



Стална мисија Босне и Херцеговине при Канцеларији Уједињених нација у Бечу,  
ОЕБС-у и другим међународним организацијама, БЕЧ  
Permanent Mission of Bosnia and Herzegovina to the United Nations Office  
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## NOTE VERBALE

The Permanent Mission of Bosnia and Herzegovina to the Organization for Security Cooperation in Europe, United Nations and other International Organizations in Vienna presents its compliments to all Delegations and Missions to the OSCE and to the Conflict Prevention Centre, and has the honor to provide herewith the Bosnia and Herzegovina's replay to the Questionnaire on the Code of Conduct on Politico-military aspects of Security for the year 2016.

The Permanent Mission of Bosnia and Herzegovina to the OSCE, United Nations and other International Organizations in Vienna avails itself of the opportunity to renew to all Permanent Missions and Delegations of all OSCE participating States and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, May 11, 2017



To: All Permanent Delegations and Missions to the OSCE  
OSCE Conflict Prevention Centre

# QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

## SECTION I: INTER-STATE ELEMENTS

### 1. Account of measures to prevent and combat terrorism

#### 1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

Terrorism and violent extremism are serious challenges that undermine the very foundations of our societies. Bosnia and Herzegovina (BiH) attaches great importance to the prevention of and the fight against all forms of terrorism, by undertaking numerous activities to contribute to the efforts in countering this on a regional, sub-regional and global level, to seek to provide a safe and secure environment for all citizens.

Bosnia and Herzegovina has made considerable progress in increasing its Counterterrorism (CT) capacities by harmonizing its legislation with United Nations (UN) and European Union (EU) standards and by adopting the national Strategy for Preventing and Combating Terrorism for the period of 2015-2020.

Bosnia and Herzegovina is a party to a large number of international treaties, conventions, agreements, arrangements, and resolutions that attempt to efficiently regulate prevention and combating of terrorism, terrorist financing, and the prevention of the proliferation of Weapons of Mass Destruction (WMDs)

Bosnia and Herzegovina has signed and ratified a series of UN Conventions and Protocols on the fight against terrorism and has committed itself to implementing various UN Security Council Resolutions. Bosnia and Herzegovina supports the full implementation of the United Nations Global Counter Terrorism Strategy and the activities of the Counter-Terrorism Committee of the UN Security Council.

As a member of the Council of Europe, Bosnia and Herzegovina is a signatory to several conventions pertaining to the fight against terrorism. Bosnia and Herzegovina actively participates in the Council of Europe's initiative in the fight against terrorism; the Committee of Experts on Terrorism (CODEXTER); the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL); and it has entered the III evaluation cycle of the Group of States against Corruption (GRECO).

The Council of Ministers of Bosnia and Herzegovina adopted a Decision on the Implementation of UNSC Resolution 1373, concerning the introduction of national financial restrictive measures against persons involved in terrorist activities and their supporters. Following the analysis of the Decision, the MONEYVAL Secretariat concluded that the relevant Decision represents a legal framework for the implementation of UNSC Resolution 1373. Subsequently, the MONEYVAL Committee concluded on its 52th plenary meeting (6-8 December 2016), to take Bosnia and Herzegovina off the list of countries with deficiencies in their legal framework.

Bosnia and Herzegovina is strongly committed to cooperating with the EU to prevent and combat terrorism, and action is continuously being taken in order to harmonize relevant national legislation with EU standards, to enhance institutional capabilities, and to coordinate operational activities with EU Member States.

Bosnia and Herzegovina invests considerable efforts in the prevention and combating terrorism in the framework of regional and bilateral cooperation. Bosnia and Herzegovina cooperates in the framework of regional organizations such as Regional Cooperation Council (RCC), RACVIAC-Centre for Security Cooperation, Migration, Asylum Regional Refugees Initiative (MARRI), South East Europe Cooperation Initiative (SECI), etc.

Socio-economic factors such as reducing poverty and inequality, improving education and providing opportunities to the young generation are crucial in preventing terrorism. Eliminating the effects of prejudice and xenophobia in our societies and communities remains essential in countering the spread of violent extremist ideology.

A full list of agreements and arrangements related to preventing and combating terrorism to which Bosnia and Herzegovina is a party can be found in Annex I.

## 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

The establishment of conditions allowing for a secure, peaceful and safe life for all Bosnia and Herzegovina citizens, free from violence and fear, in a democratic society, a creative and prosperous economic environment, with respect for law and order, and social welfare is the objective of the country. The development of comprehensive, national measures for the prevention all forms of terrorism remains a high priority for Bosnia and Herzegovina in order to achieve that objective.

Bosnia and Herzegovina has established a **legal framework**, which is mostly in line with the prescribed international standards. On its path towards the EU, Bosnia and Herzegovina continues to harmonize national legislation with EU and North Atlantic Treaty Organization (NATO) instruments and standards. Bosnia and Herzegovina however does not have a single law, a “lex specialis” in regard to prevention and combating terrorism and terrorism-related activities but has established extensive, adequate standards in its Criminal Code to effectively combat this threat.

*The Criminal Code of Bosnia and Herzegovina* pays particular attention to the criminal offences related to terrorism (Article 201) and to the financing of terrorist activities (Article 202). *The Law on Amending the Criminal Code of Bosnia and Herzegovina* prohibits and sanctions a participation of the citizens of Bosnia and Herzegovina on foreign battlefields. Article 162b of the Law on Amending the Criminal Code supplemented the Bosnia and Herzegovina criminal law framework with reference to the fight against terrorism by opening additional possibilities for the police and judicial bodies to investigate and prosecute individuals and groups who decide to join foreign paramilitary or para-police formations as well as to investigate those who are encouraging, supporting, financing or in any other way assisting such individuals. Furthermore, Article 162b refers to the activities of procuring or facilitating resources, removing obstacles, creating plans or passing agreements, which create conditions favorable for committing these criminal acts, as well as instigating, supporting, financing or assisting in any other relevant way individuals or groups in joining the aforementioned illegal

formations. Article 162b also implements the provisions of the UN Security Council Resolution 2178 (2015) underlining the importance of the foreign terrorist fighter threat and international flow of terrorist fighters. Bosnia and Herzegovina has continued to reaffirm its commitment to fight and prevent terrorism by co-sponsoring this resolution.

In addition to Articles in Criminal Code of Bosnia and Herzegovina dealing specifically with terrorism, there are a number of other Articles that are also significant, such as: taking of hostages; endangering internationally protected persons; illicit trafficking in arms and military equipment; illicit procurement and disposal of nuclear material; piracy; hijacking an aircraft or a ship; endangering the safety of air traffic and maritime navigation; destruction and removal of signal devices utilized for safety of air traffic; misuse of telecommunication signals; illicit trade; illicit manufacturing. The articles listed, in addition to a number of other related articles clearly indicate that the general provisions of the Criminal Code of Bosnia and Herzegovina provide for the criminalization of not only organized terrorist activities, but also incitement, accessory, accomplices and similar types of activities mentioned above, which can also be applied to other criminal offences.

The Criminal Code of Bosnia and Herzegovina treats “financing of terroristic activities” in line with the recommendations of FATF and Moneyval. *The Law on the Prevention of Money Laundering and Terrorist Financing* precisely determines measures and activities in financial and non-financial sector which are being undertaken with an aim to discover and prevent financing of terroristic activities; it also defines actors responsible to implement measures and activities; BiH inter-institutional cooperation as well as the international cooperation in the area of preventing money laundering and financing terrorism – are all mainly in line with the prescribed international standards. Furthermore, the Law on the Prevention of Money Laundering and Terrorist Financing facilitates and more precisely defines cooperation between the Financial Intelligence Department of BiH’s State Protection and Investigation Agency (SIPA) and other law enforcement agencies regarding money laundering and the financing of terrorist activities.

*The Law on Travel Documents of Bosnia and Herzegovina* regulates the type and form of travel documents of Bosnia and Herzegovina, authorities responsible for issuing travel documents, the procedure to issue travel documents, the personalization of travel documents of Bosnia and Herzegovina and central registry. Through legislative amendments, Bosnia and Herzegovina has defined the legal framework for the introduction of the third generation of biometric passports. European Commission Decision No. 5499 defines that it is necessary to introduce a new generation of chip protection no later than December 31, 2014. In October 2014, the process of personalization of Supplemental Access Control (SAC) has begun. The main characteristic of SAC is a safer method of entry and protection of data on the chip and better protection of data page.

*The Law on Identity Cards of Citizens of Bosnia and Herzegovina* stipulates that citizens of Bosnia and Herzegovina can use their Identity Card (ID) for crossing state limits in certain circumstances and subject to the conditions laid down by international agreement between Bosnia and Herzegovina and other countries.

Protective elements that are on the IDs are fully compliant with EU recommendations. The process of ID card issuance itself involves the implementation of recommendations and

standards applied in the process of issuing passports. The technology of producing these electronic IDs additionally reduces a risk of document falsification.

For an extended list of national legislation related to combating terrorism and terrorism-related activities as well as legislation related to democratic control of armed forces, please refer to Annex I.

In order to continue to preventing and combating terrorism and terrorism-associated acts in Bosnia and Herzegovina, as well as fulfilment of international obligations, the Council of Ministers of Bosnia and Herzegovina adopted the national *Strategy of Bosnia and Herzegovina for Prevention and Fight against Terrorism in 2015-2020* at its 14th session on 08 July 2015. The Strategy concerns the suppression of all forms of extremist behaviour and terrorist activities, with respect of democratic values, rule of law and human rights in order to enhance the security and safety of all citizens of Bosnia and Herzegovina. It supports the transfer and application of European anti-terrorism standards and regulations into the constitutional and legal system of Bosnia and Herzegovina. The Ministry of Security of Bosnia and Herzegovina<sup>1</sup> is the main institution responsible for creation and implementation of the Strategy. The Action Plan for Implementation of the *Strategy of Bosnia and Herzegovina for Prevention and Fight Against Terrorism 2016-2020* has been adopted and the Monitoring Body for the Implementation of the above mentioned Strategy and the Action Plan was established by the decree of the Council of Ministers of Bosnia and Herzegovina.

All concerned Bosnia and Herzegovina institutions and NGO sector representatives were consulted in the Strategy drafting process, including scholars, civil organisations dealing with security issues, media and religious communities and international organisations.

The Intelligence and Security Agency of Bosnia and Herzegovina (OSA) has developed an *Action Plan* to implement the Strategy of Bosnia and Herzegovina to Prevent and Combat Terrorism 2015-2020. The Action Plan defines the concrete measures and activities, which the Agency will undertake in order to implement the Strategy. At the beginning of each year, the Agency will adopt an internal *Annual Plan* of security-intelligence work in the area of preventing and combating terrorism, which will be followed by concrete implementation at the lower operational levels and, in accordance with the needs, updated regularly.

The Federal Police Administration (FUP) and the Republika Srpska Ministry of the Interior actively participated in development of the Strategy of Bosnia and Herzegovina for Prevention and Combating Terrorism 2015-2020. Both institutions have adopted their *Action Plan* for prevention and countering terrorism.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

For the **Armed Forces of Bosnia and Herzegovina (AF BiH)**<sup>2</sup>, the fight against terrorism presents a component of the mission of the Armed Forces, which stipulates "... participation in operations of collective security, peace support operations and self-defense...". The defense policy of Bosnia and Herzegovina specifies terrorism as one of the main challenges and risks for the safety of Bosnia and Herzegovina. The military doctrine of the AF BiH specifically highlights that the protection of sovereignty and territorial integrity includes the fight against

<sup>1</sup> <http://msb.gov.ba/Default.aspx?pageIndex=1>

<sup>2</sup> [mod.gov.ba/OS\\_BIH/struktura/Zajednicki\\_stab\\_OS\\_BIH/Archive.aspx?template\\_id=144&pageIndex=1](http://mod.gov.ba/OS_BIH/struktura/Zajednicki_stab_OS_BIH/Archive.aspx?template_id=144&pageIndex=1)

terrorism. This implies that the AF BiH take measures of self-protection, cooperate with other security forces internally and externally (such as OSCE participating States, partners in the NATO Partnership for Peace programme and NATO Members) in the processes of detection, investigation, and counter terrorism measures. A Military-Intelligence Branch exists within the AF BiH and works on a timely detection of terrorist activities, on military controlled areas, as well as developing preventative measures. Within its structure, there are no designated counter-terrorism (CT) units, but the Presidency of Bosnia and Herzegovina can engage it by its order to conduct activities to combat terrorism.

