

IPA National Programme 2008 Part I - Bosnia and Herzegovina

Project Fiche 3: Support to the construction of a State high security Prison in Bosnia and Herzegovina

1. Basic information

- 1.1. CRIS Number:** 2008/20-111
- 1.2. Title:** Support to the construction of a State high-security Prison in Bosnia and Herzegovina
- 1.3. ELARG Statistical code:** 01.24 Political criteria/Justice, freedom and security
- 1.4. Location:** Bosnia and Herzegovina

Implementing arrangements:

- 1.5. Contracting Authority:** European Commission
- 1.6. Implementing Agency:** European Commission and Council of Europe Development Bank (CEB) via joint management
- 1.7. Beneficiary Institution:** Ministry of Justice of BiH

Project manager

Name: Mr. Milanko J. Renovica

Address: Šenoina 1, Sarajevo, BiH

Phone: + 387 33 664 759

Fax: + 387 33 206 716

Email: m.renovica@mpr.gov.ba

Secondary beneficiaries:

State Court of BiH ; BiH High Judicial and Prosecutorial Council (HJPC); Entity Ministries of Justice; Entity Prisons.

Financing:

- 1.8. Overall cost (VAT excluded):** EUR 18 850 000
- 1.9. EU contribution:** EUR 4 000 000
- 1.10. Final date for contracting:** Two years following the date of the conclusion of the Financing Agreement
- 1.11. Final date for execution of contracts:** Two years following the end date of contracting
- 1.12. Final date for disbursements:** One year following the end date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1. Overall Objective:

The overall objective is to strengthen the rule of law in Bosnia and Herzegovina by providing appropriate infrastructure, capacity building and training for the correctional sector at the level of State.

2.2. Project purpose:

The project purpose is to establish a permanent-type facility designated for serving sentence of detainment and imprisonment. This project aims at enabling BiH Court and the Prosecutor's Office to prosecute emerging number of high profile individuals sentenced in the field of war crime, organised crime, terrorism and corruption.

2.3. Link with AP/NPAA / EP/ SAA

The project is linked to the political requirements of *Stabilisation and Association Process*. It aims at strengthening the reconciliation process in the country and consolidating the rule of law.

It is also connected to the *European Partnership* key priority of reaching good co-operation with the International Criminal Tribunal for the former Yugoslavia.

The upcoming *European Partnership* makes reference to this project as follows:

Agree on a comprehensive penitentiary reform and ensure construction of a State level prison

Furthermore the project contributes to the following objectives of the European Partnership: in the area of the Judicial system:

Adopt and start implementing a strategy for development of the judicial sector.

The first NPAA, once complete will provide for concrete actions in meeting the obligations under the SAA in the Justice Sector to which this project will contribute.

2.4. Link with MIPD

The project falls under the Multi-Annual Indicative Planning Document (MIPD for 2007-2009) within the Instrument for Pre-accession Assistance (IPA), Political Requirements Section 2.2.1.1 Main areas of intervention, priorities and objectives - Support to the Reform of the Judicial System. This states that '*the Commission is committed to the support of the State Court to try war crimes and organised crime cases to the highest standards.*'

In Section 2.2.1.2. Expected results, Penitentiary system is to be improved by implementing a programme as indicated in Section 2.2.1.3. through "*assistance to the penitentiary system, which may include contribution to construction works of a high security state prison*".

2.5. Link with National Development Plan (where applicable)

The project is linked to the *Poverty Reduction Strategy Programme* in force, whereby reference is made to a proper functioning of the BiH Court and the BiH Prosecutor's Office to prosecute cases of war crimes, corruption and economic crime.

2.6. Link with national / sectoral investment plans (where applicable)

The Project is linked to the finalised *Strategy in the Justice Sector* which is subject of adoption shortly.

A *Feasibility Study* for the investment plans in order to implement this project has been completed by the BiH Ministry of Justice.

