

Manipulating the information environment to the detriment of business process stakeholders in Bosnia and Herzegovina

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Abstract: Information manipulation, disinformation, and unprofessional and potentially tendentious unrecognized interference in the decision-making process are a serious threat to every stakeholder of business processes. Manipulation of (dis)information by government institutions (especially judicial ones) endangers economic entities and processes by directly and indirectly influencing managers and the decision-making process. This applies both to the content and the timing of decision-making. Bosnia and Herzegovina is a country that is still in the process of transition thirty years after the war and in a very bad economic and social state. Factors that affect the current economic situation include challenging social conditions, the consequences of the 1991–1995 war, an unfavorable business climate, and slow economic reforms. It is also no better to restructure other parts of the state system that affect the daily activities of its residents, primarily restructuring the judicial system, i.e. eliminating shortcomings and superficialities in the work of the institutions of that system. The mentality and actions inherent in totalitarian systems should be eliminated. International institutions, the scientific and professional public, and participants in economic flows in Bosnia and Herzegovina (hereinafter referred to as BiH) continuously warn of the superficialities, shortcomings, and work of parts of the BiH judicial system, which is why there is no effective legal protection that investors and businessmen have in democratic systems. In such circumstances, it is extremely difficult and unsafe for economic entities, as well as management and management structures in BiH to perform their daily activities. This article provides an overview of a judicial case that, when compared to the reports of international organizations on the state of the judicial system in BiH, is an example of how tendentious, unprofessional, and unconscionable behavior endangers investments and economic processes, how (dis)information is manipulated and consciously used as a means of achieving one's goals. After years of persisting in the indictment allegations that they knew from the beginning were not completely reliable, after 10 years of trial, they withdrew all charges, thus ending the process. In those ten years of the process, the company's management staff was burdened with additional investment of time and resources in defending against the accusations, because during that time there was also material and reputational damage to the company. The prosecution and its employees, who persisted with accusations for ten years before withdrawing them, faced no consequences.

Key-Words: information, disinformation, management, judicial system, BiH, OSCE, Rumsfeld Matrix, information environment manipulation

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1 Introduction

Managers in BiH, while facing the issue of the harmful impact of disinformation on business decision-making, recognize the BiH judicial system as one of the sources of this form of threat. Therefore, the precise collection of information, learning, and knowledge [1] production are key tools necessary to improve managers' decision-making abilities [2]. Faced with possible indictments based on arbitrary and extensive interpretations of the existing legislative framework, managers need to be able to recognize possible connections between different participants in the process who are trying to influence their

decisions, and prevent the initiation of processes, all in order to eliminate future challenges in relation to the interpretation of their decisions and the possible implementation of processes against them. Of course, Decisions and their consequences must align with the existing legislative framework. The obligation of judicial institutions in all democratic states is to act morally and legally, which is evidently not an example in the everyday practice of the Federation of Bosnia and Herzegovina. Namely, practice shows that many indictments confirmed by various courts lack evidence of actual criminal offenses, relying instead on the subjective perceptions of prosecutors. As opinion is closely related to experience, these 'acts' appear to exist

solely based on the prosecution's perception. That is until they can no longer defend the disinformation they have placed and incorporated into the indictments. This was also the case in the court case (County Court – one of the 10 cantonal courts in the Federation of BiH), which is analyzed in this paper by economic and legal issues, and is related to the manipulation of the information environment [3].

2 Description of the contents of the court file

On 30 December 2016, after 5 years of "investigation", the Prosecutor's Office filed a draft indictment against members of the management board and members of the supervisory board of a company that performs business activity in Bosnia and Herzegovina. The indictment was prepared and confirmed for the criminal offenses of Abuse of Position or Authority under Article 358, Paragraph 3 in conjunction with Paragraph 1 of the Criminal Code of the Federation of Bosnia and Herzegovina in force [4] and Abuse of Position and Authority under Article 383, Paragraph 3 in conjunction with Paragraph 1 of the Criminal Code of the Federation of Bosnia and Herzegovina [5]. Information on the name of the company and the identity of the accused persons is known to the authors. During the proceedings, the prosecution hired four prosecutors and 50 hearings were held before the trial chamber.

By manipulating information with the aim of causing damage to the company, and indirectly to those in management structures, the prosecutor's office and other repressive institutions tried to create a perception that was not factual but only the idea of the need for an indictment. There are examples of prosecutors publishing newspaper articles, manipulating workers, and orchestrating street protests, by publishing disinformation reports on Federal Television that have been proven in court proceedings as defamatory and disinforming [6], by publishing documents that are not original, as well as documents for which there is no trace of how they got to the prosecutor's office. In this way, prosecutors, with the help of individuals from other parts of the repressive system, formulated indictments and submitted them to the court for confirmation.

From all the evidence in the file considered for the purposes of writing this paper, it follows that the prosecution, regardless of the direct knowledge and material evidence it had at the time of deciding on the indictment, did not evaluate them in their entirety, just as it did not evaluate them in the

context of overall business relations. On the contrary, the prosecution did not pay due attention to the technical, logical, and factual aspects stated in the indictment, but confirmed its position on infallibility (regardless of the irregularity with the clear intention of placing disinformation and manipulating information) during the hearings before the trial chamber (PTC-President of the Trial Chamber, P-Prosecutor, D-Defence Counsel/Lawyer):

PTC: Good. And for what reason did you not count the attachments to individual pieces of evidence and specify individual evidence, to do that, so pay close attention, don't just use the foil and what is written on the first page, open it, take out the document and see what is inside of the attachments and count them, therefore, with the appendix's colon this, this, this and that.

P: I, what I signed is behind it.

PTC: Prosecutors, if you had listed them correctly, they would have been even better.

P: Well, if I signed it incorrectly, I stand behind it.

PTC: Well, I don't know that you should think like that, but that's your right, this is the state prosecutor's office. We will not argue with you. [7]

PTC: Prosecutors, please note that a large part of the responsibility lies with you as the prosecutor and as the prosecutor's office of your institution for this way of presenting evidence, this kind of wandering, and next time please prepare for every piece of evidence you present about what exactly you are proving in the indictment, each one.....

PTC: Don't just take note, you took note of it last time, so you came to me today and told me that in the end. The defense is very skilfully and probably for a reason and rightly used, don't put us in this situation where we sit here for days without even knowing that we are accepting evidence, accepting it in the file, that we don't know what is being proved by it. Absurdity, I agree with that." [8]

PTC: As I imagine and what the law looks like, the main discussion is that you raise the evidence and say...

PTC: With this evidence, I am proving what is written here on the point of this and that indictment.

P: I can't comment at the moment

PTC: Prosecutor, this is indeed outrageous and unacceptable for this court, but here we will continue. [9]

PTC: You have a problem in the courtroom with the indictment as it was written and as it was confirmed.

....

P: As soon as I entered this case, I knew that I had problems with the indictment, you don't need to tell me, neither the defense nor anyone. [10]

Regardless of all the evidence (of the prosecution and the defense) that is in the file, all audits, minutes of the Tax Administration, financial reports, statements of participants in business events, the acting prosecutors of the Prosecutor's Office of the Canton/Canton, aware of their actions (which caused damage to the accused as well as to the company), on the last day of the business year 2016, sign and submit to the competent court an indictment for the criminal offenses of abuse of position and authority under the Criminal Code of the Federation of BiH. The analysis of the file shows that the indictment of the County Prosecutor's Office with 14 counts was confirmed in its entirety by the County Court, only a week after its receipt, i.e. two working days after the New Year holidays. An interesting fact is that the county judge in charge read the indictment, the evidence presented with it, analyzed the testimonies of witnesses, studied the material evidence (financial, accounting, and other material documentation), and the findings and opinions of the permanent court expert in the financial profession in only two working days after the New Year holiday. The entire file was in 14 binders. Given that during the trial the presiding judge of the trial chamber stated that the confirmed indictment itself was problematic, the question justifiably arises whether the county court judge in charge could really carefully study all the documentation in two working days and make an objective decision.