**The Ministry of Security of Bosnia and Herzegovina (MoS BiH)**, as the country's main security institution, is responsible for the protection of international borders, prevention and tracing of perpetrators of criminal offences of terrorism, drug trafficking, counterfeiting of domestic and foreign currencies, human trafficking, and of other criminal offences with an international or inter-entity element, international cooperation in all areas within the remit of the Ministry. It is also responsible for protection of persons and facilities, collection and use of data relevant for security of Bosnia and Herzegovina, organization and harmonization of the activities of, as well as cooperation with, lower-level government institutions in accomplishing the tasks of security, as well as civil defense, meeting of international obligations and cooperation in carrying out of civil defense, adoption of protection and rescue plans and programs, implementing BiH immigration and asylum policy and regulating procedures concerning movement and stay of foreigners in Bosnia and Herzegovina.

Part of the Ministry of Security is the **Department for the Fight against Terrorism** which monitors the implementation of international conventions and it is responsible for international cooperation; it drafts new legal regulations on fighting terrorism; it supervises the timely and effective implementation of laws and regulations relating to the suppression of terrorism, the suppression of the activities of groups smuggling weapons for terrorist groups and nuclear, chemical and biological weapons, the financing of terrorism or groups supporting it, in particular of those suspected of being connected with other types of organized crime. In this respect, the Department co-operates with the Agencies within the MoS BiH, other institutions, and relevant international organizations. Also within the MoS BiH are the Border Police, the State Investigation and Protection Agency<sup>3</sup>, the Service for Foreigners, the Directorate for the Coordination of Police Bodies, as administrative organizations whose rights, duties, and operational autonomies are regulated by separate laws.

The **Service for Foreigners**<sup>4</sup> is responsible for: administrative work regarding move and stay of foreigners in Bosnia and Herzegovina as it is stipulated by the Law on the Movement and Stay of Foreigners and Asylum (includes tasks such as cancellation of visas, issuing of identification and travel documents to alien, relocation of issued identification and travel documents to alien, registration of place of residence or change of residence place of foreign citizens, notarization of guarantee letters and affidavit of support; approval of temporary or permanent stay in Bosnia and Herzegovina, extension of temporary stay, revocation of temporary or permanent stay, measures of aliens' supervision and expulsion, making conclusions on execution of a decision on alien expulsion). The Service also controls implementation of the Law on Movement and Stay of Foreigners and Asylum and deals with statistical and analytical work related to foreigners.

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<sup>3</sup> <http://sipa.gov.ba/en/>

<sup>4</sup> <http://www.sps.gov.ba/index.php?lang=en>

During 2016, **Border Police of Bosnia and Herzegovina** intensified prevention measures, especially at airports and during important events which took place in Bosnia and Herzegovina. In the same period, Border Police of Bosnia and Herzegovina forwarded information about border crossings of 146 security-relevant persons, interesting to relevant authorities in Bosnia and Herzegovina, and some of these information were related to border crossings of persons who may be associated with terrorism. Also, Border Police of Bosnia and Herzegovina had, following the request from agencies, submitted the information on travel documents of security-relevant persons, information about persons they were accompanied with, vehicles which they used during border crossings, etc.

**The Directorate for the Coordination of Police Bodies (DCPB)s** is an administrative organization with operational autonomy, whose work is regulated by the Law on Directorate for the Coordination of Police Bodies of Bosnia and Herzegovina and Agencies for Police Structure Support. The DCPB performs its role in combating terrorism through: communication, cooperation and coordination among police bodies of Bosnia and Herzegovina and relevant bodies in Bosnia and Herzegovina with relevant foreign and international bodies; application of the best European and other international practices relating to the police matters in Bosnia and Herzegovina; daily integration of security-related information of relevance for Bosnia and Herzegovina; organizing and performing the physical and technical protection of VIPs and facilities of BiH institutions and diplomatic and consular institutions; gathering, monitoring, analysis, and use of data of relevance for security of Bosnia and Herzegovina.

Pursuant to the Law on Intelligence-Security Agency of Bosnia and Herzegovina, the **Intelligence and Security Agency of Bosnia and Herzegovina (OSA)** is responsible for information gathering regarding the threats (including domestic and international CT-related threats) posed to BiH security, as well as for their analysis and dissemination to authorized BiH officials and institutions. The Agency's organizational structure is such that a significant number of its human and technical resources are focused on gathering and processing of data useful for the prevention and suppression of terrorist threats. Professional and technical development of its members in the CT field including high-quality IT and technical equipment, as well as Agency's staff training are in accordance with current needs and trends in this area. In the field of CT, the Agency has developed constructive relationships with domestic and international agencies, as defined by the Law on Intelligence and Security Agency of Bosnia and Herzegovina.

In regards to **police agencies in Bosnia and Herzegovina**<sup>6</sup>, at the state level as well as at lower levels of government, their roles in regards to the prevention and combating of terrorism include:

- Exchange of information, co-ordination and cooperation between all security agencies
- Investigation of cases characterized as terrorism
- Criminal-intelligence operations
- Initiative for amendments of the legislative framework in accordance with the needs related to the fight against terrorism
- Security assessments and analyses
- Protection of witnesses and other persons who can provide the valuable information about potential terrorist activities as well as their consequences
- Initiative to simplify the procedures for use of special investigative techniques when there is suspicion that a terrorist act might occur

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<sup>5</sup> <http://www.dkpt.ba/Default.aspx?pageIndex=1>

<sup>6</sup> <http://www.fmup.gov.ba>; [http://www.mup.vladars.net/index\\_eng.php](http://www.mup.vladars.net/index_eng.php); <http://www.policijabdBIH.gov.ba/>

- Education of officers on the issues related to the fight against terrorism and financing of terrorism, with a special emphasis on new forms of terrorism
- Protection of members of foreign offices in our country
- Prevention through intelligence activities, including all levels of police structures, and particularly through community policing
- Prevention of terrorism by acting directly with the aim of eliminating terroristic groups and breaking down organized terrorist networks
- Monitoring of radical groups whose behavior can lead to any form of violence
- Preventive measures through prevention of support and recruitment in sensitive and isolated communities
- Detection and prevention of terrorism, financing of the terrorism, taking hostages, illicit traffic and manufacture in arms and explosives, criminal organizations,
- Resolving the hostage situation by releasing the hostages
- Detection of environmental pollution by waste and poisonous materials

In order to achieve preconditions for a successful fight against terrorism, the cooperation between police agencies in Bosnia and Herzegovina is conducted through the Task Force for Fight against Terrorism, which operates under the leadership of the Office of Prosecutor of Bosnia and Herzegovina.

#### **1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g.**

##### **- Financing of terrorism**

The State Investigation and Protection Agency (SIPA), through its Financial – Intelligence Department, conducts continuous activities on prevention and fight against terrorist financing. According to the obligations of Bosnia and Herzegovina as a UN Member State, and in cooperation with other competent institutions in Bosnia and Herzegovina, SIPA collects data and information relating to persons and organizations designated by the UN Security Council Resolutions and implements the measures against them as provided for by these Resolutions. As part of operations carried out by SIPA in relation to individuals and legal subjects linked with terrorist financing, SIPA collects information and data for the purpose of prevention, detection and investigation of connections between the persons and legal subjects and potential financing of terrorist activities. SIPA's Financial-Intelligence Department has achieved a considerable degree of international cooperation as a member of **EGMONT** Group<sup>7</sup> that enables an efficient exchange of information and data at international level. In addition to the activities carried out by the Financial-Intelligence Department of SIPA, the officials of SIPA's Criminal-Investigation Department and SIPA's Regional Offices collect information relevant for prevention and fighting terrorism financing as part of their regular activities on collection and analysis of criminal intelligence and field operative activities.

OSA regularly shares information about financing terrorism and all other related threats with all relevant agencies and institutions in Bosnia and Herzegovina, as well as with the authorized international institutions and partner agencies engaged in the Global Coalition against terrorism.

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<sup>7</sup> <https://www.egmontgroup.org/>



The current information obtained by the the **Intelligence and Security Agency** of Bosnia and Herzegovina (OSA), does not suggest that financial transactions aimed at the terrorism financing, or financing of terroristic organizations is a serious issue.

#### **- Border controls**

Border Police of Bosnia and Herzegovina has established centralized information system and telecommunication connection of all lower organizational units is constantly improved. Information system of border checks has been established at 57 border crossing points and in all other organizational units of Border Police of Bosnia and Herzegovina. Border check system includes an application of control of border crossings that allows control of biometric documents, it has access to all relevant data bases for border checks INTERPOL, IDDEEA, ROS, ISM, databases of other police agencies in Bosnia and Herzegovina, databases of Border Police of Bosnia and Herzegovina.

European Commission has through IPA2015-funds approved funds to the Border Police of Bosnia and Herzegovina for the project "License plates readers at the border crossings", which foresees optimization and upgrade of Applications for border checks. The Initial document for ANPR – Automatic Number Plates Recognition system (tender documentation) was developed and documentation was presented, translated into English e and sent to the representatives of the EU.

#### **- Travel documents security**

The security of travel documents is also provided through the adoption of standards for equipment and software, security standards at the locations and recommendations for the work of the officers of the responsible authorities. According to those standards, the security of travel documents is provided on a multi-faceted basis. The security aspects, among others, include:

- Access (special official entrance or access control of official entrance).
- Video surveillance (counter space, a space allowed for clients, entry for officials, rooms for data acquisition, storing video recordings for 6 months minimum).
- Intrusion Detection System.
- Physical security of computer systems (physically secured place of communication, access only for the officials of the competent authority, the existence of devices for user identification, etc.)
- Processing of requests (performed by at least two officers, a citizen must be in the visual range of officers during the request processing, etc.)
- Presence of an authorized employee of the competent authority in charge of physical security
- Obligatory existence of the security vaults at the locations
- Verification of data based on which travel documents are issued.
- Verification of data contained in the travel document - this recommendation refers to the work of the authorities carrying out the issuance of travel documents.

- Biometric checks - checking fingerprints and photographs is made during the process of issuing biometric travel documents, or it is checked whether a person with certain biometric data has another document with different identity.
- Authorities can request additional evidence through the administrative procedure in regards to a person's identity.
- All international border-crossing points are equipped with basic equipment for document detection, including device with three different sources of light (retro-check) and mobile magnifiers for up to 10 times magnification.
- Some, due to their geographical position and traffic frequency, where it's feasible, are also equipped with stereo microscopes, cold light sources.
- International Airport Sarajevo possesses two stereo microscopes, one of which is with an integrated camera and independent source of cold light.
- Border Police has access to INTERPOL database of stolen travel documents, through MIND/FIND system available at 57 international border-crossing points and in all BP units.

#### **- Container and supply chain security**

**The Indirect Taxation Authority of Bosnia and Herzegovina**<sup>8</sup>, as the leading agency on this matter, has the tasks and assignments of control of all goods coming in or leaving Bosnia and Herzegovina. The Border Police of Bosnia and Herzegovina cooperates with Bosnia and Herzegovina Indirect Taxation Authority in conducting the control of goods, including the detection of prohibited goods, such as ammunition and explosives, weapons(including WMDs), and controlled drugs. The goods are weighed during their clearance procedure, and partial or detailed control is conducted, depending on the nature of the goods.

**The Joint Container Control Team** consisting of the officers of the Indirect Taxation Authority and the Border Police of Bosnia and Herzegovina continued its activities within the Programme of the UN Office on Drugs and Crime (UNODC) at the Customs Post/Border Crossing Point Bijača.

#### **- Security of radioactive sources**

The establishment of the **State Regulatory Agency for Radiation and Nuclear Safety (SRARNS)** and strengthening of its capacities has created conditions for the implementation of treaties in the field of radioactive and nuclear material security, to which Bosnia and Herzegovina is a signatory. SRARNS is in charge of implementing these treaties under the Law on Radiation and Nuclear Safety in Bosnia and Herzegovina. Bosnia and Herzegovina has ratified treaties which are listed in Annex 1 of this document.