3. Description of project

3.1. Background and justification:

The construction of a State level high security prison in BiH is a key part of establishing a functioning judiciary. The courts and in particular the Registry Section I for War Crimes and Section II for Organized Crime, Economic Crime and Corruption of the Court of Bosnia and Herzegovina and the Special Departments of the Prosecutor's Office of BiH are expected to undergo a complete transition from an international organization management and responsibility to BiH management and jurisdiction. However, the prison infrastructure to detain increasing numbers of locally tried and convicted serious criminals is not in place. Currently only 21 cells are available at the BiH Ministry of Justice for detainees awaiting trial. To date the total number of prisoners requiring high security measures exceeds 50 and is expected to rise steadily with the courts and the prosecution system developing international standards of justice.

Currently suspected and convicted detained persons or imprisoned persons for serious crime are detained in inappropriate and inadequate detention units. The units are mainly entity level prisons that cannot distinguish between prisoners awaiting trial and convicted criminals. Neither of the existing entity level high security units fulfills international standards both in terms of the infrastructure provided as well as the number of supervisory staff available. The types of detained persons that are sentenced by the national courts require more appropriate facilities where international standards can be adhered to. Already, the existing prisons are suffering from overcrowding (in the Federation) and poor standards (in Republika Srpska).

The EC Progress report 2007 under the section of Human rights and the protection of minorities recognises that “the prison system remains divided and management of penitentiary institutions is split between the State and the Entities. Currently there is no unified practice of criminal sanctions. This division needs to be addressed in order to create a coherent prison system which ensures that human rights standards are applied in the same way throughout the country. At State level, there is no prison facility, but only limited detention capacity annexed to the State Court for custody purposes. There are plans to construct a high-security prison facility. No specific detention facilities exist for female inmates. And that the poor functioning of the prison system has led to a number of escapes from prison, including of war criminals”.

Under Regional issues and international obligations of the same report it is stated that the State Court of Bosnia and Herzegovina has performed well as regards the indicted person transferred from the ICTY to be judged locally. It has received a total of six cases under rule 11 bis¹ of the

¹ ICTY Rule 11 bis establishes the procedure for the referral of a case by the ICTY to a national court once an indictment has been confirmed by the ICTY.

ICTY Rules of Procedure and Evidence involving ten indicted persons. The State Court has completed the trials in two of these cases. The workload of the State Court has increased from 170 active cases in October 2006 to 205 active cases in May 2007. The escape of a sentenced war criminal was a negative development. It highlighted deficiencies in the legislation and the lack of a State-level high-security prison. Witness protection in sensitive war crimes cases remains a problem.

The initial agreement between the national court and the entity level detention units is based on a Memorandum of Understanding from July 2003 which regulates the availability of space in entity level prisons for National prisoners. These agreements are now coming to their limits as space and the levels of staffing are becoming more urgent issues. It is anticipated that these issues will be exacerbated once the courts have completed their transition to national competence and the number of trials held at this level will increase. Training of staff and the establishment of management systems were supported by the Council of Europe and are based on British standards. These systems will serve as a basis for the employment and training of staff in the planned facility.

This project is part of the Action Plan of Penitentiary Reforms and was agreed as a priority for the establishment of a functioning judiciary by the Joint Steering Group for Penitentiary Reforms in BiH. The Ministries of Justice of BiH, Republika Srpska and of the Federation give their full support to this project and are fully and jointly committed to the strategy for dealing with the shortfalls in the penitentiary system. The Ministry of Justice of BiH has developed an organizational structure required for governing the planned detention units and is playing the lead role in this project. The Council of Ministers and the entity level governments are fully engaged in this project and the final adoption of the law governing this structure is expected to be passed in upcoming period.

The construction of a State prison from architectural and technical aspect will be fully compatible with the European prison rules (recommendation No. 2006/2), which provides for the implementation of basic principles in treatment of all persons deprived of freedom, respect for their human rights, adequate conditions for serving of prison sentence and measure of pre-trial detention, deployment and accommodation, health protection and other issues important for respecting of human rights of imprisoned and detained persons.

A preliminary Feasibility Study was undertaken by the Registry in October 2005. On completion of the initial study a full project was developed, completed and submitted to the Ministry of Justice of BiH in August 2007. The responsibility for the construction was transferred from the Registry to the Ministry of Justice. On November 15, 2005 the Minister of Justice of Bosnia and Herzegovina sent a written request to the Commission for state property requesting an exemption from the Law on temporary prohibition of disposing with the state property of Bosnia and Herzegovina.

