right to report irregularities set out in Paragraph (1) of this Article shall not affect the right of an employee to submit a request for the initiation of a disciplinary procedure pursuant to the Law.

Article 4  
(Competence for Reception and Review of Reports)

The employees can submit an internal report set out in Article 3 of this Ordinance to:

- a) an authorised persons in the Internal Control Department;
- b) the Director of the Agency, when a whistleblower has a reason to believe that a person mentioned in Item a) of this Paragraph is in direct or indirect relation to the corruptive activity.

Article 5  
(Obligations of Persons Responsible for Receiving and Acting upon Internal Reports)

An Individual mentioned in Article 4 of this Ordinance, responsible for receiving and reviewing reports shall:

- a) receive corruption reports;
- b) perform preliminary activities of reviewing and determining merits of the report;
- c) inform the Director of the Agency about the submitted report with a proposal for taking appropriate measures;
- d) inform the submitter on activities related to the report and measures and actions taken, not later than 15 days after the date of receiving the report;
- e) prepare reports on irregularities and inform the Director of the Agency;
- f) handle all received reports, data stated in the report and the identity of a person who submitted the report as an official secret;
- g) promote reporting, detecting and resolving irregularities in work.

Article 6  
(Methods of Internal Reporting)

- (1) An employee shall submit the report in writing or as a transcript of a verbal statement.
- (2) Internal reporting shall include:
  - a) information on a corruption offence with factual description (place and date of occurrence, description of irregularity, etc.)
  - b) name, surname, position of an employee to whom the report refers, a witness and/or other person involved;
  - c) information whether a superior and/or responsible person are already familiar with the existence of irregularity;
  - d) information whether they have already taken action to eliminate the irregularity;
  - e) proposal on evidence, i.e. items serving as evidence, materials confirming statements on corruption;
  - f) name, surname and position of the submitter.

Article 7  
(Obligations, Competence, Action and Reporting Periods)

(1) Upon the reception of the internal report, an authorised person stipulated in Article 4 of this Ordinance shall individually take preliminary action on determining the grounds for reporting corruption in a specific case.

(2) In order to take preliminary action on determining merits of the report, the authorised person shall have the right to direct access to cases, documents and official premises of the Agency when required so for determining merits of the report.

(3) The authorised person shall take preliminary action to determine merits of allegations from the report and legal qualifications of the reported offence within 10 days after the date of receiving the report and inform the Director of the Agency, who based on the information and proposal by an authorised person shall adopt the Decision on Closing the Case or Taking Further Action for the determination of merits of the report.

(4) The authorised person shall inform the submitter about measures and actions taken in terms of the internal report, not later than 15 days after the date of receiving the report.

(5) Upon the finalisation of a preliminary action to determine merits of the report in terms of Paragraph (3) of this Article, the authorised person shall have the authority to take statements from the employees of the Agency and other necessary action related to the report subject with the aim of determining its merits and proposing appropriate measures.

(6) Official note shall be made on activities stipulated in Paragraphs (3) and (5) of this Article.

Article 8

(Access to Information from Report)

Access to information from the internal corruption report and action upon the internal report shall be granted to authorised persons stipulated in Article 4 of this Ordinance and authorised officials when access to the documents is required for determining merits of the corruption reports, i.e. for determining whether abuse of the right to report set out in Article 3, Paragraph (2) of the Ordinance occurred.

Article 9

(Action upon Internal Reports referring to Criminal Offences)

When the authorised person stipulated in Article 4 of this Ordinance determines that the report is founded, and that based upon the report or action taken for determining its foundation it can be concluded that the mentioned offence has elements of a criminal offence, the Director of the Agency shall inform the relevant Prosecutor's Office.

Article 10

(Action upon Internal Reports referring to Disciplinary Responsibility)

When the authorised person stipulated in Article 4 of this Ordinance determines that the report is founded and that based upon the report or action taken for determining its foundation it can be concluded that the mentioned offence has elements of a violation of a working duty, a disciplinary procedure shall be initiated against the employee pursuant to relevant regulations governing the issue of disciplinary responsibility.

Article 11

(Taking Action for Elimination of Adverse Effects of Committed Offence)

(1) In case when taking action for the determination of merits of a report it is verified that the report is founded, the Director of the Agency will take required measures and activities for the prevention of irregularities and elimination of adverse effects of the committed offence.

(2) All employees of the Agency, within their duties and authorisations, shall take necessary measures and actions to prevent further irregular activities and eliminate adverse effects of a committed offence.

Article 12

(Protection of Report Submitter's Rights)

(1) Against an employee who has information about corruption or who reports corruption in the Agency, no action shall be taken aimed to divert from corruption reporting, i.e. punishment for corruption reporting.

(2) The Director of the Agency, as well as other superiors of a person who reported corruption, shall ensure protection of their personal and professional integrity in the Agency.

Article 13

(Responsibility of Report Submitter for Abuse of Right)

(1) The abuse of the right to report shall be a serious violation of a working duty.

(2) When during actions for determining the foundation of the report or subsequent actions on determining responsibility for reported offences it is identified that the report submitter, contrary to provisions of the Law and provisions of this Ordinance, abused the right to report, the Agency for the Prevention of Corruption and Coordination of Fight against Corruption and Administrative Inspection of the Ministry of Justice BH shall be informed for

the initiation of legal proceedings pursuant to provisions of Article 12, Paragraph (3) of the Law.

(3) If it is determined that the abuse of the right to report contains elements of a criminal offence of false reporting, the Director of the Agency will inform the relevant Prosecutor's Office.

Article 14  
(Right to Whistleblower Status)

(1) A person who reports corruption internally has the right to address the Agency for the Prevention of Corruption and Coordination of Fight against Corruption for the obtainment of the whistleblower status if they believe that adverse measures might be taken against them because of the internal reporting or if they were taken already.

(2) Pursuant to provisions of the Law, a person who obtains the whistleblower status shall not be regarded materially, criminally or disciplinary responsible for a disclosure of a trade secret in case of reporting corruption to a relevant authority.

Article 15  
(Action upon Instruction by Agency)

In cases when the Agency for the Prevention of Corruption and Coordination of Fight against Corruption, pursuant to provisions set out in Article 8, Paragraph (2) of the Law, issues an Instruction, the Agency shall take a corrective measure without a delay with the aim of eliminating a taken adverse action and not later than within three days after the date of receiving the Instruction.

Article 16  
(Obligation of Informing about Ordinance Provisions)

Upon entry into force, this Ordinance shall be published on bulletin boards and the web page of the Agency.

Article 17  
(Entry into Force)

This Ordinance shall enter into force on the date of its adoption.

No.: 16-09-02-2384-2/14

Istočno Sarajevo, 24 April 2014

DIRECTOR  
CHIEF GENERAL POLICE INSPECTOR

Goran Zubac