As the government partner to the International Atomic Energy Agency (IAEA) and the responsible authority for the implementation of international agreements in this field, SRARNS closely cooperates with the IAEA Department of Safeguards, whose inspectors conducted an inspection of nuclear material in Bosnia and Herzegovina in April 2016. During the conduct of inspection, the inspectors were given full support by the SRARNS staff tasked with the

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<sup>8</sup> <http://www.uino.gov.ba/>

monitoring of situation in the field of control of nuclear material in Bosnia and Herzegovina. The inspectors conducted inspection based on Bosnia and Herzegovina regular reports submitted to the IAEA Safeguards Department in 2015 and 2016. These reports are related to Bosnia and Herzegovina's obligations under the Safeguards Agreement between Bosnia and Herzegovina and the IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons and Additional Protocol to the Safeguards Agreement between Bosnia and Herzegovina and IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Continuous control of nuclear and radioactive material in Bosnia and Herzegovina is conducted by the state inspectors for radiation and nuclear safety during 2016. The inspection controls include both safety and security aspect of the use and possession of the ionizing radiation sources. „Regulation on Security of Nuclear Material and Radioactive Sources” was implemented during 2016. The regulation was adopted at the end of 2013 with the purpose of establishing norms to ensure security of the radioactive and nuclear material in Bosnia and Herzegovina. Under the Regulation, authorized holders are required to have their security plans in place (for category 1 and 2 of radioactive sources) and apply security measures for its radiation sources and nuclear material during their use, possession and transport. SRARNS has mandate to control activities of authorized holders in their implementation of security measures.

During the 2016, Bosnia and Herzegovina, in cooperation and with assistance of US National Nuclear Security Administration – Office of Radiological Security, organized two regional workshops in Sarajevo related to security of radioactive material. First workshop was related to the security inspection of radiation sources with participation of different institutions (Police, Customs, OSA, Ministries of Internal Affairs, regulatory bodies, hospitals, operators etc.). The second workshop was related to development of security plans for operators. It also should be mentioned that Bosnia and Herzegovina has Integrated Nuclear Security Support Plan (INSSP) in place. This document is of great importance for Bosnia and Herzegovina nuclear security because it provides a summary of information regarding activities undertaken or planned to be undertaken in Bosnia and Herzegovina with the specific objective of enhancing nuclear security. The INSSP was officially approved by the Council of Ministers of Bosnia and Herzegovina on 1 October 2014. During 2016, three national workshops were held regarding implementation of INSSP with participation of key institutions. First workshop was about nuclear security detection architecture, second to threat assessment and DBT and third was about nuclear security culture in Bosnia and Herzegovina.

Representatives of Bosnia and Herzegovina took part at the two IAEA Nuclear Security Guidance Committee Meetings, first held in June and second held in November 2016. The representative of Bosnia and Herzegovina also took part at the CPPNM Meeting held in the IAEA headquarters in Vienna. In addition, the Minister of Foreign Affairs H.E. Igor Crnadak led the delegation of Bosnia and Herzegovina on the International Nuclear Security Conference held in the IAEA headquarters in December 2016.

**The Indirect Taxation Authority** has signed the Agreement on Cooperation with the State Regulatory Agency for Radiation and Nuclear Safety as the authority of Bosnia and Herzegovina competent in this matter. The cooperation was successfully maintained in the period from 1 January to 31 December 2016. In 2016 the officers of the Indirect Taxation Authority attended the training courses on operating the X-ray mobile scanners for better

performance of their core activities and more effective use of the equipment for examination of goods, vehicles, cargo, and luggage.

#### **- Use of the Internet and other information networks for terrorist purposes**

As persons linked with terrorism increasingly use the internet as a means of communication and exchange of information, as well as to spread certain ideas, doctrines, etc., relevant intelligence and law enforcement agencies in Bosnia and Herzegovina, within their regular activities, monitor contents of web sites that might be of security interest from the aspect of combating terrorism. Upon receiving certain findings, security checks are performed, and based on the results of these checks other measures and activities are undertaken in accordance with the law. In previous years, amendments were introduced to the Criminal Code at the state and lower levels of government in regards to use of the Internet and other information networks for terrorist purposes.

Since the Internet may be used by terrorists for communication, recruiting, radicalization, financing, cyber-attacks and similar actions, there are also plans to build capacity in this area including: training of staff of all police institutions in more efficient usage of Internet for the purpose of collection of intelligence; conducting investigations, including special investigative techniques; improvement of technical capacities and international cooperation; planning initiatives to amend the Bosnia and Herzegovina Criminal Codes in relation to the application of investigative and special investigative techniques on the Internet. Moreover, intelligence officials and investigators dealing with the fight against terrorism and trafficking in NBC weapons cooperate daily and intensively with police officials of the Task Force in supervising Internet web sites used by extremist groups. The RS Ministry of Interior also maintains a specialized Department for Combating High-Tech Crime, and a new chapter was added to the RS Criminal Code titled "Criminal offences against the security of computer data."

#### **Establishment of CERT for institutions of Bosnia and Herzegovina**

Upon the proposal of the Ministry of Security of Bosnia and Herzegovina (MoS BiH), the Council of Ministers of Bosnia and Herzegovina on its 93rd session held on 8th March 2017 has adopted the Decision on establishment of Computer Emergency Response Team for the institutions of Bosnia and Herzegovina (hereinafter: CERT), which has been published in the Official Gazette of Bosnia and Herzegovina, no. 25/17 (<http://www.sluzbenilist.ba/page/akt/g4E0HNrVpsc=> ), thereby establishing the CERT and placing it in the MoS BiH, Sector for Informatics and Telecommunication Systems.

The Ministry of Security of Bosnia and Herzegovina plans to strengthen the CERT operationally, institutionally and technically, aiming at accomplishment of strategic goals of that body (the coordination and cooperation with the relevant bodies in Bosnia and Herzegovina, elimination and decrease of consequences of security incidents caused by unauthorized access in ICT systems in institutions of Bosnia and Herzegovina, increase of reliability of ICT systems in institutions of Bosnia and Herzegovina through constant dedication, work on prevention and minimization of possibilities of occurrence of security incident, assisting administrators in implementation of security incidents, etc.), and establishment of CERT network in Bosnia and Herzegovina. Also, the MoS BiH aims to produce the Strategy for security of network and information systems, i.e., the Strategy on

Cyber Security in Bosnia and Herzegovina, and the Law on Information Security and Security of Network and Information Systems in accordance with the directive concerning the measures for a high common level of security of network and information systems across the Union.

### **Working group iPROCEEDS**

Upon the proposal of the MoS BiH, the Council of Ministers of Bosnia and Herzegovina on its 80th session held on 10th November 2016 has adopted the Decision on Establishment of the Inter-ministerial Working Group for Implementation of Project for Capacity Building in Area of Cybercrime – iPROCEEDS (published in the Official Gazette of Bosnia and Herzegovina, no. 14/17).

EU and CoE in January 2016 have signed an agreement on implementation of regional project with the aim of capacity building in the area of combating cybercrime for the SEE countries – iPROCEEDS, with the emphasis on confiscation of proceeds from online crime or cybercrime. The project duration is 42 months. The project is financed by EU and CoE, while the implementation is on CoE – Office for Cybercrime in Bucharest, Romania. It has been proposed that the project team representing Bosnia and Herzegovina is composed of representatives of the Ministry of Justice of Bosnia and Herzegovina (which is competent for the given crime, prosecutor's office, police, financial intelligence department, etc. In accordance with the abovementioned, the working group has been formed.

### **Policy on information security management for the institutions of Bosnia and Herzegovina 2017-2022**

Upon the proposal of the Ministry of Transport and Communication of Bosnia and Herzegovina, and in cooperation with the Ministry of Security of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina on its 95th session held on 22nd March 2017 has adopted the Policy on Information Security Management for the Institutions of Bosnia and Herzegovina 2017-2022.

### **Information on the level of realization of commitments of Bosnia and Herzegovina in relation to the Convention on Cybercrime**

Upon the proposal of the Ministry of Security of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina on its 80th session held on 10th November 2016 has adopted the Information on the level of realization of commitments of Bosnia and Herzegovina in relation to the Convention on Cybercrime, and invited the competent institutions in Bosnia and Herzegovina, in accordance with their competences, to start the activities with the aim of additional harmonization of relevant legislation with the regulations provided by the Convention on Cybercrime.

As part of their regular activities, **SIPA** intelligence officials and investigators engaged in combating terrorism and proliferation of nuclear, biological, and chemical (NBC) weapons, conduct oversight on Internet web sites used by extremist groups and subsequently undertake other investigative activities in cooperation with the Prosecutor's Office of Bosnia and Herzegovina.

**The Intelligence and Security Agency** of Bosnia and Herzegovina (OSA) has an established organizational unit to deal only with the misuse of various forms of cyber technology, with special emphasis on their extremist and possible terrorist misuse. Their information indicates that the overall security situation in Bosnia and Herzegovina is influenced by the intentions of some identified security-relevant elements (individuals, groups, organizations, associations, etc.) from BiH and abroad that operate from certain radicalized-extremist positions (national, religious, ideological, etc.). These elements utilize communication through systems such as IT technologies (primarily Internet portals, social networks (e.g. Facebook, Twitter, Skype, Viber) cell phones, and other traditional global mass media, e.g. printed and electronic documents, fliers, books, audio/video materials, etc.) for distributing extreme/radical ideologies. A common characteristic of these is that some social networks are, in addition to propagating radical ideology used, for gathering and sharing information about fundraising, recruiting, mobilization and training of new members, as well as mutual networking and connecting. It is clear that extreme-radical structures in Bosnia and Herzegovina have fully recognized the huge potential, advantage and usefulness of the sophisticated IT technologies, because they offer maximum results with minimal costs and with a relatively small technical knowledge. OSA through its everyday activities utilizes internet communication via cyber space, with the aim of increasing capacities in preventing and fighting against cyber-terrorism. The current resources appear adequate (in personnel, expert and technical sense) for monitoring misuse of cyber technologies for extremist and possible terrorist purposes.

#### **- Legal co-operation including extradition**

The matter of extradition is regulated in Bosnia and Herzegovina by domestic legislation and international, bilateral and multilateral treaties. The most important domestic legislation that regulates this issue is the Law on International Legal Assistance in Criminal Matters and the Criminal Procedure Code of Bosnia and Herzegovina, which in specific details regulate the issue of extradition, and specifies the competencies of individual authorities in carrying out that procedure. This law regulates the manner and procedure of providing international legal assistance in criminal matters.

International treaty and certain bilateral treaties regulate the issues of international legal assistance and extradition. In this respect, a significant progress has been made in improving bilateral relations regarding extradition procedures. The bilateral agreement between Bosnia and Herzegovina and the Republic Italy has been concluded on 19 June 2015 in Rome, Italy in order to extend and facilitate implementation of the European Convention on Extradition of 13 December 1957.

The Third Additional Protocol to the European Convention on Extradition entered into force in Bosnia and Herzegovina on 1 April 2015. The Protocol has been opened for signing on 10 November 2010. Bosnia and Herzegovina signed the Protocol on 24 March 2014 and ratified it on 1 December 2014.

#### **- Safe havens and shelter to terrorists and terrorist organizations**

Through intensive criminal-intelligence investigations, i.e. collection and analysis of criminal intelligence related to extremist persons and groups, the SIPA and other relevant agencies

acquire information whether some locations or groups are used for hiding terrorists or potential terrorists. Activities conducted by SIPA as well as other law enforcement agencies in Bosnia and Herzegovina contribute to the fact that Bosnia and Herzegovina is not a safe place and shelter for terrorists and terrorist organizations. This is confirmed by findings of the Intelligence and Security Agency of Bosnia and Herzegovina (OSA), which, while gathering and processing data in regard to prevention and counterterrorism, has not gathered any intelligence indicating the existence of safe shelters and refuges for terrorist and terrorist organizations in Bosnia and Herzegovina.

The current indicators of the security situation in Bosnia and Herzegovina show that Bosnia and Herzegovina faced numerous security risks and threats in 2016. However, none of the criminal acts committed in 2016 in Bosnia and Herzegovina, cannot be classified as terroristic one. The OSA has not collected any concrete information that Bosnia and Herzegovina is used for preparation of such acts.

During 2016 there were no registered departures of Bosnia and Herzegovina citizens to the foreign battlefields as well as no terrorist attacks committed at the territory of Bosnia and Herzegovina.

A further positive step in the direction of proactive fight against terrorism also represents the establishment of additional operational specific databascs at the relevant institutions / agencies to monitor the problem of terrorism, as well as the establishment of a system of coordination and exchange of relevant operational information at lower levels of government in Bosnia and Herzegovina.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

The peace-keeping operations of the United Nations Organization represent expression of permanent commitment to peace and general security. These operations are realized through deployment of police and armed forces as well as civilians on the territory of the state where peace had been violated. Bosnia and Herzegovina has been actively committed to participation of police officers in peacekeeping operations.