Acting according to the above mentioned request, and observing all known aspects and importance of construction of the State Prison, the Commission for state property on December 12, 2005, adopted the Decision on exemption of the location „Streliste -Vojkovići Naklo“, Number: 01/05 dated on December 12, 2005, from application of the above mentioned Law, and on the same it determined the user's right of the Ministry of Justice of Bosnia and Herzegovina.

In accordance with the above mentioned decision, the Assembly of the Municipality Istocna Ilidza, on December 28, 2005, adopted the Decision on allowance of the subject construction land

to the Ministry of Justice of Bosnia and Herzegovina for the mentioned purposes, number: 02-023-414/05 dated on December 28, 2005. Those actions solved legal and proprietary issues in relation to the location of the prison.

The Assembly of the Municipality Istocna Ilidza at its session held on September 25, 2006, made the Decision on adopting the plan of parcelling and urban-technical conditions for building the State Prison in Vojkovići, Municipality Istocna Ilidza, locality Naklo, Number: 02-073-460/06 dated on September 25, 2006. The Department for spatial planning and housing and municipal services of the Municipality Istocna Ilidza, adopted the Decision by which urban zoning permission is given to the Ministry of Justice of Bosnia and Herzegovina for construction of the complex of the state Prison of the closed type, Number: 05-364-203/06 dated on September 27, 2006.

An Environmental Impact Assessment is part of the requirements for granting the above decisions and all recommendation of that assessment will be taken into account for the construction and operation of the prison including all access roads and external installations. The project manager is fully committed and will ensure that the project contractor will comply with all legal provisions and European standards relating to the environment will be upheld. On 2nd October 2006 the Assembly of the Municipality Istocna Ilidza adopted the Decision by which it allows the Ministry of Justice of Bosnia and Herzegovina to use the cities construction land for the construction of the State Prison of Bosnia and Herzegovina.

The Council of Ministers of Bosnia and Herzegovina approved the funds of 1 300 000, 00 KM (app. 664 680, 00 €), for building of the State Prison infrastructure in 2006.

On November 6, 2006, a Contract was concluded between the Municipality Istocna Ilidza and Bosnia and Herzegovina through the Ministry of Justice of Bosnia and Herzegovina, on transfer of funds from position of the Ministry of Justice of BiH to the Municipality Istocna Ilidza in a total amount of about 1 200 760, 00 KM for building of infrastructure facilities of the State Prison. The remaining funds of 23 061, 00 KM were by Contract between Ministry of Justice and RS Institute of urbanism for the plan of parcelling transferred through tendering procedure as best service provider. These funds have been realised in amount of 94 % or 1 223 821, 00 KM (app. 678 397, 92 €).

In November 2006 acting Minister of Justice BiH has made legal decision of appointing administrator to the Detention unit and prison at construction Ministry of Justice BiH.

The Council of Ministers of Bosnia and Herzegovina at its 135th session, held on December 12, 2006, adopted the Decision on appointing a Supervisory Committee for control of activities and spending of funds for construction of the institution for execution of criminal sanctions at the state level, as well as the Decision on forming of the Unit for implementation of the project of construction of the institution for execution of the criminal sanctions at the state level.

In the year 2007 Council of Ministers of Bosnia and Herzegovina approved the funds in amount of 2 000 000, 00 KM (app. 1 022 583, 76 €), for the next phase of infrastructure construction of the State Prison. These funds have been realised in the amount of 66,34 % or 1 326 831, 00 KM (app. 625 729, 00 €). On January 24, 2007, an Annex was adopted to the Contract concluded between the Municipality Istocna Ilidza and the Ministry of Justice of Bosnia and Herzegovina, on execution of works in arrangement of urban construction land for construction of the State Prison at the locality Naklo – Municipality Istocna Ilidza. The State Attorney gave a positive opinion about concluding of the above-mentioned contracts.

After the contracts were concluded, the construction of infrastructure was followed by the coordinator of the Project and the Supervision Committee. This ensured that the relevant actors were informed on the degree of executed works and on compliance with provisions of the Law on Public Procurement of BiH during preparation of the documentation for bid, selection of the most favourable bidder and selection of the supervision organ for monitoring of the works.