In addition to the example covered here, there are other court files in which prosecutors' offices and courts acted in the same way. An example is the court file number 630K03632218 Kps, in which the prosecution issued an indictment on December 27, 2018 (Thursday) with 9 counts and 625 pieces of evidence, many of which have several pages, and the analytical cards cover the entire business year. The court accepted the indictment in this case after two working days, i.e. on January 8, 2019 (Tuesday). After five and a half years, the prosecution dropped 9 counts of the indictment on June 6, 2023.

The consequence of such actions is also reflected in the fact that after the prosecution conducted certain pieces of evidence, the prosecution itself dropped the charges on certain counts of the indictment after two years, believing

that in no case would a conviction be obtained in relation to these counts of the indictment. After a partial withdrawal, the prosecution also changed the factual description (according to the defendants' defense counsel contrary to the law) of the remaining counts of the indictment and continued the further proceedings. The prosecution tried to maintain the indictment by manipulating the information contained in the file itself in accordance with its own requirements, as it did not want to immediately accept the evidence contained in the file. Only after a little more than six years of court proceedings did it drop the accusation in its entirety, justifying its withdrawal with the following words: "...that, on the basis of all the evidence presented, it cannot be drawn an unequivocal conclusion that the accused persons obtained any benefit to others and caused damage to others by their actions in the manner stated in the 10 relevant counts of the amended indictment, by using their official position and authority, i.e. it is evident that the defendants did not achieve the essential characteristics of the criminal offenses with which they are charged by their actions, therefore, the Prosecution, having analyzed all the evidence presented by the prosecution and the defense, separately as well as in their entirety, and in particular the findings arising from the three financial expert reports conducted or the findings of the experts in them, concluded that the evidence presented during the proceedings did not have such force as to result in a conviction on any count of the amended indictment,". [11]

The analysis of the contents of the file reveals the manipulation of a whole range of evidence for which it is not possible to determine the method of obtaining it, i.e. for which it is evident that it was not collected legally and in accordance with the Order of the competent court. During the court hearings, the Prosecutor's Office presented a number of documents (in copy, which is not contained in the Court Order) for which the Prosecutors did not present the basis of authenticity in accordance with the Law on the Certification of Signatures, Manuscripts, and Transcripts, as well as the legal manner of obtaining documents. This is important for managers because in order to prevent information manipulation, the existence of different documents related to the same business event should be eliminated. The plaintiffs ignored the fact that they had different documents in the file that were related to the same business event, as well as the fact that these documents were copied in the prosecutor's office before they requested the documentation from the company.

The file shows that the court did not react to the stated facts, which shows that the manipulation of the environment was real. In one of the minutes of the hearings from 2019 [12], the plaintiff says that the exclusion of all documentation was lawful and that all material evidence used in the case was collected in a lawful manner, i.e. by order of the competent court. The file shows that such an allegation by the prosecutor is not directly related to the facts and the truth. Namely, the Municipal Court Order from 2014 ordered the temporary seizure of the following documents from the company:

1. Decisions, contracts, and agreements listed on pages 1 and 2 of the Order, Note; that the Order does not require that this documentation be in the original.
2. Minutes from the meetings of the Management Boards, for the period from 1997 to the date of the Order, Note; the Order ordered the exclusion of only the Minutes from the meetings of the Management Boards – without attachments and did not order the taking of the Minutes from the meetings of the Supervisory Board.
3. Analytical cards and accounts are listed on pages 2 and 3 of the Order. Note; the Order states that the analytical cards of the aforementioned accounts should be accompanied by the originals or certified copies of the attachments on the basis of which the posting of the said items was made.

Regarding point 1 of the Order, the company submitted copies because the originals and/or certified copies were not even required by the quoted Order. In relation to point 2, the Minutes of the Management Boards were submitted, and in relation to point 3, analytical cards from the information system were submitted, in the original signed by the director of the company, while the annexes to them are not in the original or in a certified copy, as evidenced by the certificate written by the notary with the certification of signatures on the analytical cards. According to the Record of Temporary Seizure, it can be factually established that 2 binders of copies of documentation and three binders of certified copies of analytical cards are handed over. However, it is significant that the documents that are in the binders were not listed, because, as it turned out during the procedure, there was room for manipulation of information or documents.

A simple analysis of the evidence submitted by the prosecution to the indictment and the evidence covered by the court order can determine which evidence (and the prosecutors used it) was not listed in the Municipal Court Order exempting the documentation. Although a simple analysis can

be made between what the court asked for in its order and what the prosecutor used as evidence in the proceedings to manipulate the environment and spread disinformation, the prosecution does not do this, but makes claims that are not based on the truth:

P: (...) and we prove that the exclusion of all documentation from the company was carried out by order of the competent court, i.e. that the material evidence used in this case was collected in a lawful manner. That is, by order of the competent court. [13]

The above statement is untrue. The analysis of the documentation showed that over a hundred pieces of evidence of the prosecution were not covered by the order of the municipal court at all, nor did the prosecutors in later proceedings have any vision of how and in what way the prosecution obtained these documents. The analysis also shows a figure that is almost unbelievable; There was no evidence at all for three counts of the indictment, and the prosecution filed an indictment, which was quickly confirmed by the County Court.

Furthermore, in manipulating the information environment and the entire procedure, and contrary to its own obligation, the Prosecutor's Office does not invite suspected managers to open temporarily seized cases. The fact was confirmed by the plaintiff at the hearing:

P: The next additional evidence is a copy of the Notice on the Opening and Review of the Temporarily Confiscated Documentation in the Case of this Prosecutor's Office (...) by which this Prosecutor's Office proves that the recipients have just received the notifications in question, whereby they are informed of the hearing for the review and opening of the documents in question" [14]

Contrary to the legal obligation, the addressed recipients do not include the names of the accused or their defense lawyers, i.e. they have not been invited to review and open the exempted documentation. The obligation of the prosecutor arises from the Criminal Procedure Code of FBiH (Official Gazette of FBiH 35/03) [15]: Article 85, paragraph 2 The prosecutor is obliged to inform the person or company from whom the items were seized, the pre-trial judge and the defense counsel about the opening of temporarily seized items and documentation.

The obligation of the prosecutor is also explained in detail in MODULE 3 - Criminal Area - Principles of Criminal Procedure and Investigation published by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Public Institution Centre for Education of Judges

and Prosecutors in the Federation of Bosnia and Herzegovina, Public Institution Centre for Education of Judges and Prosecutors in RS 2009, page 66. - C.2.2.3.: "..... It **would be inadmissible to deny a suspect who does not have a defense counsel in this right**, and this provision must be interpreted broadly, i.e. in accordance with the basic principles of criminal procedural legislation, i.e. in accordance with the principles of the right to defense, and in accordance with these basic principles, a suspect who does not have a defense counsel would have to be informed about the opening of the documentation as if he had a defense counsel, and he should have the right to be present at such an opening of temporarily seized objects or documentation in the same way as if he had a defense counsel, i.e. he must be allowed to exercise his right as the original holder of the right of defense directly even when there is no defense counsel." [16]

During the hearing in January 2020, the President of the Trial Chamber asked the question: Where are the originals? [17] To which, according to the minutes of the hearing, the defendants replied that the originals were in the Prosecutor's Office and the relevant state institutions (court register, land registry offices, central bank, ...) both at the time of asking the question and when the proceedings were directly initiated [18]. If the Prosecutor's Office had acted independently, professionally, and lawfully in its work, they would have requested and analyzed data from the court register, land offices, the central bank, other legal entities that participated in business events, and the like, and would undoubtedly have determined all the illogicalities and inaccuracies of their own indictment. However, contrary to the legal obligation, the Prosecutor's Office did not lawfully request any document from the relevant institutions or other participants, but wrote/copied the indictment in a lump sum and depending on the previously prepared report. The Trial Chamber found that the prosecution was neither technically, materially nor substantially ready to write and sign the indictment [19]. Even during the proceedings, the plaintiffs did not enter the case in accordance with their obligation and the need for an expert approach, which is evident from the minutes of the hearing from 2022 [20], when the plaintiff is unable to explain and present the reasons and grounds for his claims in the indictment.