The deployment of police officers in peacekeeping operations is regulated by the Law on Deployment of Armed Forces of Bosnia and Herzegovina, police officers, civil servants and other employees in peacekeeping operations and other activities in foreign countries and the Rules of Procedures for Deployment of Police Officers of Bosnia and Herzegovina to Peacekeeping Operations, and other activities abroad, trainings, rights, obligations and responsibilities, procedures of police services and their members during peacekeeping operations, their rights, obligations and responsibilities of the contingent commander.

As an expression of its policy of credible support for international efforts to build peace, stability, and security, Bosnia and Herzegovina has initiated participation in NATO ISAF peacekeeping operations in Afghanistan.

Bosnia and Herzegovina decided to participate in the Resolute Support Mission. The Resolute Support Mission replaced ISAF Mission. Bosnia and Herzegovina participates with the following personnel:

- 45 strong infantry unit,
- 8 staff officers,
- 2 staff NCOs.

Five officers of the Armed Forces of Bosnia and Herzegovina (AF BiH) have been in the framework of 15th rotation deployed to serve on the UN mission in Congo (MONUSCO -5 observes - staff officers). The rotation will last for 12 months. There was third rotation of two AF BiH staff officers sent to MINUSMA in February 2017.

The Armed Forces of Bosnia and Herzegovina are considering possible participation in other UN missions.

Upon accession of Bosnia and Herzegovina to the NATO Partnership for Peace Program (PfP), negotiations between Bosnia and Herzegovina and NATO concerning the Agreement on the Status of Armed Forces (SOFA) began. The Council of Ministers of Bosnia and Herzegovina defined the proposed basis for the Agreement between the NATO member states and other PfP participating states concerning their powers and additional protocols, and the Presidency of Bosnia and Herzegovina brought a Decision on the accession.

Bosnia and Herzegovina deployed police officers in UN peacekeeping missions in East Timor in 2000. Since 2000, 290 Bosnia and Herzegovina police officers have been deployed in Liberia, South Sudan, Cyprus, Haiti as well as at semi-professional UN positions in Cyprus, Liberia, Afganistan, Somalia, Brindizi and Kongo. Currently, BiH Police Contingent located in South Sudan, Cyprus, Afganistan and Kongo counts 44 members, of wich 12 (27,27%) are female.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

Fully aware that the main aim of arms control and disarmament is saving lives, Bosnia and Hercegovina is committed to arms control and disarmament in all its aspects.

Illicit trade of conventional arms affects regional and international security and stability because millions of people suffer from the direct and indirect consequences of the irresponsible arms trade, which fuel conflicts and human rights abuses. Globalization of the arms trade allowed production and assembly of conventional weapons all over the world with little controls. Bosnia and Herzegovina supports well regulated and transparent trade of conventional arms, and welcomes the progress made with the Arms Trade Treaty as the first legally binding treaty to regulate the international trade in conventional weapons. By ratification of the Arms Trade



Treaty (ATT), Bosnia and Herzegovina has confirmed its commitment to the strengthening of global and regional peace, security and stability. In accordance with Article 13 of the Treaty, Bosnia and Herzegovina has submitted an initial and annual report. Furthermore, Bosnia and Herzegovina established national control mechanism and harmonized domestic legislation with the provisions of the ATT. Bosnia and Herzegovina has advocated the universalization of the ATT and its effective implementation.

In line with the UN Programme of Action (POA), Bosnia-Herzegovina formed the National Coordination Committee for SALW aiming to ensure the control of SALW throughout the country. The Strategy for the Control of Small Arms and Light Weapons in Bosnia and Herzegovina for the period from 2013 until 2016 was implemented, and the new Strategy for the period from 2016 until 2020 was created. The primary objectives of the implementation of the new Strategy are that Bosnia and Herzegovina shall meet the challenge of illicit trade of SALW by strengthening the capacity of police and judicial structures in the country and the cooperation with the relevant international, regional and non-governmental organisations.

In relation to SALW, and as a component of regional security, various activities continually organized within SIPRI (Stockholm International Peace Research Institute), the RACVIAC Center for Security Cooperation, SEESAC (South Eastern and Eastern Europe Clearinghouse for the Control of SALW), SECI (Southeast European Cooperative Initiative), BAFA (Budget and Financial Analysis Branch). Bosnia and Herzegovina cooperates with the countries within the framework of international multilateral agreements as well as international bilateral agreements, but also sends reports and performs other forms of exchange of information with the UN, OSCE, SEESAC, and RACVIAC (seminars, analytical documents, etc.)

Bosnia and Herzegovina, as the first country in the region that introduced the moratorium on the export of Small Arms and Light Weapons (SALW) in the possession of its Armed Forces, fully contributes to the stability in the region by eliminating the risk that the exported equipment could end up in the possession of non-democratic regimes or regimes that do not respect human rights, or international terrorist groups. *The Law on Control of Movement of Arms and Military Equipment* is being implemented, and by enforcing it, Bosnia and Herzegovina achieves final level of control over export/import of arms and military equipment. Within the implementation framework of the mentioned Law, an Annual plan is drafted for regular audits of economic entities to which this Law applies. Very often, extraordinary controls are conducted on the route of movement itself. Thus established series of cyclic controls represents a quality supervision over export/import of arms and military equipment.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area**

In the field of arms control, disarmament and CSBM and their continued implementation remain important elements of Euro-Atlantic stability, security as well as developing good neighborly relations and strengthening regional cooperation. Bosnia and Herzegovina attaches great importance to the implementation of its commitments. Bosnia and Herzegovina signed the Agreement on Open Skies, and as the state member of the OSCE participates in the implementation of the Vienna Document 2011. Bosnia and Herzegovina is also state party to the Agreement on Sub-regional Arms Control, Article IV.

The Agreement on Sub-Regional Arms Control rebuilt peace and stability in the region. The agreement is now a multilateral agreement between four countries (Bosnia and Herzegovina, Republic of Croatia, Montenegro, and the Republic of Serbia). These four countries are the negotiating and contracting Parties, and they have developed this arms control agreement for enhancing regional co-operation with the possibility of moving towards a future security community within EU structures for all states in the Western Balkans.

The process of arms control and disarmament has a very important role in the defense policy of Bosnia and Herzegovina. According to the Vienna Document 2011, Bosnia and Herzegovina had an obligation to receive 3 inspection and 1 evaluation visit per year, and 1 inspection and 1 evaluation visit according to Bilateral Agreement with Germany. Bosnia and Herzegovina has visited Air Bases in Serbia and Croatia as well, in accordance with Vienna Document 2011.

Bosnia and Herzegovina has conducted two specified area inspections in 2016, one in Serbia and one in Croatia. According to Sub-regional Control Agreement, Bosnia and Herzegovina has received 4 inspections: one from Montenegro, one from Croatia and two from Serbia in the same period. Bosnia and Herzegovina has had 1 Open Skies Treaty observations: one over Ukraine (with Turkey).

## SECTION II: INTRA-STATE ELEMENTS

### 1. National planning and decision-making process

#### 1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

The **Parliamentary Assembly of Bosnia and Herzegovina (PA BiH)**, as the highest legislative body, established the **Joint Committee for Defence and Security of Bosnia and Herzegovina** as a standing committee. Members of the Joint Committee are representatives and delegates from the House of Representatives and the House of Peoples of the PA BiH.

Responsibilities of the Joint Committee for Defence and Security of Bosnia and Herzegovina are clearly defined by new Rules of Procedures that entered into force with the election of both new houses of PA BiH. Article 59 of the Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and the Article 49 of the Rules of Procedure of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina stipulate the competencies of the Joint Committee for Defence and Security of Bosnia and Herzegovina.

With regard to the relevant information, it is important to point out that Joint Committee is responsible, among other things, for the following:

a) considers and monitors the implementation of Bosnia and Herzegovina security and defence policies,

b) conducts parliamentary oversight with the aim of improving efficiency, transparency and functionality. Implementation of parliamentary oversight is based on the principles of constitutionality, legality, democracy and respect for human rights and freedoms. Parliamentary oversight is carried out over the following institutions:

1) Defence institutions: Ministry of Defence of Bosnia and Herzegovina and AF BiH;

2) Security institutions: MoS BiH, Border Police; SIPA, Service for Foreigners' Affairs, Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, the Agency for Forensics, the Agency for Education and Professional Training and the Agency for police support;

3) Other institutions and bodies of Bosnia and Herzegovina within their responsibilities related to issues of defence and security: Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina, in the part relating to the import, export and transit of weapons, military equipment and dual-use products, as well as the Ministry of Civil Affairs in the part related to mine-clearance.

4) Bodies of the PA BiH in the framework in which their work is subject to parliamentary oversight: Independent Board of the Parliamentary Assembly, the Committee on Public Complaints to the work of police officers in BiH police bodies and the Office of the Parliamentary Military Commissioner of Bosnia and Herzegovina.

5) The Joint Commission conducts parliamentary supervision over other BiH institutions if the Parliamentary Assembly passes such a decision;

c) considers laws and amendments to laws within the competencies of Joint Committee;

d) monitors legality and compliance of supervised institutions with a defence and security policy of Bosnia and Herzegovina;

e) considers reports, short-term and long-term plans related to the structure of AF BiH, personnel policy and recruitment, salaries and allowances, education and training of the AF BiH, professional conduct and ethical standards for civilian and military personnel;

f) monitors the procedures of equipping the army, procurement and import and export of weapons and military equipment, material assistance and contracts with foreign companies which provide services to defence institutions on a commercial basis, combat readiness, military exercises, military mine-clearance process and operations including enforcement of international obligations and international peace support operations;

g) monitors and reviews the situation of human rights and freedoms in the defence and security sector;

h) monitors compliance with the political, ideological and interest neutrality in the work of the supervised institutions;

i) monitors and reviews the implementation of means and methods in conducting special investigative activities in supervised institutions;

j) reviews reports on budget execution, as well as the audit reports of the supervised institutions;

k) considers and approves work reports of the supervised institutions;

p) considers the issues of cooperation of Bosnia and Herzegovina with the bodies of European Union, United Nations, OSCE, Regional Cooperation Council (RCC) and other international organizations in the domain of defence and security;

r) considers activities of permanent and ad hoc delegations of Bosnia and Herzegovina in international and inter-parliamentary institutions in the domain of security and defence;

s) establishes cooperation with competent parliamentary committees of BiH entities, other countries as well as with international organizations and other bodies in the domain of defence;

In accordance with the Book of Rules, Joint Committee submits reports to the PA BiH on its activities as well as its conclusions and proposals.

Joint Committee considers other issues related to Bosnia and Herzegovina defence and security assigned by the PA BiH.

At the end of 2016, **Presidency of Bosnia and Herzegovina** have adopted Defense Review Document which contains Development Plan and Plan of Modernization of the AF BiH as well as new Decision on size, structure and locations of the Armed Forces. This will result in establishment of affordable and efficient Armed Forces, capable to perform statutory duties and missions of the Armed Forces in accordance with assessed challenges and risks in the area of defense and security.

Adoption of this Document should enable reduction in the number of personnel in the AF BiH for about 8% while number of locations of Armed Forces from 63 should be reduced to 57. Decision on size, structure and locations of AF BiH will enter into force on the date of activation of Membership Action Plan for Bosnia and Herzegovina. The Ministry of Defense of Bosnia and Herzegovina developed the implementation plans of Defense Review and modernization plan of the AF BiH with detailed explanation of dynamics, means and resources required for implementation of these documents.

Defense Review Document and Plan of Modernization of the Armed Forces of Bosnia and Herzegovina, will be presented PA BiH, which is authorized for the adoption of budget needed for realization of Modernization Plan of the Armed Forces of Bosnia and Herzegovina.

## **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

In 2016, the **Parliamentary Assembly of Bosnia and Herzegovina** and the **Joint Committee for Defence and Security** were involved in operations and activities stipulated by the Rules of Procedure of both Houses and Annual Work Plan for 2016. The Joint Committee for Defence and Security of Bosnia and Herzegovina has fully implemented its Annual Work Plan for 2016.

A special engagement of the Joint Committee is visible in insisting that the relevant agencies and the MoS BiH define security challenges and methods to face with them, in improving the level of coordination in the work, especially during emergencies, and their contribution to a better security environment, in both Bosnia and Herzegovina and the region.

In terms of security sector, the Joint Committee made a special contribution in the process of transparent and lawful destruction of surplus weapons, ammunition and explosive ordnance through a number of activities solving current problems in the procurement process, transparency in the conduct of personnel, improving the system of aid to the civilian population during natural disasters and crisis situations, developing a more efficient system of military mine-clearance and solving current problems related to the status of immovable and movable perspective military property as well as a number of other issues which have often been the subject of discussion during the meetings and workshops organized by the Joint Committee.