The plan for 2008 is that Council of Ministers of Bosnia and Herzegovina approves the same amount of funds as prior of 2 000 000, 00 KM (app. 1 022 583, 76 €), for the project of the State Prison. It is also envisaged for 2009 that Council of Ministers of Bosnia and Herzegovina approves the same amount of funds as prior of 2 000 000, 00 KM (app. 1 022 583, 76 €), for the project of the State Prison.

The funds allocated to this project show commitment and the level of consultation and co-ordination that has to date gone into this project. According to the project documentation building a high-security prison is foreseen 300 beds. The table gives a break down of funds below by their origin. This includes a requested loan from the European Bank for reconstruction and development:

Financial construction of funds required for building of the State Prison of BiH	Amount of EURO (mil)
1. Domestic budget funds	2 000 000,00
1.1. Envisaged in 2008	1 000 000,00
1.2. Envisaged in 2009	1 000 000,00
2. Donors' funds	10 850 000,00
2.1. USA Government (1.4 millions USD)	950 000,00
2.2. Sweden(18.6 mill. SEK)	2 000 000,00
2.3. Netherlands (1.9 mil EURO in 2007, 2.0 mil. in 2008)	3 900 000,00
2.4. EC Funds IPA 2008	4 000 000,00
3. Loan funds	6 000 000,00
3.1. Development Bank of the Council of Europe (CEB)	Up to 6 000 000,00
TOTAL:	18 850 000,00

Overall this is a well supported project which is central to the national strategy for the reform of the penitentiary system, it is a requirement for the judicial system to deal with increasing numbers of Court BiH cases and is widely supported from the international community and has attracted loan funding on the basis of its feasibility study.

3.2. Assessment of project impact, catalytic effect, sustainability and cross border impact

The project will be critical for further reforms in the Justice Sector. It is expected that the finalisation of this Project will result in a serious and detailed analysis of penitentiaries in Bosnia and Herzegovina. Consequently, the establishment of a system of classification of prisoners will create a new mechanism by means of which the safety of citizens will reach higher level and assist

in promotion of reconciliation. From efficient policy-making capacities and safe environment will also stem the country's ability to become an effective partner in the European integration process.

The sustainability is ensured by the development of administrative capacities within the current civil service in accordance with the, albeit limited, possibilities offered by State', Entities' and Brcko District's budgets.

3.3. Results and measurable indicators:

Result:

1. BiH State Prison facility built

Measurable indicators:

- Implementation and Coordination Unit in the BiH Ministry of Justice is set to coordinate the activities within the project and ensure the cooperation with the CEB, European Commission Delegation and the other donors.
 - BiH government along with CEB, European Commission Delegation, Sweden, Netherlands, and USA has prepared, drafted and signed the necessary memoranda of understanding and co-financing agreement.
 - The CEB decides on the starting of the implementation phase in the case of joint management.
 - Contracts between contractors and the implementing authority are signed for the implementation of the project.
 - On sight inspection of construction works being conducted.
 - Monitoring by phases of construction works will be maintained and full inspection conducted along with Auditing inspection that has to deliver full financial control
2. Management capacities been in place within the State Ministry of Justice
 3. Penitentiary staff in the future prison trained for being up to the new positions.

3.4. Activities:

Activity 1

Signing agreement on co-financing

After all preconditions met by parties: European Commission, the CEB, Sweden, the Netherlands, and the United States of America, on donor side and State Ministry of Justice BiH on local side will conclude the necessary memoranda of understanding and co-financing agreement.

Activity 2

Preparing of tendering documentation

The implementing authority will conduct in close coordination with the involved local authorities the preparation of tendering documentation. Activities that have been already encompassed are found in Annex IV. This is ongoing process which is due to end by March 2009.

B&H State prison ranges of 11 200 m² consists of 4 levels and parking lot of 3 000 m². It is necessary to collect entire

Capacity building assistance will be given to the implementation and Coordination Unit in the BiH Ministry of Justice.

Activity 3

Tendering, selection procedure and Closing off contract

It is planned that in the second quarter of 2009 the tendering procedure is to be launched.

