

NATIONAL WHISTLEBLOWERS LEGAL DEFENSE & EDUCATION FUND

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URGENT MATTER

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Dear Sirs:

We are writing concerning an urgent matter related to anti-corruption efforts in Bosnia and Herzegovina. Last week, during my second visit to Bosnia and Herzegovina, I met with various government officials, Members of Parliament, respected anti-corruption leaders, and whistleblowers regarding the implementation of the new Law on Whistleblowers Protection in Institutions BiH, which entered into force on January 1, 2014. Based on my 30 years of experience in representing whistleblowers, and based on my interviews conducted during my two visits to Bosnia and Herzegovina, it is absolutely clear that the effective implementation of this law is critical in the fight to ensure that corruption is detected and prevented within the government institutions of Bosnia and Herzegovina.

During my visit I learned that an “instruction” had been issued pursuant to the Law on Whistleblower Protection on behalf of an employee who exposed widespread corruption in the Indirect Taxation Authority. I had the honor of meeting with the whistleblower in that case, Mr. Danko Bogdanović, who suffered extreme retaliation after making a protected disclosure under this law. Mr. Bogdanović was removed

from his position as the Chief of Customs Affairs with the field office in Brčko after making his protected disclosures.

Pursuant to the new Law on Whistleblower Protection, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption BiH, and the Administrative Inspectorate of the Ministry of Justice B&H concluded that Mr. Bogdanović acted in “good faith” when he exposed the corrupt activities, and also made a finding that he suffered from illegal retaliation. An “instruction” was issued on behalf of the whistleblower, ordering immediate relief and his reinstatement into his job.

Under the law Mr. Bogdanović should have been immediately reinstated into his job. I was shocked to learn that the Indirect Taxation Authority has not reinstated him to his position, and apparently the government has not enforced the Law on Whistleblower Protection.

The Instruction issued on behalf of Mr. Bogdanović must be immediately implemented. The future of whistleblower protection, and the willingness of employees to report corruption, is at stake in this case. If the law is not immediately enforced, a terrible message will be sent to all citizens in Bosnia and Herzegovina: If you report fraud and corruption, you will be fired and your lives will be ruined. Worse still, the message will be sent that laws protecting whistleblowers are meaningless, and will not be enforced.

On the other hand, if the “instruction” issued on behalf of Mr. Bogdanović is enforced, a radically different message will be sent to the citizens of Bosnia and Herzegovina. It is a message of hope, a message that the government is serious about implementing its anti-corruption and whistleblower protection laws.

This case marks a turning point in the fight against corruption in Bosnia and Herzegovina.

On behalf of the National Whistleblower Center, we fully support all of the actions being requested by the Center for Responsible Democracy (LUNA), B&H. LUNA played a major role in advocating the passage of the Law on Whistleblower Protection, and fully understands the importance of immediately enforcing the provisions of that law.

I would greatly appreciate being informed of the corrective action implemented in this case. Please let me know within the next five days whether or not the whistleblower, Mr. Bogdanović, has been fully restored to his original employment condition, and whether he has been reinstated into his position, with full back pay.

With my deepest respect,



Stephen M. Kohn
Executive Director
National Whistleblower Center

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