The Joint Committee has initiated a number of discussions with the aim of designing and upgrading of strategic documents, including the upgrading of existing Security Policy of Bosnia

and Herzegovina, as well as upgrading elements that should enable more comprehensive annual security situation analysis, specifically in regards to the status report and the preparation of proposals that should improve the security situation and make the work of the agency more efficient and mutually coordinated.

The Joint Committee continuously monitors and analyses the implementation of the adopted conclusions and recommendations in defence and security sectors. It has adopted a number of conclusions and recommendations that were supported and adopted by both Houses of the Bosnia and Herzegovina Parliamentary Assembly in order to solve any identified problems and transparently and efficiently resolve issues that are of general interest.

The Ministry of Defence of Bosnia and Herzegovina, the Joint Staff of the AF BiH, Ministry of Security of Bosnia and Herzegovina, the SIPA, the Border Police of Bosnia and Herzegovina, the Service for Foreigners' Affairs of Bosnia and Herzegovina, the Sector for Protection of Classified Information of the Ministry of Security of Bosnia and Herzegovina, the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, the Police Support Agency, the Forensic Investigation and Expertise Agency, the Agency for Education and Vocational Training, the Demining Commission of Bosnia and Herzegovina, the BiH Mine Action Centre – BHMAC, the Committee on Security of the House of Representatives of the Parliament of FBiH and the Committee on Security of the National Assembly of Republika Srpska have directly cooperated with the Joint Committee for Defence and Security of Bosnia and Herzegovina.

Representatives of the Joint Committee for Defence and Security of Bosnia and Herzegovina also attended several seminars, conferences, round tables, workshops, study visits and professional training programs in Bosnia and Herzegovina, which are listed below:

1. The Ninth Annual Conference on Personnel Management in 2015, held on February 25 2016 in Sarajevo;
2. The Annual Conference on Mine Actions in AF BiH, held on February 17 2016;
3. Organization of Annual Review Conference on current security situation in Bosnia and Herzegovina, Sarajevo, November 23-24 2016;
4. Visit and talks of members of the Sub-Committee for Defence and Security of PANATO with the members of the Joint Committee for Defence and Security of Bosnia and Herzegovina, Sarajevo, March 7, 2016;
5. Visit of attendants and command of the National Defence College of Army of Republic Serbia to the Joint Committee for Defence and Security of Bosnia and Herzegovina, April 9, 2016;
6. The Ninth OSCE Mission Review Conference on the Compliance with the OSCE / UN Security Commitments of Bosnia and Herzegovina, held in Sarajevo on November 9 – 11 2016;
7. The Fourth Conference on: "The Disaster Risk Reduction Platform of Bosnia and Herzegovina ", held on November 23, 2016 in Sarajevo;

8. Meeting of the members of the Joint Committee for Defence and Security of Bosnia and Herzegovina with the members of Military and diplomatic Corps, Sarajevo, April 26 2016;

The process of destruction of ammunition, mines, weapons and military equipment is particularly monitored by the Joint Committee. The progress in this process is visible through implementation of the EXPLODE programme led by the UNDP in collaboration with the Ministry of Defence of Bosnia and Herzegovina. The Joint Committee is directly involved in activities of the Project Board which meets quarterly and reviews the degree of execution of planned tasks.

The Joint Committee also monitors the activities of the SECUP BiH Project which is being implemented with the support of the OSCE Mission to Bosnia and Herzegovina.

Members of the Joint Committee for Defence and Security of Bosnia and Herzegovina participated in the work of a regional meeting, a forum and a seminar abroad, as follows:

1. The Fourth Parliamentary Security-Intelligence Forum, Vienna June 2016,
2. The Fifth Parliamentary Security-Intelligence Forum, Washington DC, December 2016.

In 2016, the Joint Committee continued close cooperation with representatives of the international organizations in Bosnia and Herzegovina, with which the Committee cooperated as partners for many years. These international organizations primarily include:

1. NATO HQ in Bosnia and Herzegovina;
2. EUFOR Command;
3. OSCE Mission to Bosnia and Herzegovina;
4. The Geneva Centre for the Democratic Control of Armed Forces – DCAF;
5. Regional Center for Security Cooperation-RACVIAC
6. UNDP Office in Sarajevo.

Visible results of the Joint Committee are evident in terms of:

1. Disposal of surplus ammunition, mines and explosives,
2. Achievement of the adequate status of the AF BiH members, as well as the members of the police agencies at Bosnia and Herzegovina level,
3. Improvement of the situation in the defense sector on the issue of public procurement and the removal of the evident problems
4. Preparation of more adequate annual information on the security situation in Bosnia and Herzegovina,
5. Fight against terrorism and organized crime in Bosnia and Herzegovina,
6. Personnel situation in the AF BiH,
7. Assistance of the AF BiH to the civilian population during the elementary disasters and extraordinary situations,
8. Drafting of proposals of the needed amendments for laws and by-laws which will make the work of the BiH MO and Joint Staff of the AF BiH more efficient and operational,
9. Identification of security challenges in Bosnia and Herzegovina and strategy for its solution,

10. Better coordination with the work of police agencies within the BiH Ministry of Security,
11. Improvement of coordination and cooperation between the police agencies with goal to use the available capacities,
12. More efficient activities in the process of so called military mine-clearance organized by the AF BiH.

Regular contacts and meetings with representatives of the OSCE Mission to Bosnia and Herzegovina, the NATO Headquarters in Bosnia and Herzegovina, EUFOR, the Geneva DCAF, the UNDP, diplomatic and consular missions in Bosnia and Herzegovina and other international organizations and institutions, as well as representatives of parliaments of countries in the region and their working bodies which deal with the issue of defence and security have resulted with establishment of a relationship of deep trust towards the Joint Commission, therewith towards the Parliamentary Assembly of Bosnia and Herzegovina in general. Therefore, the Joint Committee is still a distinguished entity for its area of competency and among the countries of the region, members of the Partnership for Peace, NATO and the EU, which is very important for the promotion of our country on its further transition towards the European and Euro-Atlantic integration.

## **2. Existing structures and processes**

### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

#### **Parliamentary Assembly of Bosnia and Herzegovina**

In accordance with the Law on Defense of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina (PA BiH) conducts the parliamentary control over the Armed Forces of Bosnia and Herzegovina (AF BiH) and all defense institutions at the State level. The competencies of the PA BiH over the AF BiH are regulated by Article 10 of the Law on Defense. The Parliamentary Assembly Joint Committee for Defense and Security performs tasks in the area of the oversight over the BiH defense and security institutions, in accordance with Article 54 of the Bosnia and Herzegovina Parliamentary Assembly House of Representatives Rules of Procedure. The Joint Committee conducts parliamentary oversight of the following institutions of Bosnia and Herzegovina: Ministry of Defense, Armed Forces, Ministry of Security, SIPA, Border Police, National Central Bureau of INTERPOL, and the BH Demining Centre.

#### **Presidency of Bosnia and Herzegovina**

The role of the Presidency of Bosnia and Herzegovina in the oversight of the AF BiH is conducted in accordance with Article 12 of the Law on Defense of Bosnia and Herzegovina.



## Minister of Defense of Bosnia and Herzegovina

According to the Law on Defense of Bosnia and Herzegovina, the Minister of Defense of Bosnia and Herzegovina is a civilian in charge of the BiH Ministry of Defense and conducts his function in the area of administrative, organizational, and command authority as well as control and inspection of the AF of BiH.

### Control of Security Services

Outside management and supervision of Intelligence-Security Agency of Bosnia and Herzegovina, as well as internal management and control is regulated by the Law on Intelligence and Security Agency of Bosnia and Herzegovina (OSA). The rights and liabilities of the subjects of legislative and executive authority regarding OSA are clearly defined, such as: BiH Presidency's rights and liabilities; Council of Minister's rights and liabilities; Chairman of the Council of Ministers' rights and liabilities; Executive Intelligence Board; and Parliamentary supervision. The Agency is directly subordinated to the Council of Ministers, Executive Intelligence Committee, and the most directly to the Chairman of the Council of Ministers. The control of Agency's work legitimacy is done by Security-Intelligence Committee for Supervision of the Agency, established by PA BiH. The Committee is responsible for supervising the Agency's work, conducting investigation on the Agency's work based on a grounded suspicion of illegal performance of the Agency, i.e. pursuant to the relevant legal provisions as well as analyzing the expenditures of the Agency's budget, including issuing opinion on the draft budget of the Agency.

Ministries and police agencies at the lower levels of government also have constitutionally established procedures ensuring the effective, democratic control over their activities.

Legislation in this regard is listed under Annex I.

#### **2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

The Law on Defense of Bosnia and Herzegovina regulates the competencies of State institutions in the defense sector. Democratic control is implemented through a clear chain of command and control, defined by the Law on Defense of Bosnia and Herzegovina, which begins at the Presidency of Bosnia and Herzegovina, through the Minister of Defense to the Chief of the Joint Staff of the Armed Forces of Bosnia and Herzegovina (AF BiH).

The parliamentary control over the AF BiH shall be performed by the PA BiH, directly through the Joint Committee for Defense and Security by defining necessary laws and the process of creating the budget, and supervision over its implementation and execution. The Parliamentary Assembly has the executive authority to adopt laws relevant to the organization, funding, appointment, training, mobilization, equipping, and use of the AF BiH.

The also has the authority to announce the state of war upon the request by the Presidency, in the case of direct attack to Bosnia and Herzegovina or parts of Bosnia and Herzegovina, as well

as to announce a state of emergency. The PA BiH confirms the appointment of the Chief and Deputy Chief of Joint Staff of the AF BiH, Commanders and Deputy Commanders of the AF BiH Operational Command, Commander and Deputy Commander of the Support/Logistics Command and all officers in the rank of General in the AF BiH. The Joint Committee for Defense and Security Policy of the PA BiH is in charge of the control and supervision of defense and security institutions of Bosnia and Herzegovina.

The Joint Committee for Defense and Security Policy manages parliamentary supervision over following BiH institutions: the Ministry of Defense, the Ministry of Security, the Border Police (BP), the SIPA, the National Office of Interpol, the Mine Action Centre – BHMAC. Furthermore, the Joint Committee also considers and monitors implementation of the Security and Defense Policy of Bosnia and Herzegovina; supervises and considers reports of: the BiH Ministry of Defense, the BiH Ministry of Security and other executive bodies dealing with security and defense matters reporting on the subject the PA BiH.

With regard to the reports, a special focus is being given to short-term and long-term activities concerning structure of the BiH AF, personnel policy and recruitments, salaries and compensations, education and training of the BiH AF members, professional conduct and ethical standards for civil and military staff, provision of military equipment, work of the military industry, acquisition of assets and export/import of arms and military equipment, material assistance and contracts signed with foreign companies providing commercial services for defense institutions, combat preparedness, drills and operations which include fulfillment of international obligations and international peace support operations. Furthermore, the Joint Committee considers laws and amendments to the laws within its competence; considers and gives opinions and recommendations, makes changes and amendments to the defense budget proposal; considers reports on defense budget execution, and reports on revision of institutions dealing with the defense and security policy of Bosnia and Herzegovina, as well as the other issues that concern security of Bosnia and Herzegovina.

### **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The Armed Forces of Bosnia and Herzegovina (AF BiH) are a professional, single military force organized and controlled by the state of Bosnia and Herzegovina. The Armed Forces can be organized, trained, equipped, or mobilized in the territory of Bosnia and Herzegovina, only in accordance with the Law on Defense of Bosnia and Herzegovina and the Law on Service in the AF BiH.

The mission of the AF BiH is to:

- Participate in operations of collective security, peace support operations and self-defense operations, including fight against terrorism;
- Provide military defense of Bosnia and Herzegovina;
- Provide assistance to civil authorities in reacting to natural disasters and catastrophes;
- Demining activities in Bosnia and Herzegovina;
- Fulfill international obligations of Bosnia and Herzegovina.

Engagement of the AF BiH is conducted upon the proposal of the Minister of Defense of Bosnia and Herzegovina, and based on a decision of the Presidency of Bosnia and Herzegovina, which

(in case of announcement of a state of emergency, state of war or deployment of AF BiH units to peace keeping missions) is confirmed by the PA BiH.