Activity 4

Construction Works

Works on construction of high security B&H State Prison is set to begin immediately after selection and contracting procedure have been completed. It is foreseen that construction would last 12 months. Within this term an expert team should govern and ensure an adequate support and realization of the Project.

Activity 5

Key-in place

After the mechanical subcontractors (Heating-Plumbing-Electrical) finish their phase of work at the Rough stage, the framing contractor has to launch the municipal frame inspection of the building and, after positive assessment, to hand over the building to the Ministry of Justice B&H.

Activity 6

Training to new appointed penitentiary staff will be provided.

3.5. Conditionality and sequencing:

Sequencing can be found in 3.1 Background and justification of project. Next steps in the sequence are as set as in 3.4. Activities.

Construction of high security BiH state prison is conditioned by adopting of *Law on foundation of Institute for execution of criminal sanction, detainment and other measures* at state level which is already at final stage of adoption in Parliamentary assembly of Bosnia and Herzegovina. Once Law is adopted, precondition is met to start on with activities ctor. These conditionality's affect solely construction works.

3.6. Linked activities

A twinning light project "Support to the Penitentiary Management Reform in Bosnia and Herzegovina" was financed by the European Commission under CARDS 2006 programme. It was linked to this project in terms of strengthening the management capacity of existing prisons and of drafting an investment analysis on the current penitentiary premises architectural penitentiary institutions.

This project is also connected to the "Support to the State Court and the state Prosecutor's Office to fight war crimes and organised crime" included for IPA 2008. It is evident that the State Court urgently needs an appropriate prison facility to sentence the convicted individuals.

3.7. Lessons learned

Support to this project has background in an "Analysis of examination of the effectiveness and efficiency of the execution of criminal sanctions" written through a project financed by United Kingdom. Analysis recognises that a prison on the level of Bosnia and Herzegovina demands significant initial capital costs and high annual running costs, which is considered essential for a long-term development of an effective and efficient prison system.

This project will also provide a follow up to ongoing activities of the "Assistance to the Reform of the Prison System" project implemented by the Council of Europe and financed by the Canadian International Development Agency.

Within the recommendations of the twinning light project financed by the European Commission, the construction of a State prison at the level of the State of Bosnia and Herzegovina is crucial for the rule of law, the judiciary in the country.

In addition, a new project in the field of penitentiary reform is about to start under Instrument for Pre-Accession of 2007.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1			18.850.000	4.000.000	21.22	14.850.000	78.78	8.000.000	0	6.850.000	0	0
Grant	0	4.000.000	18.850.000	4.000.000	21.22	14.850.000	78.78	8.000.000	0	6.850.000	0	0
TOTAL IB			0	0	0	0	0	0	0	0	0	0
TOTAL INV			18.850.000	4.000.000	21.22	14.850.000	78.78	8.000.000	0	6.850.000	0	0
TOTAL PROJECT			18.850.000	4.000.000	21.22	14.850.000	78.78	8.000.000	0	6.850.000	0	0

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

The Commission's grant will be implemented by the Council of Europe Development Bank as a jointly managed project.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1	Q4 2008	Q4 2008	Q4 2010

6. Cross cutting issues

6.1. Equal Opportunity

During project of the high security BiH State Prison Construction, reference will be made to cross-cutting concepts applicable to any policy-making such as indeed equal opportunity but also equality before the law or the rights of minorities.

6.2. Environment

Pertinent decisions on adopting a plan on parcelling and urban-technical conditions for building the State Prison are underway. Urban zoning permission Environment Impact Assessment is part of documentation project by which construction of the high-security State Prison has taken into consideration. During construction of the State prison, the Project Leader will make sure that the project constructor complies with the law provisions on protection of the environment and the European standards.

6.3. Minorities

See above.