That the prosecution's theses were not correct, in addition to the company's documentation, is also shown by the certificates of various institutions of Bosnia and Herzegovina, as well as publicly available data from the Central

Bank of BiH, land registries, court registers and the like. Furthermore, the file shows that the information that the company in question would have pledged property for the benefit of third parties (natural or legal) or that any obligation would have been paid for another company or natural person, as stated by the prosecution in its indictment, is not correct. The prosecution's experts determined that in all the bank statements that were reviewed, there were no recorded payments to banks based on the payment of liabilities of third parties. The allegations of the prosecution that the accused did not perform their obligations and responsibilities in accordance with the interests of the shareholders and the joint stock company are not supported by anything at all. Namely, in the entire procedure, the prosecution did not once point out who were the shareholders whose interests were not taken into account. Such claims are an indicator of ignorance of the basics of the matter on which the indictment was made. Of course, regardless of the knowledge and economic and legalities, the prosecution went over them, signed the indictment, and submitted it to the court.

In addition to the above, it should be emphasized, which can be determined from all the documents in the file, that in the investigation process, the suspected managers did not have a defense attorney [21], which is contrary to the provisions of the Criminal Procedure Code of FBiH [22] - Article 59 - paragraph (3) After the indictment for a criminal offense for which ten years in prison or a more severe sentence may be imposed, the accused must have a defense attorney at the time of filing the indictment. Also, the suspects were not invited to open the temporarily confiscated cases from the company, whereby the prosecution misinformed everyone involved in the proceedings by signing the indictment. Reputable and experienced defense attorneys [23] of the accused immediately pointed out the facts at the beginning of the proceedings that the accused were not invited to open the documentation:

D: Objection to legality because the procedure prescribed by law for inviting parties to open cases and minutes has not been complied with,,

P: The law requires that persons from whom objects have been temporarily confiscated be summoned.

D: And the person against whom the proceedings are being conducted at that moment.

P: Truth,

PTC: So, the amendment to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina was precisely this Article 85 published in No. 59/14 of 23.07.2014, and this is on 24.09.2014, i.e.

paragraph 1 of the opening of the case of temporarily confiscated items and documentation whose list is not possible, did you consider for what reason you opened because there was no such thing, although it was that period 2 months later.

P: Because the court issued an acquittal verdict in each case when the defense objected that there was no...

PTC: That's why I'm asking...

P: Legalities...

D: And the status of a suspect if the suspects were already in that status, the judge must have confirmation in this regard, then they refer to all procedural actions that have these attitudes according to another legal provision.

PTC: It is not explicitly prescribed, and the defense attorney had to be invoked according to the previously valid provision.

D: But this provision on invoking procedural actions that are absent for the defense has never been changed, they always remain. That the suspect has the right to participate in the proceedings in all actions that are in the interest of the defense.

PTC: In general. You can go on. [24]

The file shows that the prosecution did not act objectively and professionally in this procedure. It is certainly "outrageous and unacceptable" [25], as the president of the trial chamber has established, to submit evidence without the prosecutors knowing what they are proving with it. Therefore, it is necessary to ask justified questions: why was the indictment signed and forwarded to the judge for confirmation? How was the indictment confirmed and did the judge really objectively and impartially analyze the prosecution's proposal? Mistakes happen to everyone. However, responsible persons, especially those who are in state-repressive institutions, must find the strength to admit possible mistakes in time and prevent the occurrence and duration of negative consequences of such decisions on natural and legal persons. From all the evidence as well as the statements of court experts (the prosecution and the defense) on each count of the indictment, it follows that none of the business events criminalized in the indictment in question has anything criminal in it to fit into the criminal offense of abuse of position and authority, just as there is nothing criminal in connection with any other criminal offense prescribed by the law of the Federation of BiH.

Also, the file shows that ten years of such an investigation and court proceedings served the prosecutor's office and others involved in the manipulation of information in an attempt to achieve goals that were not sufficiently known to

the authors. Namely, during that time period, the accused company as well as the defendant managers had to invest personal energy, resources, and time in defending themselves against, were later dismissed, accusations of committing criminal offenses. In terms of perception, they were exposed to negative public feelings due to the public perception that they were criminals, while the results of business processes were not as planned by the management. The accused had to live under the burden of the prosecution for ten years. Which was eventually withdrawn by the prosecutor's office itself.

By analyzing the files, it is easy to determine the incompetence of the hired prosecutors:

- a) a significant number of hearings were confusing in their information content, which is evident from their minutes (in the possession of the author),
- b) The prosecutors also failed to comply with the orders of the trial chamber regarding the systematization of evidence, explanation of the allegations in the indictment, and the like,
- c) It is noteworthy that the plaintiffs do not distinguish between legal and economic categories,
- d) identify different laws (e.g. the Law on Companies and the Law on Companies of FBiH),
- e) for directors they cite people who have never been,
- f) identify the Management Board and the Management Board,
- g) And they will be rewarded and rewarded,
- h) There is no difference between cash and non-cash payments,
- i) ignore the evidence in favor of the accused,
- j) withdraw or withdraw from the minutes of the Tax Administration on the inspections carried out by the company in question, in accordance with the order of the County Prosecutor's Office,
- k) do not evaluate the findings of the company's inspection of the competent tax authorities,
- l) do not evaluate the findings of audit firms,
- m) They do not value the claims of their own expert witness and the like.

Managers must be able to independently and in cooperation with other experts from their business environment recognize and explain all these categories of possible manipulations in time so that they can try to effectively defend themselves in such a situation and try to prevent the manipulation of information and the information environment.

3 OSCE Reports – Summary

In addition to the subject covered in this paper, there are other cases that compare to the authors' claims. The first public report of the OSCE Mission to Bosnia and Herzegovina from 2018 [26], which was prepared on the basis of the results of monitoring the work on 67 corruption cases in Bosnia and Herzegovina in the period 2010-2017, points to shortcomings and superficialities in the work of prosecutor's offices and lists them exhaustively:

- a) Indictments are brought based on incomplete evidence, prompting the prosecution to submit additional evidence during hearings.
- b) the evidence adduced for the purpose of quantifying the economic harm or benefit constituted by the alleged consequence of the criminal conduct is weak,
- c) the prosecution submits little or no evidence for the purpose of proving the existence of an intention to commit a criminal offense on the part of the accused,
- d) the indictments do not clearly contain the manner in which the criminal offense was committed,
- e) inadequate identification and description of regulations, norms, or general principles of public administration that the accused allegedly violated through the abuse of office,
- f) poor factual description, lack of blanket regulations, lack of description of the circumstances from which the character of the accused arises, lack of indication of which powers have been exceeded, used, who has been harmed, intentions of the accused,
- g) evidence that is simply enumerated without identification and connection with other evidence,
- h) selection of expert witnesses.

The OSCE Mission has identified shortcomings and superficialities in the BiH judicial system but has not identified the reasons why they occur. After the first assessment, on 18 April 2019, the OSCE Mission published a second public report entitled "Assessment of the Needs of the Judiciary in Corruption Prosecution through Monitoring of Work on Criminal Cases (ARC), Monitoring the Prosecution of Corruption Cases in BiH: Second Assessment" [27]. The report builds on the work presented in the first report of the ARC project published on February 21, 2018.