The AF BiH, according to the decision of the Presidency of Bosnia and Herzegovina from July 7, 2006, can have up to 10 000 professional soldiers, 1 000 civil employees (including employees of the Ministry of Defense) and 5 000 members of active reserve.

The AF BiH cannot be used for political purposes or activities of political parties. Armed Forces members, including generals, are neutral in political matters and shall not be engaged in any kind of political activity of political parties or be selected or appointed to public functions. These provisions shall not prevent members of the AF BiH to be registered for voting or to candidate for elections in accordance with the provisions of the Elections Law of Bosnia and Herzegovina. Members of reserve units selected or appointed to public functions are not obliged to resign from the position if mobilized to regular training.

The training of members of security agencies for protection of persons and property, as well as the training of private detectives, establishment of such agencies and control over their activities is under the auspices of the Agency for Education and Professional Training (AEPTM) at the state level which cooperates and implements these activities together with lower government level ministries and police agencies.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

The compulsory military service in Bosnia and Herzegovina was abolished in 2006. The Law on Defense of Bosnia and Herzegovina, however, prescribes the existence of an active reserve. There is no specifically designed reserve component of the AF BiH, but an active reserve is envisioned in the peacetime structure.

The Ministry of Defense of Bosnia and Herzegovina advertises available positions in the Armed Forces and, through prescribed procedures, selects the appropriate number of candidates for training in the center for Professional Development.

Recruitment of staff for police agencies, usually performed through public announcements, is executed by lower government level ministries and police agencies, and it is regulated through legislative acts at those levels, with particular attention paid to gender equality.

#### **3.2 What kind of exemptions or alternatives to military service does your State have?**

There is no compulsory military service in Bosnia and Herzegovina. Bosnia and Herzegovina has only professional Armed Forces.

#### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The issue of recruiting staff for the purposes of AF BiH is regulated by the Law on Defense of Bosnia and Herzegovina, the Law on Service in the AF BiH, the Law on Participation of the Members of AF BiH, police officers, civil servants and other employees in peace support missions and other activities abroad, and the Law on the Parliamentary Military Commissioner of Bosnia and Herzegovina. Accession to AF BiH is performed in accordance with legal provisions exclusively, regulated by the mentioned laws.

Current solutions define that all members of the AF BiH during their active or reserve service exercise their rights and obligations in accordance with the Law on Defense and the Law on Service in the AF BiH. The mentioned laws are in compliance with the Constitution of Bosnia and Herzegovina and other relevant legislation. There is no Military Court within the AF BiH.

AF BiH personnel consist of military professionals, reserve personnel, and civilians employed in the AF BiH. Military professionals exercise their rights and obligations in accordance with the Law on Service in the AF BiH, which regulates the following: the service in the AF BiH, composition of the AF BiH, admission into service, rights and obligations of the personnel serving in the AF BiH, status during service, personnel classifying system, evaluations, promotions, personnel record and carrier management, ranks and insignia in the AF BiH, standards of conduct and other status issues of the personnel serving in the AF BiH. Civilians in service in the AF BiH are civil servants and employees who exercise their rights and obligations in accordance with the Law on Civil Service in the institutions of Bosnia and Herzegovina and the Law on Labor in the institutions of Bosnia and Herzegovina.

The institution of the **Parliamentary Military Commissioner of Bosnia and Herzegovina** is set out by the Law on the Parliamentary Military Commissioner of Bosnia and Herzegovina. This established a new institution in the field of the protection of human rights and freedoms, specialized exclusively for the protection of human rights and freedoms of military personnel and cadets in the AF BiH and Ministry of Defense of Bosnia and Herzegovina.

The position of Military Commissioner is established in order to strengthen the rule of law, protection of human rights and freedoms of military personnel and cadets in the AF BiH and the Ministry of Defense of Bosnia and Herzegovina, as stipulated in the Constitution of Bosnia and Herzegovina and attached international agreements. The Military Commissioner works on professional basis only and does not advocate, protect or undermine interests of any political party, registered organization or association, or any people in Bosnia and Herzegovina.

In performing parliamentary oversight of the work and other issues in the area of the protection of human rights and freedoms related to military personnel and cadets in the AF BiH and the Ministry of Defense of Bosnia and Herzegovina, the Military Commissioner has the following competencies:

- Investigation of specific issues under the directions of the Parliamentary Assembly of Bosnia and Herzegovina and Joint Committee on Defense and Security of Bosnia and Herzegovina. The directions may be issued only in case that the issue is not already considered by the Joint Committee, and the Military Commissioner may request the Joint Committee to issue the directions for investigation of specific issues;

- Activities performed based on his/her personal assessment, following information received by the members of the BiH Parliamentary Assembly, or consideration of complaints by military personnel and cadets, or in any other circumstances indicating a violation of human rights and freedoms of military personnel and cadets.

Rights of military forces personnel are regulated by the Law on Professional Military Service of Bosnia and Herzegovina and by the Law on Parliamentary Military Commissioner of Bosnia and Herzegovina as well as subordinate legislation such as bylaws – for example, about promotion, disciplinary process, about food requirements, and other spheres of soldier's life and work. Regarding the limitation and restrictions of rights, it is important to emphasize that soldiers do not have a right to strike, neither to syndicate nor to participate in political gatherings. As mentioned above, soldiers do not have any kind of service personnel representatives or labor unions. That is the best reason that the establishment and growing of the Parliamentary Military Commissioner institution is necessary and that the role of Parliamentary Military Commissioner is envisaged as „a lawyer of the citizens in uniform“.

Performed activities through consideration complaints of professional military personnel and cadets in the AF BiH, as well as on the basis of its own assessment, following the circumstances that indicate violations of human rights and freedoms of the aforementioned persons, is the most important segment of work the Parliamentary Military Commissioner. Activities of the Parliamentary Military Commissioner in this segment can be divided into: acting upon complaints, acting upon requests for legal assistance and acting on the initiative of Parliamentary Military Commissioner.

Areas that have been treated in complaints received in 2016 are diverse, as it was the case in the previous reporting period. Areas have been equally aimed at all segments of life and work of AF BiH, respectively at exercise of rights and performance of obligations of cadets and professionally military personnel.

Thus, during the 2016, Parliamentary Military Commissioner acted in 103 cases, out of which 96 proceedings upon complaints and 7 procedures according to the requirements for legal assistance.

In the reporting period, proceedings upon complaints were completed in 82 cases, while procedures according to the requirements for legal assistance were all completed.

Namely, out of totally 103 initiated proceedings, Office of Military Commissioner fully completed 89 cases, while 14 cases are in their due course.

Out of total number of cases in which Parliamentary Military Commissioner acted during the year 2016, 59 cases were solved in favor of the complainants, i.e. 66, 29% in percentages.

During 2016, the largest number of cases in the Office of the Military Commissioner was conducted in the following areas:

1. Food for AF BiH
2. The use of military vehicles in public transport
3. State of the material and technical resources used by AF BiH
4. The benefits other than salaries

5. Complaints referring at suspension of promoting procedure in accordance with the Plan of promotions for 2015.
6. Complaints relating to the appointment of professional military personnel
7. Transfer and setting of mine-clearance battalion to another formation position
8. Complaints referring at impossibility to renew the contract of professional military service
9. Appointment of acting staff
10. Position benefits

**4. Implementation of other political norms, principles, decisions and international humanitarian law**

**4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

Bosnia and Herzegovina ensures that the AF BiH are equipped, trained, and managed in accordance with the provisions of International Humanitarian Law through the implementation of the Security and Defense Policy as well as the military Doctrine.

The training curriculum of basic and advance courses for NCOs and officers of the AF BiH includes studying of International Humanitarian Law and conventions, which must be applied in armed conflicts, as well as relevant state legislation. The rules of engagement of AF BiH in peace support operations are identified in accordance with the provisions of International Humanitarian Law.

**4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

Law on Service in Armed Forces of Bosnia and Herzegovina defines that members of the AF BiH have the right and obligation to perform their duty in accordance with the Constitution of Bosnia and Herzegovina and other legal acts. Regardless of rank, every member of the AF BiH has personal responsibility to comply with the law. Commanders must ensure that the law is complied with by others and must take action in case of violations. Orders issued by a superior commander are not to be carried out if their execution represents a criminal activity.

Through the training of military professionals, prescribed in the "Leader's Development" manual, mandatory courses have been defined at the Center for Professional Development for the AF BiH officers and NCOs as: Command and Staff Course; Basic Officer Course; Basic NCO Course; Advanced Officer Course; Advanced NCO Course; Staff Officer Courses and Staff NCO Courses at Peace Support Operations Training Center of Bosnia and Herzegovina.

The attendance of these courses is mandatory for each AF BiH officer and NCO. Programs of instructions for all above-mentioned courses contain lessons, which address in details the International Humanitarian Law (IHL) and Law on War. Also, at the level of all AF BiH units, the mentioned topics are mandatory and they are being planned on a regular basis and conducted

through unit training. All unit members attend this training. Newly recruited soldiers that are being trained through TRADOC Basic Training Center attend classes in accordance with the approved programs of instructions on the Law on War, the Geneva and Hague Conventions. The AF BiH in coordination with the ICRC organizes the execution of seminars and courses according to the ICRC plans and programs.

All AF BiH units that are to be deployed in peace support operations must be trained on IHL and Law on War. Additionally, the AF BiH has developed manuals that they can use during their mission execution in order to remind themselves on some provisions regarding stated rules and laws. The mentioned manuals are the part of the additional equipment for the AF BiH soldiers in peace support missions.

**4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

Bosnia and Herzegovina ensures that AF BiH are not used to limit the peaceful and lawful exercise of human and civil rights based on the provisions of the Constitution of Bosnia and Herzegovina, the Defense Law of the Armed Forces, as well as other legislative acts regulating this particular matter. Article 4 of the Defense Law of Bosnia and Herzegovina defines the missions of the AF BiH. According to this article, the AF BiH cannot be used to limit human and civil rights. The Law of Defense regulates state institutions' competencies in the defense sector (civil and democratic control over the defense sector for the AF BiH). The civil and democratic control additionally ensures that AF BiH cannot be used to limit the peaceful and lawful exercise of human and civil rights by persons in Bosnia and Herzegovina.

**4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

The Article 5 of the Defense Law of Bosnia and Herzegovina defines that the AF BiH cannot be used for political purposes or for political party activities. Members of the AF BiH are allowed to register for voting as well to participate in voting, and can nominate themselves for elections in accordance with the Election Law. The same article defined political engagement of the reserve members in a way that if the reserve member is elected or appointed on a public position, he/she is not obliged to resign if he/she is engaged in a regular training, but during the time in the AF BiH, he/she cannot perform party-related activities. Article 26 of the AF BiH Service Law strictly prohibits syndical and political organization of all AF BiH members.

**4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?**

The alignment of defense policy and doctrine with international law has been ensured by incorporating provisions of international law into domestic legislation. Additionally, open public debate, the requirement for parliamentary approval for the AF BiH budget and major acquisitions, as well as operations, and the requirement of a UN Security Council mandate or the OSCE mandate for peace support operations help ensure that defense policy and doctrine

are in accordance with international law. This is reinforced by a policy of neutrality and a practice of restraint regarding participation in operations outside of Bosnia and Herzegovina. State legislation, including defense policy and doctrine documents, are consistent with international law as a result of their regular and thorough review with regard to domestic constitutional and legal arrangements as well as their compliance with international legal obligations of Bosnia and Herzegovina.

### **SECTION III: PUBLIC ACCESS AND CONTACT INFORMATION**

#### **1. Public access**

##### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The public is informed about all strategic documents, laws, policies and strategies related to OSCE's Code of Conduct through official websites of ministries and other relevant institutions of Bosnia and Herzegovina. All relevant institutions are encouraged to publish the Code of Conduct on their respective websites, as well as offer it to the public in other forms, and many institutions do so – either electronically or in printed form upon request. There are also efforts undertaken to raise awareness through seminars and involvement of civil society and non-governmental organizations, by relevant authorities, and often in partnership with the OSCE Mission to Bosnia and Herzegovina.

##### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

Relevant institutions of Bosnia and Herzegovina are encouraged to publish the Code of Conduct as well as BiH's reply to the Questionnaire on their respective websites. Any other information is available upon request.