6.4. Good governance and fight against corruption:

This project looks into the major issues of good governance and fight against corruption and organised crime. On good governance, the project reinforces the functioning of a crucial pillar of the rule of law: the penitentiary system. On the fight against corruption and organised crime, the project makes the prison system more professional, accountable and safe to the citizens of Bosnia and Herzegovina.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:

ANNEX I. Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX for Project Fiche	Programme name and number:	
	Contracting period expires N+2	Disbursement period expires N+5
	Total budget : 18.850.000	IPA budget: 4.000.000

Overall objective	Objectively verifiable indicators	Sources of Verification	
Bosnia and Herzegovina's capacity gradually approximate its legislation, policies and structures to the acquis related to justice, freedom and security by setting up a facility at state level to deal with high security cases	Analytical reporting of European Commission and EU relevant institutions; Revising strategy on justice sector.	EC Progress report; Council of Europe report and other official and media reports; Justice sector strategy.	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Enabling B&H Court to prosecute emerging number and profile of individuals sentenced by Sections I & II.	Reporting of Delegation of European Commission; Council of Europe; OSCE; International community and media; B&H Court indictments and reports; Statistical reporting on prison population; Ministry of Justice B&H reporting; B&H Ministerial Conferences conclusions.	EC Progress Report; Council of Europe report on Human rights; Law; Local and regional Democracy etc.; OSCE report; Donor report; Publications and website information on indictments; Statistical reports; Ministry of Justice B&H reports; Justice sector strategy and Institutional documents.	War crime cases processing strategy adopted; Justice sector reform strategy to be adopted; Setting up Ministerial Conference; Prosecutorial offices are able to process in timely manner War Crime cases; B&H has signed SAA and following procedures of EU.
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
Necessary Memoranda of understanding signed Necessary Co-financing agreement signed Prepared, published and international tendering contract signed	Official B&H Government and EU reporting ; Official B&H Government and EU reporting ; Council of Minister sessions and conclusions;	Publications and portal websites in official domestic and European media; Publications and portal websites in official domestic and European media; Government decision;	Timely signing contract following construction.

On sight inspection of construction works B&H State Prison facility built Monitoring and Auditing inspection	Technical inspecting of construction sight; Monitoring and auditing team reporting on periodical basis.	Progress report; On sight inspection report; Financial report; Architectural report on building construction of 11 200 m ²	
Activities	Means	Costs	Assumptions
1. Preparing of tendering documentation 2. Preparing and Signing of memoranda of understanding and agreement on co-financing 3. Tendering, selection procedure and closing off contract 4. Construction Works 5. Technical take-over of object	Implementation unit for tendering; Contract with frame constructor; Construction project teams; Monitoring and audit team.	4 million EURO from IPA 2008 funds *** million EURO from co-financing agreement Total costs *** million EURO	Sufficient and timely funding of the project from international and domestic sources
			Pre-conditions
			Adoption of Law on foundation of Institute for execution of criminal sanction, detainment and other measures at state level

ANNEX II. Amounts (in EUR) Contracted and disbursed by quarter for the project

Contracted	Fourth quarter 2008	First quarter 2009	Second quarter 2009	Third quarter 2009	Fourth quarter 2009	First quarter 2010	Second quarter 2010	Third quarter 2010
Contract 1			4M					
Cumulated			4M					
Disbursed			3.2M				0.8M	
Contract 1			3.2M				0.8M	
Cumulated			3.2M				4M	

ANNEX III. Description of Institutional Framework

At present, the responsibility of the management of penitentiary institutions is divided between the State and the two entities. The State has only limited detention capacity annexed to the Court of BiH and to a future state high-security prison. Ad-hoc arrangements allow for transferring prisoners between State, Entities and Brcko District. The cooperation between various levels of government rests upon the goodwill of the prison directors and has not yet received an institutional response.

In 2002 Bosnia and Herzegovina acceded to the Council of Europe and ratified the *European Convention on Human Rights* the same year. As a member state of the Council of Europe, BiH has obligations to respect certain recommendations of the Committee of Ministers to member states. The fundamental recommendation in prison matters is the *Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules*.

The prison population in BiH is around 2600 inmates; there are 15 prison institutions over the country. The capacity is approximately 2000, which means that the institutions are overcrowded. The average number of prisoners per one penitentiary member staff is 1,9 in Federation and 1,6 in the RS.

ANNEX IV. Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

Reference to AP /NPAA / EP / SAA

Reference to MIPD

Reference to National Development Plan

Reference to national / sectoral investment plans