The recommendations of the first report, which were specifically addressed to the judiciary and the High Judicial and Prosecutorial Council of BiH

(HJPC BiH), as well as to the executive and legislative bodies in general, were accepted, at least formally. However, the degree of implementation of the 2018 recommendations is not considered satisfactory, as stated in the summary of the report. In relation to the capacity of prosecutors and judges (Chapter V - Reports), this report also confirms the critical picture presented in the first report. Namely, the efficiency and quality of the system is significantly hindered due to (in)competencies:

- a) prosecutors in drafting indictments and gathering evidence to support the charges, and
- b) judges in explaining their decisions and in applying the law in a consistent and predictable manner.

The combination of these (in) competencies has an extremely negative impact on the principle of equality before the law, given that in some cases it leaves room for doubt that the provisions are interpreted differently not because of the specificity of the factual allegations, but because of the status and connections of the accused/accused. With regard to the fairness of proceedings (Chapter VI - Reports), the report points to problematic practice in relation to two issues concerning a fair trial:

- a) inconsistent application of procedural safeguards in order to ensure the impartiality of the court in a particular case,
- b) inadequate interpretation of the provisions governing the admissibility and legality of evidence.

As in relation to the fairness of procedures, this report also deals with the efficiency of the procedure (Chapter VII) and points out that the length of proceedings gives cause for concern.

In its 2019 Recommendations to the BiH High Judicial and Prosecutorial Council and the judiciary, the OSCE Mission states on page 79 that "Judges at the preliminary stage of the proceedings should ensure that indictments that do not meet the necessary legal requirements are not confirmed (see Chapter 3.2.3.a of the 2018 Project Report)". The report indicates, and in connection with the subject dealt with here, that productivity, competence, and efficiency are serious problems that require continuous corrective efforts and sincere political commitment. The representative of the OSCE Mission to BiH also attended some of the discussions in the file analyzed here.

In 2017, the then Minister of Security of BiH, Dragan Mektić, stated: "We do not have a judicial system and that is why we are a broken state. Nothing works in this country, because we do not have a third pillar of government, the judiciary." [28]. The former minister assesses the situation in

the judiciary on the basis of his knowledge. Comparing his statement with the data from the OSCE report and this case, one can justifiably ask the question of whether the situation is better today. Employees of the judicial system (especially the prosecutor's office) do not bear any responsibility for their (in)work, which opens the possibility of various forms of action in BiH, especially in the conditions of an unfinished and unreformed state and its institutions and strong social divisions, negatively affect the stability and security of the entire state.

Various segments/individuals from judicial institutions manipulate information and place disinformation with which they initiate and conduct various proceedings against legal and natural persons. In this way, disinformation takes on an institutional dimension, which puts the impact of disinformation on the territory of Bosnia and Herzegovina at a much higher level compared to countries where employees in the judicial system rationally manage the power granted to them by the state in protecting the interests of both society and the state.

Bosnia and Herzegovina (and the Federation of Bosnia and Herzegovina as an integral part of it), unlike the neighboring countries, has still not abolished the "Monster from the past that survived the collapse of communism in whose lap it was bred" [29], i.e. it continues to prosecute and prove the criminal offense of abuse of position or authority (Criminal Code of Bosnia and Herzegovina, Criminal Code of FBiH). Former BiH Security Minister Dragan Mektić was also prosecuted for the criminal offense of abuse of office and authority [30]. This criminal offense survives in the criminal code due to the great possibility of extensive legal interpretation, which leads to the possibility of its abuse by the plaintiff [31].

Precisely because of their power as well as the provisions of the law that have their roots in the totalitarian system, the judicial and repressive institutions of the FBiH (BiH), and the related political and economic options, after a significant time lag, take advantage of the weaknesses of managers, members of the management board and members of supervisory boards that they have not shown themselves to be universal super-experts in everyday business management and business decision-making, and initiate repressive procedures that are not based on the law and positive business practice in modern states. On the contrary, they base their actions on manipulating information aimed at causing damage or eliminating participants in

business processes from the market competition. The pseudo-knowledge of employees of judicial institutions that springs from non-knowledge is dangerous and harmful to society and the state as a whole.

Therefore, in a deeper analysis of the situations in which they find themselves in everyday life, managers must consider and assume the existence of the negative impact of false data and disinformation that they cannot immediately recognize as such, in addition to the variables "we know" and "we don't know", all in order not to become victims of disinformation activities of the opponent. Managers should use their skills to influence all phases of the decision-making process in order to prevent the acceptance of disinformation as truth. Namely, Tudman presents theorems about the consequences of accepting disinformation as true information content: "Whoever accepts disinformation as the truth, accepts all the negative consequences of that disinformation as the truth. The consequences of decisions made on the basis of unrecognized disinformation will be accepted as true until it is understood that they were based on disinformation." [32]

4 The Rumsfeld Matrix (RM) of knowledge

Managers engaged in economic entities, in addition to various analyses (SWOT matrix, BCG matrix,), precisely because of the present problem of manipulating information in the environment carried out by certain institutions, should also pay attention to the elements of the Rumsfeld matrix (RM) of knowledge:

- a) The first quadrant – known/ knowns represents our knowledge that we are aware of knowing.
- b) The second quadrant – known/unknowns encompasses knowledge that we do not know and we are aware that we do not know it, that unknown knowledge can be converted into a known value with additional activities.
- c) The third quadrant – unknowns/known represents data and information that is known but is not recognized as such because the processes and activities, with the help of which they became known, have gone unnoticed.
- d) The fourth quadrant – unknowns/unknowns includes information and the current information environment that the participants in the process are not familiar with, do not know how to obtain, and do not know how to

recognize as useful knowledge if they somehow come across it.

Which is important for understanding the emergence of (dis)information in the environment of a business entity. Also, managers should pay attention to the effects of the matrix, i.e. the analysis that leads to:

- a) To create useful and necessary knowledge.
- b) The creation of useful data,
- c) wisdom for the decision-making process [33].

In order for the effects of RM to be complete, it needs to be expanded. In the paper Intelligence and Hybrid Threats [34] author analyses the RM and shows that it in its current form cannot and should not be used as a theoretical basis for planning activities aimed at creating new true knowledge and making decisions based on truth. He also states that the RM needs to be re-examined with regard to the current basic theoretical principles, and expanded into a three-dimensional model that can better explain the interdependence of the processes of collecting, processing, and distributing data and information, and the creation of knowledge and intelligence. Namely, mistakes such as misinformation and deficiencies in human cognitive abilities and experience need to be eliminated or prevented from entering the decision-making process at any stage and in any segment of collecting and transforming data, information, and knowledge.

If these errors are recognized in time and eliminated or reduced, the harmful consequences resulting from the adoption and application of harmful decisions will be significantly smaller. In the context of eliminating mistakes, i.e. creating new knowledge, and useful data and acquiring the ability to make decisions in today's modern and turbulent world, there is constant talk about managers, and the question is always asked: What, or who is the ideal manager? Today, by typing in one of the search engines on the Internet, this question can be answered without any problems, and the ideal manager can be recognized:

- a) must think entrepreneurially, be a team player,
- b) Communicative, visionary, environmentally conscious,
- c) to think outside the framework of one's own country,
- d) Socially oriented, charismatic,
- e) multicultural, intuitive,
- f) It's focused on customers.

All these qualities show and require the manager to be a top expert. However, it is justified to ask the question: Is there a person/person who has the qualities listed cumulatively? Reality shows that

there are very few such people and that there are very few managers experts [35]. All of these traits are in some way related to information, and as the author states in the conclusion of the paper Intelligence and Hybrid Threats, it can be determined that the worst scenario is when the participants in the process think they know, but are not aware that they do not know how to kill. Then they become victims of the disinformation activities of the opponents.