##### **1.3 How does your State ensure public access to information related to your State's armed forces?**

According to BiH's defense policy, a transparent approach to the defense activities is in accordance with international standards, also assisting to restore and develop mutual confidence between all citizens of Bosnia and Herzegovina. This principle implies the implementation of the following objectives:

- Mutual exchange of information with reference to the planning of defense activities, engagement of assets and their origin and on the location of the military units and facilities;
- Transparency of the budget and foreign military assistance;
- Transparency of cooperation with the armed forces of other states;
- Full access to and oversight of all defense activities by civilian authorities exercising command and control of the defense structures in BiH;
- Cooperation with appropriate government and non-governmental organizations dealing with security and defense issues;
- Openness to the media and continued informing of the public about defense activities.

Public access to information related to the AF BiH is in accordance with the Law on Free Access to Information in Bosnia and Herzegovina. Also, representatives of media are invited on a



regular basis to attend all significant events taking place at defense institutions and in the AF BiH.

**2. Contact information**

**2.1 Provide information on the national point of contact for the implementation of the Code of Conduct**

Ministry of Foreign Affairs of Bosnia and Herzegovina  
Sector for Multilateral Affairs - Department for OSCE  
Musala 2, 71000 Sarajevo, Bosnia and Herzegovina  
Telephone: +387 (33) 281-107; Fax: +387 (33) 227-156

## Information regarding implementation of UNSCR 1325

Information on gender equality in Bosnia and Herzegovina in 2016 in Accordance with the Special Decision of OSCE Forum for Security Cooperation (FSC)

### I. Prevention

#### *1. Measures of raising awareness among the military staff on special requirements for women in conflict situations.*

By analyzing the achieved results in 2016 on realization of the Action Plan for Implementation of UNSCR 1325 in Bosnia and Herzegovina for the period of 2014 – 2017 (hereinafter: AP UNSCR 1325 in Bosnia and Herzegovina), it is possible to note improvements in number of initiatives by the competent institutions of defense and security section in harmonizing laws, subordinating regulations, strategies, policies and programs with the Law on Gender Equality in Bosnia and Herzegovina (hereinafter: GEL BiH). It is important to emphasize that the Coordination Board for Monitoring of Implementation of AP UNSCR 1325 in Bosnia and Herzegovina is still key actor in mobilization of competent institutions as well as individuals in implementation of the Action Plan.

In the Bosnia and Herzegovina Ministry of Defence (MoD BiH) harmonization of subordinate regulations and other legal acts is continuous and regular process as well as part of overall efforts in including the principle of gender equality in the incidence of institutions. Exceptional progress is achieved in the MoS BiH due to number of acts regularly submitted on opinion to the BiH Agency for Gender Equality, the BiH Ministry for Human Rights and Refugees (hereinafter: GEA BiH/MHRR BiH) is exceptionally increased and comments and suggestions for harmonization with the BiH GEL are accepted and enlisted in these documents.

In the Annual Work Plans of the MoD BiH programme activity of monitoring, analysing condition and implementation of activities on gender equality is included and Human Resources Section of the MoD BiH is bearer of the Partner Goal G 0013 "Perspectives of Gender Equality" in the framework of PARP Assessment 2013 for Bosnia and Herzegovina at the level of North – Atlantic Council.

Female members MoD BiH and AF BiH in 2016 participated in the activities and training in the country and abroad, such as, specialist training in Switzerland, regional training of trainers in the field of gender equality and simillar.

In 2016 AF BiH received two more trainers for gender equality with the completion of the "Gender Training of Trainers Course" in R Croatia-Rakitje Zagreb, held in the period from 17.05-27.05.2016, as well as one coach who has completed "Gender Training of the Trainers (GTOT) in the period from November 9 to November 18, 2016. in Sweden.

The total number of accredited trainers in the AF BiH in 2016 is 13 employees and within the BiH MoD 2 employees.

Coaches for gender equality train members of the MoD BiH and AF BiH, work on establishment of a wider network of trainers for gender equality. Accredited coaches from the structure of the AF BiH in 2016 were engaged and within out of Bosnia and Herzegovina as a

sindicate leaders and as directors of the courses ("Syndicate leader for The Gender Training of Trainers course" 16.05-27.05.2016. RACVIAC, Zagreb, R.Croatia and Director of the course "training of trainers in the field of gender equality", December 5 to December 16, 2016. Belgrade, Republic of Serbia)

Peacekeeping Operations Training Center (PSOTC) as an organizational unit within TRADOC AF BiH, is the leading institution in the region in terms of training coming from the UN Resolution 1325, during the period from May 23 to May 27, 2016. PSOTC organized a course on "Gender Equality in Peace Support Operations."

In 2016 in training in Bosnia and Herzegovina (various courses, seminars, etc.), a percentage of attendees and participants of AF BiH who participated in training 94.57% were men and 5.43% were women.

In 2016 year on training courses abroad (Academy, various courses, seminars, etc.), A percentage of the total number of attendees and participants of AF BiH who participated in training 95.6% were men and 4.4% were women.

The selection of candidates, men and women, who are sent to courses or educations depends on fulfilling the required conditions (set by the organizers) to be met by candidates to be sent on courses, education (required rank, the level of knowledge of a foreign language, gender, services, etc.).

## *2. Measures for processing violations of women and girls rights in accordance to international standards*

Certain situations and agencies, like MoS BiH and the State Agency for Investigation and Protection of Bosnia and Herzegovina have adopted guidelines for introducing the principle of gender equality in decisions signed by the minister/director. The MoD BiH has adopted this decision in 2011 to fulfil commitments of the AP UNSCR 1325 in Bosnia and Herzegovina in realisation of activities by which organisational units of the MoD BiH and Joint HQ of AF BiH are proceeding.

In the MoD BiH the trainers are educated in gender equality, are delivering trainings and are practically applying the Manual for delivering the trainings, which is published last year. Appointed Focal Points within the MoD BiH and AF BiH are transferring knowledge to newly appointed gender focal points. In achieving timely realisation of the tasks enlisted in the Standard Operational Procedures for Gender Focal Points, the harmonisation of those tasks with regular commitments of suggested focal points is carried out. Testing is planned before suggesting and appointing gender focal points, as well as monitoring and evaluation of work carried out by gender focal points and trainers by the agreed criteria.

These measures are introduced with the goal of improvement and evaluation of trainer's and gender focal point's work as well as the application of acquired knowledge and skills in various trainings they participate in.

Networking of women in defence and security sectors contributes to easier acting in promotion of gender equality and protection of women's rights in institutions and agencies. Today, this

kind of network exists within the framework of police structures, and there is no interest in developing such network within the AF BiH.

With the support of NATO Headquarters Sarajevo in September 2016, a workshop on "Making and Amending the Legislation in the Field of Gender Equality" was held, attended by employees of the MoD and AF BiH. It resulted in draft amendments to the Standard Operating Procedures for focal points appointed within the AF BiH on issues of gender equality.

Based on needs we have continued work on further development of a legislation on gender equality, so at the above-mentioned workshop we have made the preliminary draft "Standard Operating Procedures for Treatment of Issues of Gender Equality in the Armed Forces of Bosnia and Herzegovina", in order to identify specific procedures for dealing with the implementation of the "action plan for the implementation of Resolution 1325 in Bosnia and Herzegovina" in order to prescribe procedures that will regulate the procedures and actions of all persons in the AF BiH in the field of gender equality.

The drafting of a manual for trainers of gender equality MO OS and AF BiH was done and it is in the form of a draft ready for lecturing. Its objective is preparation and processing of certain topics for instructors to perform training for different targeted groups (strategic, tactical and operational level). Printing is expected in year 2017.

Also, a flyer (handout) was made, which is disseminated to HQs and units within the AF BiH, but it is also disseminated as promotional material when performing training on gender equality in subordinate HQs and units of the AF BiH.

## II Participation

### *1. Measures for enhancing number of women in general and in decision making positions within the Armed Forces of Bosnia and Herzegovina and the Bosnia and Herzegovina Ministry of Defence*

It is commitment to introduce international and domestic standards for gender equality which directly or indirectly regulate equal participation of women and men in public life. Along with the Gender Action Plan of Bosnia and Herzegovina for the period of 2013 – 2017 (hereinafter: GAP BiH) and Action Plan for the Implementation of UNSCR 1325 in Bosnia and Herzegovina for the period of 2014 – 2017 some of the priority area include enhancing participation of women in public life and in decision making with defined measures, activities, deadlines and duty bearers.

The analysis of women's participation in decision making positions, in policy, army and peacekeeping missions, generally indicates certain progress compared to the previous report period, but this progress is far from the expected. The data indicates the trend of maintaining women's interest for military vocation as well as trend of maintaining interest and participation in peacekeeping missions.

In the MoD BiH is indicated trend of slight enhancement rate of employees in women's favour. In the MoD BiH 38% of women is employed and there is 6.8% of women in AF BiH, whereas 24% civilians and 5.5% of women professional soldiers.

Data analysis on women's participation in police forces at all authority levels indicate percentage of 7.5% of women's participation, mainly in the positions of police officers and senior police officers, inspectors, junior and senior inspectors. However in overall number of employed in the security sector institutions; MoS BiH, agencies for implementation of law and organisational units of MoS BiH, entity and cantonal ministries and police of Brčko District of Bosnia and Herzegovina, average women's participation is 50.5%.

There is an evident trend of increased interest in female persons for admission to the Armed Forces of Bosnia and Herzegovina (AF BiH). In 2016 in the AF out of the total number of newly admitted members in the category of soldiers 10.70% were women (public announcement);

The cooperation of the MoD BiH and the Ministry of Defense of the United Kingdom has been continued and further developed. Both sides recognized the project as the need to improve the situation in the field of selection, training and education of young officers. The new young military leaders are chosen solely on the basis of merits, regardless of their national origin, property status, political or family ties. The entire project is funded by the UK and represents the commitment of the MoD BiH and AF BiH to improve the system of selection and training of its young officers. In the year 2016 schooling in the UK have completed four members, newly recruited officers (men) in the AF BiH, while at academy in 2016 is still one female, as future officer in the AF BiH.

The MoD BiH and AF BiH regularly carry out specific measures to increase the number of women in the armed forces. By this they are promoting the military profession, undertaking promotional measures of positive action and seek to eliminate prejudices which are based on the idea of the inferiority or superiority of either sex.

With the aim of promoting the military profession and strengthening of civil-military cooperation, the AF BiH, in cooperation with EUFOR, in February 2016 produced a spot on female members within the AF BiH.

The highest percentage of women as professional military personnel is still in the category of soldiers, which is associated with the rejuvenation of the personnel in the AF BiH. The smallest percentage of women as professional military personnel is in the rank of officer (3.3% of the total number of professional military personnel - officers in the AF BiH).

## *2. Measures for increasing number of women in peacekeeping forces*

In peacekeeping missions, they are mostly female NCOs and soldiers from Bosnia and Herzegovina. In the year 2016 in the peacekeeping mission we had no female officers. During the reporting period there was no significant affirmative measure for increasing women's participation in defence and security sectors, including the participation in decision making positions at all levels. However, the efforts are evident in adequate implementation and application of previously introduced affirmative measures and their impact is visible and appreciable. For example, affirmative measure of MoS BiH related to decreasing number of necessary years of working experience from 8 years to 5 years for women in participation in peacekeeping missions has contributed to continuous increase of number of women in peacekeeping missions, which is by now 30% and this percentage is the highest percentage

since Bosnia and Herzegovina is sending out police officers in peacekeeping missions of the UN.

In order to continue with adopting concrete, affirmative measures for increasing women's participation in defence and security sectors, including decision making positions, the institutions have endeavoured to identify obstacles in order to remove them. The obstacles mainly have long term character due to relation to the stereotypes and prejudices in understanding gender roles. Their removal requires patient, systematic and multidisciplinary approach.

Moreover, certain, concrete, obstacles are recognized, such as obstacle for participation in education trainings which would enhance women's capacities. With an aim to overcome these obstacles the institutions have undertaken various initiatives and measures. Women are participating in different trainings and courses, but when it comes to vocation – professional training aimed for professional improvement in police and army forces, rate of men is higher.

The MoD BiH data on participation in different educational trainings on strengthening professional capacities indicate very low percentage of women's participation in these trainings, with the trend of decreasing. Selection of candidates for education in and abroad is done based on the requests of the educational organisers as well as necessary candidate predispositions (such as: rank, level of knowledge of foreign languages, services , etc.) which often are not adjusted for women. Possibility of learning foreign languages are provided in centres for learning foreign languages of AF BiH, but it demands long – term and all day absence from work, which management of the institutions does not allow for both women and men.