Managers who make business decisions on a daily basis, aware of the fact that they are doing business "in a ruined state where nothing works" [36] and in which it is easy to manipulate information, are justifiably wondering: Who are the ideal prosecutors or judicial workers in general? Should judicial employees also be defined as universal top experts? Is it possible to search for the characteristics of an ideal judge or an ideal prosecutor through search engines on the Internet? In non-democratic and totalitarian states, the priority of certain interest groups often includes the implementation of repression (sometimes very brutal) against their own population and economic entities in search of "internal" and "external" enemies. In Bosnia and Herzegovina, these enemies are not viewed from the point of view of the state, but exclusively from the point of view of these interest groups (ours or yours).

5 Discussion

The number of inaccuracies and false claims that negate the basic economic as well as legal postulates in relation to the preparation of a serious document such as the signed indictment processed in this paper is incredible. Absurdity one (as the President of the Trial Chamber said at one of the hearings) [37] for the work of judicial institutions from which the accused managers had to defend themselves.

Other theses of the prosecutor that are not directly related to the counts of the indictment (but served as manipulation of the information environment but also for manipulating information in the court proceedings itself), and which the prosecution stated as follows:

- a) the privatization of the company has been carried out,
- b) the registration of the company was carried out in an illegal manner,
- c) the obligations are not fulfilled in accordance with the interests of the shareholders,

d) pledged assets with the bank for loans, knowing that the loans would not be repaid, and the like, These claims were incorrect, as the prosecution knew from the outset that the company had never been privatized and was registered in accordance with applicable laws. These claims are supported by the Revisions accepted by the Government of the FBiH as well as in several final court judgments [38].

The file shows that the prosecution intended to drop the counts of the indictment even before it began reading and presenting evidence. As an example of manipulation of the information environment, the plaintiff's statement at one of the hearings is:

PTC: Prosecutor, what is the reason why you can't explain what the evidence you are submitting is about, what does it relate to which count of the indictment and what are you proving with it?

P: I ask the court to allow me to explain many counts of the indictment after I present evidence in the continuation of the hearing until the conclusion, it is possible that some of them will be dropped. [39]

Concepts such as economy, fairness, objectivity, and morality were neglected and the prosecution and the court did not pay attention to them. The protection of the rights of persons who work professionally and legally and who, according to the data from the file, were available from the first day of the procedure in all matters, and the submission of all information and evidence, was absent. Given the content and nature of the evidence, the evidence submitted by the prosecution was also the evidence of the accused managers (members of the management board, members of the supervisory board, and members of the management board). The evidence should be discussed professionally and argumentatively, as well as it should be determined where, how, and in what way the legal regulations or acts of the society that were allegedly damaged were intentionally disregarded, all in accordance with the already mentioned remarks of the OSCE Mission to BiH.

The prosecution should have obtained all the evidence in a lawful manner. However, it ignores the fact that decision-making is a process inherent in every person, regardless of whether he acts for the purpose of realizing his own/private interest or the interest of the company in which he works, and that the decision-making process ends with the adoption of a decision. So, a decision is, simply put, a decision-making process that occurs by choosing one of several options offered. Sikavica and Novak state: In decision-making, just like in medicine, where, as a rule, every therapy

causes certain contraindications, so the doctor opts for the therapy in which the contraindications are the mildest for the patient, the decision-maker should do the same, i.e. make such a decision that will have many more positive than negative effects. [40]

In accordance with the above-mentioned opinions as well as everyday events, the formulation is accepted that making a decision is sometimes a difficult and very risky task for the decision-maker, especially if the decisions are related to an important segment of life or the company, and if there may be negative consequences due to the decision made. Given the changes that occur on a daily basis, managers cannot escape from decision-making, although after analyzing the court proceedings observed here and the behavior of the prosecution, but also the court, it may seem like a wise decision: – **I don't decide – I don't make mistakes – I don't answer.**

The analysis of this file shows that the decision-making process, in this case, was indeed risky because the defendants encountered an unfounded accusation based on disinformation from parts of judicial institutions that, according to the content of the court file, do not have the necessary knowledge or qualifications necessary to understand the problems of a medium-sized company regulated according to modern principles of the management system as well as the financial and accounting system. It is this (lack of) knowledge, (un)conscientious (in)work (confirmed through several court hearings) that led to the indictment that was signed by the prosecution and confirmed by the county court. At the hearing on 27 February 2023, another designated prosecution expert said that the indictment would never have been brought if he or any expert had been involved in the proceedings from the beginning of the investigation [41]. The aforementioned statement of the expert, the expert body of the prosecution, shows that the selection of experts who participate on the side of the prosecution in the preparation of the indictment is also aimed at manipulating information.

Paraphrasing the definition of management [42], it can be said that prosecutor's offices in the environment they manipulate work with others and for others, achieving their interests, while using public resources, all to the detriment of economic actors and the social community as a whole.

6 Manipulating informational evidence

In July 2014, the FBiH Criminal Procedure Code was amended (as pointed out by the President of the Trial Chamber). For this reason, the prosecution claimed that it was not obliged to call the defense counsel of the suspects, i.e. the suspects themselves, to open the evidence. However, it is evident that this is disinformation and manipulation because it should be taken into account that the opening of the temporarily confiscated documentation from the company was scheduled and held on 16 April 2014 in the premises of the Prosecutor's Office, i.e. before the amendment of the FBiH Criminal Procedure Code [43], which they referred to during the hearing.

Why is the previous statement and factual establishment important? It is evident that the prosecution attached documents/evidence that were not contained in the order of the Municipal Court on the temporary exclusion of documentation from the company, and the prosecution states that they were excluded from that company. It is also evident that the accused (then suspects) had to be summoned to open the temporarily confiscated documentation in accordance with the law. From the beginning, the prosecution conducted the entire procedure with the intention of manipulating information, and this intention resulted in the lengthiness of the procedure as well as the wrong accusation. From the initial fourteen points, they eventually gave up all points. The plaintiffs, aware of the fact that the whole case is unfounded, i.e. that they are acting illegally, state at the hearing:

"P: Because the court issued an acquittal verdict in each case when the defense objected that there was no...

PTC: That's why I'm asking...

P: Legalities..."

And it is obvious that the prosecution tried to misinform those present at that hearing because they knew that the opening and review of the excluded documentation took place in April 2014, i.e. before the amendment of the law from July 2014. Could the trial chamber have established this fact and warned the plaintiff about disinformation or manipulation of information? Not only could it have been done, but it should have been done. If the trial chamber knows that the prosecution "does not know that it does not know", it assumes that it should be taught, but the fact is that it is not up to the trial chamber to teach one of the parties its job during the proceedings. The problem is if the trial

chamber knows that the prosecution "knows that it does not know" but manipulates.

The prosecution did not act on the court's order, i.e. it did not clearly and unambiguously state what each piece of evidence refers to and what is proven by that evidence. It did not bring evidence related to the indictment just as it did not link the evidence to the sentence from the indictment to which the evidence could/should refer. Therefore, the indictment signed by the Prosecutor's Office was not prepared in a legal and professional manner at all, respecting all the obligations of the Prosecutor's Office in the preparation of such an extensive and economically demanding indictment. Contrary to the prosecution, the documentation shows that the accused managers unequivocally explained all the evidence of the prosecutor and the defense and linked each business event with the legal acts of the company and the powers of the signatories.

7 Comparison of the files and reports of the OSCE BiH Mission

All life is subject to learning, so you can learn a lot from the analyzed process. All reference literature shows that managers at all levels are obliged to make decisions on a daily basis. Contrary to all market economies, this and a number of other cases show that in BiH it is easier not to make decisions, that is, not to work, otherwise you encounter the possibility of easy penalization by the judicial system. If there are no decisions, there will certainly be no mistakes and no one will be put in a situation where someone accuses someone (acting on the instructions of third parties for their political and/or economic interests or out of their ignorance and negligent work) for actions that are legal in all respects. In the analyzed example, all the documents relating to the business events in the indictment indicate the benefits that the company had to them:

- a) financial segment: the cost of interest towards the bank has been avoided, given that the evidence shows that the company has refinanced its liabilities to the bank and to suppliers,
- b) market segment: the company received reliable suppliers, who supplied goods and services at transparent prices,
- c) the economic segment: the company has obtained a partner in the most reference financial institution in the region,
- d) organizational segment: the company acted in accordance with the organizational culture and

acts of the company by delegating tasks to the professional and relevant services of the company, (digression: judicial institutions also hire experts (court experts) in their work for areas in which, as they say, they do not have sufficient knowledge, so the management structure delegated tasks to authorized heads of professional services for each of the business issues that are in their job description),

- e) legal segment: the company acted in accordance with the Companies Act, and after the amendments in accordance with the Companies Act and in accordance with the Company's Articles of Association, implementing the decisions of the Board of Directors and later the Supervisory Board, in cooperation with the professional services that were in charge of implementation.

The analysis of the court file shows that all audits, minutes of the tax administration, as well as the findings and opinions of court experts, pronounced during the hearings unequivocally show that the managers in no way, and in no case, exceeded their authority arising from positive legal regulations, international accounting standards, statutes and other documents of the company, as well as positive business practices during the time they were in management and management positions in the company.

Namely, all the activities and knowledge of managers of all levels, in the company that was the subject of the indictment, were aimed at achieving the interests of all participants in business processes, i.e. for the realization of the interests of the company itself, shareholders, employees, creditors, as well as the general interests of the social community, and not, as incorrectly and unjustifiably stated in the indictment, in order to obtain material gain or damage to another. If the Prosecution had analyzed all the documentation it had in the file, it would have established that, in addition to all of the above, in addition to the indictment points, the company at the time referred to in the indictment also had a Supervisory Board (the Prosecution did not distinguish between the Supervisory Board and the Management Board, just as it did not distinguish between the Management Board and the Management Board), which had the function of supervising the work of the company, which is important for the interest of shareholders. And they have never objected to the legality of the work of both the Board of Directors and the director of the company.

The article by Federal Prosecutor S. Lakić [44] refers, among other things, to the fact that the

experience and practice in the conduct of the Prosecutor's Office in the Federation of BiH show that there are problems in the conduct of prosecutors when it comes to marking the perpetrator of the criminal offense referred to in Article 383, primarily in the investigation, in the phase of recognizing and determining a certain circle of persons or a specific person who may have the status of an official or responsible person in a specific criminal offense. In order to commit the criminal offense of Abuse of Position and Authority, it is necessary to have a direct intention (*dolus directus*), i.e. to be aware that they are taking advantage of their position, i.e. that they are not performing the duty entrusted to them in such a way as to obtain a benefit for themselves or others. However, the situation is exactly the opposite, i.e. if one looks at the entire documentation (which, among other things, was submitted to the FBiH Privatization Agency, the FBiH Government, the Federal Ministry of the Interior, the Prosecutor's Offices, ...), it can be seen that none of the activities was undertaken independently or in cooperation with any of the accused, but the active role of a large number of natural persons (who are not covered by the indictment) is visible with regard to the positions they held in society.

As persons who are engaged in various jobs, managers know that the Act prescribes that members of the management and supervisory bodies of joint-stock companies have certain powers in terms of conducting business and representation, as well as supervising the management of the affairs of companies. Unlike managers, prosecutors in the analysed as well as in a large number of other cases deliberately ignore this. In relation to the position of the director as a management body in theory and practice, the position has been accepted that a member of the management board is not responsible for the work of persons employed in the company, except when his liability can arise only in the case if he has made omissions in the selection of these employees, supervision of their work or giving instructions [45]. In the case law [46] it is stated that "... are wrong when they claim that the responsible person can only be the person who is registered as such in the register of the locally competent commercial court.....", and the Federal Prosecutor Lakić in the paper "Problems in Prosecuting and Proving the Criminal Offense of Abuse of Position or Authority under Article 383 of the Criminal Code of FBiH" states that the concept of an official or responsible person is not only determined by the managerial position of an official – worker in a legal person, but

by the fact that that official – worker is entrusted with a certain authority or duty. The status of a person must arise from normative acts or authorizations that the person actually had (VSRH KŽ-419/04-5) [47].

The above is particularly important because the concept of an official or responsible person is determined not only by the managerial position of an employee in a legal person but by the fact that that employee is entrusted with a certain authority and duty. Prosecutors also ignore case law when manipulating the environment, which is evident from the verdict of the Supreme Court of FBiH (09 0 K 013953 13 Kž of 04.06.2013), which states:

„... In reaching conclusions as to whether there is evidence that the accused had the capacity of a responsible person in the company M in the period covered by the indictment, the Court of First Instance failed to assess, in terms of the legal provision, the significance of the fact that the accused had the capacity of an authorized signatory of the order debiting the account of the company M, i.e. to assess whether she was entrusted with a certain range of tasks related to the application of the law or regulations on management on the basis of special authority and the handling of property....."

The authors of the above-mentioned scientific and professional papers and case law establish that it is not the position of the person who matters, but the authority he has, because every person who is in an employment relationship draws numerous powers from it, and does not have to be in a managerial position. In the analyzed case, the prosecution did not establish how the heads of services in the company had special powers in relation to finance and accounting, legal issues, technical issues, and commercial relations, The authorizations arise from their employment contracts, records of deposited signatures, systematization of jobs as well as activities performed by these persons - signatures of orders, transfer of funds, signatures of compensations, signature of decisions on commitment, participation in hearings, and the like, which can be seen from the attached employment contracts, cardboard of deposited signatures, orders for the transfer of funds, decisions on pledging real estate, as well as minutes of hearings before courts.

In amending the indictment in question, the prosecution also ignored Article 32, paragraph 4 of the Criminal Code. of the Law on Companies of the Federation of Bosnia and Herzegovina [48] of 2015, which states:

"The persons referred to in paragraph (1) of this Article shall perform their duties conscientiously, with the diligence of a good businessman and in the reasonable belief that they are acting in the best interest of the company (hereinafter: due diligence)." and paragraph 5, which states "A person who acts with due diligence shall not be liable for any damage caused to society as a result of such an assessment".

Also, for the purpose of manipulating the information environment, legal provisions, as well as professional and scientific papers are ignored, from which the following prerequisites for the application of the rules of business judgment arise:

- a) it must be an entrepreneurial decision,
- b) the management must reasonably assume that it is acting for the benefit of society,
- c) It shouldn't be too much of a risk,
- d) the decision must be taken on the basis of adequate information,
- e) there must be no conflict of interest or act under influence that is incompatible with what is being undertaken,
- f) It must be done in good faith.

The scientific and professional community believes that "the rule is based on the fact that, if the aforementioned prerequisites are met, it is not a violation of the obligation of a member of the management board to act as an orderly and conscientious businessman, and therefore there can be no question that there is no fault in his behaviour, which is why this is not determined, but it is determined that the obligation of a member of the management board has not been violated, which could otherwise occur with or without guilt. It is an irrefutable assumption that this is the case and it is not a rule that only regulates the burden of proof, but it is a norm of substantive law according to which a member of the management board then acts in accordance with his obligations in society." [49]

8 Conclusion

The court file reveals the prosecution's intent to manipulate information, causing significant harm to those unjustly accused. Furthermore, the court file shows that the competent institutions conducted control of the company's operations for the entire observed period, even at the request of the prosecutor's office of one of the FBiH cantons. The results of the inspection did not show any irregularities in relation to the business events stated in the indictment. An authorized body conducted this business operation control in accordance with

the law. The records of the Tax Administration on the audit are an authentic document that has a presumption of truthfulness, but this has not been important to the prosecution for many years. Also important is the Conclusion of the Government of the FBiH, which accepted the Report on the Audit and published it in the Official Gazette of the FBiH. Therefore, the Conclusion, i.e. the quoted Revision, is an authentic document that also has a presumption of truthfulness in accordance with legal regulations. Although the Prosecutor's Office had at its disposal all the revisions and conclusions of credible and really competent institutions, it refused to accept them because their findings were not in accordance with the Prosecution's initial thesis on the guilt of the accused.

In addition, in this procedure, it was determined who ordered the audit and when, who did the audit and who conducted the audit trial in accordance with the set task. The audit was initiated by the Government of the FBiH, and the Government of the FBiH instructed the FBiH Privatization Agency to ensure the audit, which was done by an independent company after the legal procedure. The audit report was reviewed and controlled by experts from the Agency and the Government, which also adopted a conclusion accepting the audit.

All institutions engaged and carried out the legal procedure:

- a) Market inspections have determined the legality and legitimacy of the company's operations.
- b) The courts ruled in favour of the company and returned the assets to the legal possession of the company.
- c) The Tax Administration conducted a comprehensive supervision of the company's operations and issued a record and a decision without any irregularities found.
- d) The Government of the FBiH, in cooperation with other state bodies, conducted the Audit procedure in accordance with the legal procedure.
- e) The Government of the FBiH accepted the audit report in a legal procedure, which did not find any irregularities in the company's operations.
- f) The Financial Police did not find any illegalities in the business.
- g) The prosecutor's offices of the two counties have dismissed the criminal charges.

Only one of the detachments of the Federal Police (for reasons known to them) grossly violated the rules of business and the preparation of minutes and documentation (documentation that is not covered by a court order, copies of documents, minutes that

were copied for different persons with identical testimonies, taking into account the same typos) filed a criminal complaint with the Prosecutor's Office of the Canton, which copied that report and turned it into an indictment without the prosecutors taking even the minimum necessary actions to bring the case to justice. approached in an objective and moral manner.

Analysing the documentation in the file, the court expert of the defence stated in his Finding and Opinion, which the court accepted as credible evidence, that the Company's Business Changes and Financial Statements were prepared in accordance with:

- a) Adopted and published International Accounting Standards in FBiH, and in particular those governing the true, accurate and fair presentation of financial statements (IAS 1), Corporate Income Tax (IAS-12) and Investment in Associates (MS-28),
- b) Provisions of the Law on Accounting (Official Gazette of the Federation of Bosnia and Herzegovina 2/95 and 12/98),
- c) Rulebook on the Content of the Account and the Chart of Accounts (Official Gazette of the Republic of Bosnia and Herzegovina 17/92, 9/94 and 34/94),
- d) General principles of the accounting profession.

It was also stated that according to the content of the minutes of the Tax Administrations, which carried out the control of operations and recording business changes, no fictitious and/or incorrectly recorded business event, tax deductible expense, damage, loss (except for an incorrectly recorded fine in an amount that is materially insignificant) was not established. During the hearing and presenting his finding and opinion, the prosecution's expert witness supported the finding and opinion of the defence expert [50]. Although they had all the documentation at their disposal from the first day, it was only after about 10 years of proceedings that the prosecution established that the defendant's actions did not achieve the essential characteristics of the criminal offenses they are charged with and that the evidence that was presented during the proceedings did not have such force as to result in a conviction on any count of the indictment.

The possibility for employees of judicial institutions to arbitrarily interpret and use certain provisions of the Criminal Code because these provisions, with their generality and vagueness, allow them to manipulate information content, points to a problem in the legislation as well as in

the knowledge, abilities and intentions of prosecutors.

In order to objectively look at judicial processes, it is necessary to ask several important questions:

- a) What is the knowledge and experience of prosecutors (employees of judicial institutions) when they do not distinguish between basic legal and economic categories?
- a) What is the knowledge and experience of prosecutors when they do not know the laws that managers and board members encounter on a daily basis?
- b) What is the experience and knowledge of prosecutors when they cannot determine in certain court proceedings for several years who are the directors, owners, members of the management and supervisory boards of the companies they process in their investigations?

The answers to these questions affect everyday business processes and further confirm that judicial employees (prosecutors) to a significant extent base their engagement on incompetence. For the sake of these and a number of other issues, it must not be allowed that the perception or non-knowledge that the prosecution creates only because it is under the influence of various political and economic options and that is not the real world, but only the idea of that world, i.e. its mental representation, is sufficient to accept indictments and cause damage to persons and companies without any consequences for such wrong, immoral and illegal decisions.

Investments from reliable and safe financial sources come to legally regulated countries. Where the judiciary is the weaker link in society, when the judicial system does not function and when it is prone to manipulating information, investors face additional problems and a growing distrust in state institutions. Information and knowledge about such activities affect the analysis of investment potentials [51]. Knowledge is a factor that can lead to the creation of a competitive advantage for business entities [52]. But only knowledge based on true and accurate data and information. This should also be the case in judicial institutions in the process of making decisions on the possible initiation of investigative activities and the initiation of court proceedings.

What needs to be worked on is the need for BiH's judicial institutions to be in a position to be a solid and reliable pillar of government, ready to fight against information manipulation and damage to business processes, as they do in Western democracies. The prosecution should not violate the

principles of objectivity. Courts should be neutral and treat both parties to the proceedings as equals, taking into account all the principles essential for the protection of the rights and dignity of all persons involved in the proceedings. In the context of the whole subject, but also the entire business process that managers carry out, as a conclusion but also a lesson, a modified old Arabic proverb [53] can be accepted (similar versions from other nations are often mentioned with slight changes in content), which describes the relationships between different bodies of knowledge in the form of a proverb:

- a) He who does not know, and does not know that he does not know, is a fool. Avoid it.
- b) He who does not know and knows that he does not know is a student. Learn it.
- c) He who knows and does not know that he knows, sleeps. Wake him up.
- d) He who knows and knows that he knows is Wise. Follow Him.

On April 3, 2023, the prosecution dropped all counts of the indictment, the court issued a verdict on the same day dismissing the charges. The verdict became final after the expiration of the legal deadline. Unlike managers, who are responsible for possible damage caused to a legal person, the plaintiffs in this trial are not and will not be liable for damage of a material and non-material nature against the accused natural persons, as well as the budget that bears the costs of the ten-year process.

References:

- [1] Akrap, G., Pečarić, Đ. (2013). Impact of Information Operations to Public Knowledge// Recent Advances in Information Science. Proceedings 4th European Computer Science Conferences (ECCS '13). Pariz, WSEAS Press, 2013. str. 185-191
- [2] Almira, N. E., Susanta H. N., Dewi, R. S., (2024). Knowledge Management Application Analysis on SME (Study on Tofu SMEs). WSEAS Financial Engineering, Volume 2 p. 326-332
- [3] The authors are in possession of the entire file of the County Court No. 08 0K002947 17 K and the Prosecutor's Office No. T08 0 KTK 000154816 2.
- [4] Official Gazette of the Federation of Bosnia and Herzegovina, no. 43/98, 2/99, 15/99, 29/00 and 59/02.
- [5] Official Gazette of the Federation of Bosnia and Herzegovina, no. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17.

- [6] The authors are in possession of documentation – court proceedings that ended with verdicts in favour of the defence.
- [7] Minutes of the hearing of 19 February 2018, p. 22
- [8] Minutes of the hearing of 26 March 2018, p. 44
- [9] Minutes of the hearing of 26 March 2018, p. 19
- [10] Minutes of the hearing of 17 April 2019, p. 74
- [11] Judgment dismissing the indictment of 3 April 2023, p. 18
- [12] Minutes of the hearing of 22 July 2019, p. 31
- [13] Minutes of the hearing of 22 July 2019, p. 31
- [14] Minutes of the hearing of 16 September 2019, p. 18
- [15] <https://pravosudje.ba/vstvfo/H/10/article/110428>. Accessed December 2, 2024
- [16] <https://pak.hr/cke/pdf%20eng/Modul%203%20BIH%5B1%5D.pdf> Accessed December 2, 2024
- [17] Minutes of the hearing of 13 January 2020, p. 4
- [18] Minutes of the hearing of 13 January 2020, p. 7-8
- [19] Minutes of the hearing of 19 February 2018, p. 22
- [20] Minutes of the hearing of 7 November 2022, p. 25
- [21] Test Report of 29 January 2013, Test Report of 27 May 2015, Test Report of 3 July 2015
- [22] <https://pravosudje.ba/vstvfo/H/10/article/110428> Accessed December 2, 2024
- [23] Lawyers' CVs and publicly available data
- [24] Minutes of the hearing of 12 February 2018, p. 47
- [25] Minutes of the hearing of 26 March 2018, p. 19
- [26] <https://www.osce.org/hbs/mission-to-bosnia-and-herzegovina/373207> Accessed December 10, 2024
- [27] <https://www.osce.org/hbs/mission-to-bosnia-and-herzegovina/417533> Accessed December 10, 2024
- [28] <https://lidermedia.hr/aktualno/ministar-sigurnosti-bih-je-razvaljena-drzava-jer-nemamo-treceg-stupa-vlasti-pravosuda-35503> Accessed December 10, 2024
- [29] D., Matijević (1999). Tyrannosaurus in the penal code, *Odvjetnik* 9-10/1999. p. 42-45
- [30] The Chamber of the Appellate Division of the Court of Bosnia and Herzegovina, after holding a public session in 2022, in the case of Dragan Mektić and others (S1 2 K 034454 22 Kž), issued a second-instance verdict rejecting as unfounded the appeal of the Prosecutor's Office of Bosnia and Herzegovina and upholding the first-instance verdict of the Court of Bosnia and Herzegovina No. S1 2 K 034454 20 K of March 2022. By the first-instance verdict of the Court of Bosnia and Herzegovina, the accused were acquitted of the charges because it has not been proven that they committed the acts of abuse of office or authority. <https://sudbih.gov.ba/Post/Read/Drugostepena%20presuda%20u%20predmetu%20Dragan%20Mekti%C4%87%20i%20drugi> Accessed December 11, 2024
- [31] According to the authors: -Tyrannosaurus u kaznenom zakonu, *Odvjetnik* 9-10/1999., P. Novoselec - Zloupotreba položaja ili ovlasti kao gospodarsko kazneno djelo, *Tribina Pravnog fakulteta u Zagrebu i Kluba pravnika grada Zagreba BILTEN BR. 3* 1/2002 <https://www.pravo.unizg.hr/wp-content/uploads/2024/01/Tribina-godisnjak-2002.pdf> Accessed December 11, 2024
- [32] Tudman, M. (2012). *Truth Programming*, Hrvatska sveučilišna naklada, Zagreb, p. 208
- [33] <https://www.theuncertaintyproject.org/tools/rumfeld-matrix>, Accessed December 12, 2024
- [34] Akrap, G. (2024). *Intelligence and Hybrid Threats: Interdependence and Intertwining*, Arab Centre for Research and Policy Studies, Al-Dayaen, Qatar <https://www.dohainstitute.org/en/Lists/ACRPS-PDFDocumentLibrary/intelligence-and-hybrid-threats-interdependence-and-intertwining.pdf>, Accessed December 14, 2024
- [35] Mišetić, D., Radić G. (2024) The role of managers in the management of small and medium-sized enterprises, *ECSA BiH Mostar, Asocijacija za studije europske zajednice u BiH/Association for European Community Studies in BiH*.
- [36] <https://lidermedia.hr/aktualno/ministar-sigurnosti-bih-je-razvaljena-drzava-jer-nemamo-treceg-stupa-vlasti-pravosuda-35503> Accessed December 15, 2024
- [37] Minutes of the hearing of 26 March 2018, p. 44
- [38] The documentation contains the revision accepted by the Government of the Federation of Bosnia and Herzegovina as well as the judgments of all levels of courts – the Municipal, Cantonal, Supreme Court of the Federation of Bosnia and Herzegovina
- [39] Minutes of the hearing of 26 March 2018, p. 18
- [40] Sikavica, P., Novak, M. (1999). *Business Organization*, Zagreb, Informator p. 477
- [41] Minutes of the hearing of 27 February 2023, audio recording
- [42] Management is the process of working with and with others to achieve organizational goals in a changing environment with the effective and efficient use of limited resources. - Buble, M.

(2000). Management, Ekonomski fakultet Split, Split

[43] Amendment to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina, Official Gazette No. 59/14 of 23 July 2014

https://tuzilastvobih.gov.ba/files/docs/Zakoni_novi/Krivici_zakon_Federacije_BiH_izmjena_Srp.pd Accessed December 15, 2024

[44] Lakić, S. (2013). Problems in prosecuting and proving the criminal offense of Abuse of Position or Authority under Article 383. of the Criminal Code of the Federation of BiH, Federalno tužilaštvo FBiH, Sarajevo

<https://www.scribd.com/document/355232234/Problemi-u-Procesuiranju-i-Dokazivanju-Krivi%C4%8Dnog-Djela-Zloupotreba-Polo%C5%BEaja-Ili-Ovla%C5%A1tenja> Accessed December 15, 2024

[45] Barbić, J. (2005). Corporate law, Knjiga druga–Društva Kapitala, 3. izdanje, Organizator, Zagreb p. 502

[46] Novoselec, P. (2013). Case law, Hrvatski ljetopis za kazneno pravo i praksu, vol. 20 broj 1/2013 p.268

[47] Ferhatović A. (2016). Abuse of position or authority in law and practice, Godišnjak Pravnog fakulteta u Sarajevu LIX-2016, p. 9-33
https://balans.org.ba/wp-content/uploads/2017/05/zloupotreba_polozaja.pdf Accessed December 16, 2024

[48]https://www.fipa.gov.ba/publikacije_materijali/zakoni/default.aspx?id=317&langTag=hr-HR Accessed December 16, 2024

[49] Barbić, J. (2018). Public lecture "Liability of Members of the Management Board of a Capital Company for Damage Caused to the Company and Members of the Society – Civil Law Aspects and Protective Measures", Centre for Public Law Foundation and Academy of Sciences and Arts of Bosnia and Herzegovina, June 7, 2018, Sarajevo
https://fcjp.ba/templates/ja_avian_ii_d/images/green/Jaksa_Barbic.pdf Accessed December 16, 2024

[50] Iliev, L., Karastoyanov, D., (2024). Informational Support for Investment Analysis. WSEAS TRANSACTIONS on BUSINESS and ECONOMICS, Volume 21 p. 2042-2048

[51] Bagienska, A. (2024). The Mediating Effect of Trust on the Relation between Interpersonal Communication and Tacit Knowledge Sharing. WSEAS TRANSACTIONS on BUSINESS and ECONOMICS, Volume 21 p. 2372-2388

[52] The findings and opinions of the court experts of the prosecution and the defence are in the possession of the author

[53] "Knows not," Xendochy, at: <https://tinyurl.com/2p9syph8> Accessed December 16, 2024

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