The MoS BiH pays attention that in trainings and other kinds of professional improvements in Bosnia and Herzegovina and abroad is equal number of women and men. Special obstacle regard sending out in peacekeeping missions is lack of English language knowledge. Regularly, via written and oral correspondence is indicates need for systematic approach to training of women, in the area of learning foreign languages and acquiring new skills needed for executing specific tasks.

Police officers are acquiring new skills which enable them to more successful execute regular tasks as well as to execute the tasks within framework of peacekeeping missions. Many of them for the first time face topics related to gender equality, which indicate lack of continuance in maintaining training on gender equality issues. It is expected that gender focal points within MoS BiH will be trained for providing practical advices on how to integrate gender equality principles in all documents that are prepared within certain sectors and to follow and report on their application.

In the MoD BiH there is significant increase in number of women in overall number in peacekeeping missions from 3.5% to 6.7% and of greater importance to achieved progress is fact that in peacekeeping missions participated one women officer and one women non-commissioned officer.

Percentage of women in police peacekeeping missions has been increased to 6%, meaning it increased from 24% to 30%, which is a result of previously introduced affirmative measure of the MoS BiH and which is related to decreasing number of necessary working experience years from 8 years to 5 years for women to participate in peacekeeping missions. Moreover, number of police officers in peacekeeping missions has increased due to continuous and systematic

approach in achieving gender equality. First precondition is existence of internal procedures in which gender representation is agreed as one of the main criteria for peacekeeping missions.

### **III Protection**

#### *1. Enhanced approach to judiciary for women whose rights have been violated*

Regarding gender equality, the areas covered by the complaints received at the Office of Parliamentary Military Commissioner during 2016 do not include any case of unwanted behaviour that was qualified as harassment. As a matter of fact, there were no complaints of any unwanted behaviour based on gender. Regarding women's rights, it is also important to mention that MoD BiH has not yet defined the status of pregnant women, members of the AF BiH, and accordingly it has not been defined which duties and when a pregnant member of the AF BiH may perform within her working tasks.

The General Inspectorate of the MoD BiH and inspectors AF BiH through planned regular training and daily contacts with members of the AF BiH, in addition to training in ethics and professionalism which includes a code of conduct, regularly encourage all persons to report irregularities, including explaining the basic principles of labor inspectors and the communication mode with the same.

### **IV Other information**

#### *1. Information on drafting, implementation and assessment of National Plan on Implementation of Resolution 1325 UN Security Council*

On 40 meeting of the Council of Ministers of Bosnia and Herzegovina, held on 20 January 2015, the Report on Implementation of Action Plan of UNSCR 1325 for the period of 31 July 2014 – 31 July 2015 was adopted and it was stated that all competent institutions are obligatory to proceed with the activities in implementation of the Action Plan. Compared to the previous report period the progress is achieved in implementation of activities focused towards achieving gender equality in sectors of security and defence in Bosnia and Herzegovina.

The Council of Ministers Bosnia and Herzegovina, on the 58th meeting, held on 3 June 2016 adopted the Decision on Amendments of the Decision of Appointment of Coordination Board Members for Supervision of the Activity Implementation from the Action Plan 1325 in Bosnia and Herzegovina. Appointed new members of the Board were representatives of couple of new institutions, and members who have been retired are replaced with newly appointed members. The Decision on Amendments of Decision on Appointment of Members of Coordination Board for Supervision of Implementation Activities of AP UNSCR 1325 in Bosnia and Herzegovina, has been published in the "Official Gazette of Bosnia and Herzegovina", number 55/16.

The Council of Ministers Bosnia and Herzegovina, on the 53 meeting, held on 26 April 2015 has considered and adopted the Information on Implementation of Final Evaluation of Financial Mechanism for Implementation of the BiH Gender Action Plan (FIGAP Programme) and within framework of FIGAP the projects related to implementation of UNSCR 1325 were

implemented. Funding of national action plans is one of the problems in most countries and this confirmed the effort of Bosnia and Herzegovina to ensure additional funding for implementation of strategies and policies in achieving gender equality in Bosnia and Herzegovina, regardless insufficient funds from regular governments budgets.

On the initiative of GEA BiH/ MHRR BiH, UN Women supported organisation of trainings and mentoring programmes for harmonization of legislation and introducing gender responsive budgeting. The termination of trainings was followed by the pilot initiative, in which framework the Draft of Rulebook on Admission to Military Service was harmonized. In collaboration with the OSCE Mission in Bosnia and Herzegovina the workshop was organized for 30 gender focal points from AF BiH and security/police structures and the members of Coordination Board for Implementation of AP UNSCR 1325 in Bosnia and Herzegovina.

It is important to emphasize that all the institutions are working on further improvements of data bases so that the data on situation in certain areas of gender equality within the institutional framework of work of competent institutions for application of UNSCE 1325 and AP UNSCR 1325 in Bosnia and Herzegovina can be generated and analysed.

The MoS BiH once in a year request data on representation of women from the ministries of internal affairs and other agencies competent for implementation of law, at all levels of authority in BiH. Those data are unified, analysed and forwarded to all competent bodies, including GEA BiH/MHRR BiH. In the analysis, the actual state is asserted and the changes which are made compared to previous year, with annotation on obligations that the institutions took over in context of increasing number of women, especially their promotion to higher positions.

## *2. Information on the best practices and lessons learned*

In October 2015 the Global Study on Implementation UN Resolution 1325 “Preventing Conflict, Transforming Justice and Securing the Peace” was promoted and this study was requested by the General Secretary of UN Security Council with goal of overall progress assessment at global, regional and national level, 15 years after the adoption of the Resolution.

The positive practices of BiH have been presented through the implementation of AP UNSCR 1325 in Bosnia and Herzegovina. The example of application of human security concept has been especially emphasized and aforementioned action plan served as the platform for significant initiatives in local communities, through adopting local action plans for implementation of UNSCR 1325. These initiatives place the emphasize and pay the attention on security issues and threats faced by citizens on daily basis in private and public spaces, including gender based violence and discrimination, limited access to natural and economic resources, violation of security related to natural disasters, such as recent floods in Bosnia and Herzegovina, inadequate street lightening, public transportation, etc.

The institutions competent for implementation of AP UNSCR 1325 in BiH and non – governmental organisations in BiH actively promote topics related to the UNSCR 1325 “Women, Peace and Security” through targeted promotion activities, events and materials or through inclusion of these topics in other promotional activities within sector of defence and security. The campaigns have been focused on affirmation and promotion of military



profession, promotion of women's participation in peacekeeping missions as well as strengthening the role and capacities of women in local context, especially in the light of Local Elections of 2016.

It is important to note that in the reporting period especially is emphasized support of the Minister of Defence of Bosnia and Herzegovina through active participation on various events related to gender equality issues and promotion of these issues at the meetings with senior officials. It is also important to mention the contribution of the Human Rights and Refugees Minister of Bosnia and Herzegovina who in number of different occasions promoted importance of women's participation in decision making, and real allegiance to gender equality she showed with her appointing three women as assistant minister.

### *3. Other relevant information*

The UNSCR 1325 "Women, Peace and Security" and accompanying resolutions, including the last Resolution 2242 are becoming more and more actual in context of different political happenings in Bosnia and Herzegovina and in the world, systematic and coordinated approach as well as collaboration of all actors is of great importance. The GEA BiH/MHRR BiH approach "global – regional – local" in implementation of UNSCR 1325 is shown as very useful for progress at all levels of government in Bosnia and Herzegovina, and also useful is regional collaboration and exchange of experiences and practices, promotion and visibility on global level. The application of these resolution opens the possibilities for acting at all levels, as well as acting on the issues of new security challenges and threats (violent extremism, migrations, natural disasters, etc.)

The effect of promotion activities on the realization of AP UNSCR 1325 in Bosnia and Herzegovina is easier to measure in local communities, where non – governmental organisations in certain cases can assess concrete impact on targeted population. Through different activities, women achieve collaboration, they are joining, exchange knowledge and experiences and they get clearer picture on how and in which way to use resources of local community and take active participation in local communities. In broader context women were included in activities which included transfer of positive messages to other women on concrete opportunities for economic empowerment. Moreover these activities contribute to strengthening personal and societal security of women, which is precondition to show and to achieve their full potential.

Participation of MoD and AF BiH employees in the year 2016:

- Regional Meeting of gender instructor, Republic of Serbia, Vrdnik, February 18, 2016;
- Workshop - to produce a manual for trainers of gender equality in the MoD and AF BiH, 22 to 26 February, 2016, Bosnia and Herzegovina, Sarajevo;
- Regional meeting in Arandjelovac, Republic of Serbia in the period from 02 to 04 March 2016;
- Conference "Gender Perspectives and Security in South Eastern Europe" held in Croatia R-Rakitje Zagreb from 06 to 08 April 2016;

- Study visit to the Swedish Defense University;
- Integration of gender perspectives 20 to 22 April 2016;
- Course "Gender Training of Trainers Course" in R Croatia-Zagreb Rakitje held from 17 to 27 May 2016;
- Conference "Gender and Military Operations Annual Discipline", 30 May 2016;
- The final conference of the project "Strengthening Regional Cooperation in the Area of Gender Mainstreaming in Security Sector Reform in the Western Balkans", organized by the UNDP held on 15 July 2016 in Belgrade, Republic of Serbia.

### **Information on Private Military and Security Companies (PMSC)**

Bosnia and Herzegovina has 69 agencies for protection of persons and property operating on its territory, as well as two private detective agencies and one private detective.

In accordance with domestic legislation of Bosnia and Herzegovina (see Annex 1), agencies perform protection (close body protection or other physical protection) of persons and property on the territory of Bosnia and Herzegovina. Agencies for protection of persons and property cannot be employed for the protection of persons and property for the Armed Forces of Bosnia and Herzegovina or for subjects under the jurisdiction of state level and/or lower levels of government.

Registration, licensing and monitoring of agencies for protection of persons and property is handled by the ministries of interior of entities as well as the Brcko District Police, in accordance with legislative acts dealing with this issues (see Annex 1). They maintain oversight and detailed databases of agencies for protection of persons and property and private detective agencies, as well as information about the precise number of employees of those agencies and number of firearms. In Federation of Bosnia and Herzegovina (FBiH), there are total of 46 protection agencies that employ 4054 persons certified for the performance of the protection services in accordance with the Law on the Agencies and Internal Services for Protection of People and Property (F BiH Official Gazette number: 78/08 and 67/13). In accordance with Article 24 of the aforementioned Law, the protection agencies possess in total 1344 handguns and 38 rifles. In comparison to 2016, the number of agencies was increased by two (used to be 44). Another three agencies have been registered, and one agencies ceased its work and its license has been revoked ("Patriot Security" d.o.o. Mostar). The number of security guards increased by 190 (used to be 3864), and the number of weapons increased by 50 (used to be 1294). The control and supervision over the activities of the agencies for protection of persons and property and over private detective agencies are performed by Republika Srpska (RS) Ministry of the Interior (Law on Agencies for Protection of Persons and Property and on private Detective Activities), whereas the control over the activities of RS Ministry of the Interior is performed by the Security Board (Law on Parliamentary Oversight in the Field of Defense and

Security and Law on Amendments of the Law on Parliamentary Oversight in the Field of Defense and Security). In RS there are: 23 agencies for protection of persons and property, one agency whose headquarters are in the FBiH, two private detective agencies, and one private detective. The overall number of the agencies for protection of persons and property and private detective agencies in RS is 1588, and they all possess the total of 611 pieces of short-barreled firearms that have been properly registered. In Brcko District there are 10 agencies for protection of persons and properties with 150 employees, 34 weapons and 14 vehicles.

In accordance with the Law on the Directorate for the Coordination of Police Bodies and Police Support Agencies of Bosnia and Herzegovina, the Agency for Education and Professional Training Mostar<sup>9</sup> is responsible for the training of members of the agencies for protection of people and property, as well as the training of members of the detective agencies, and keeping records of their competency. Training of members of agencies for protection of people and property, as well as the training of members of the detective agencies, as well as keeping records of their competency is also executed by the FBiH and RS Ministries of the Interior, in accordance with legislation listed under Annex 1.

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<sup>9</sup> <http://www.aeptm.gov.ba/naslovnica>

## ANNEX I

### Political documents:

- Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly of the UN, 09 December 1994;
- Declaration to supplement the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly of the UN, 17 December 1996;
- Proliferation Security Initiative, 09 February 2005.

### Universal international multilateral treaties:

- Convention on Criminal Acts and other Acts Committed in Aircraft
- Convention on Suppression of Unlawful Seizure of Aircraft (Hijacking Convention)
- Convention on Suppression of Unlawful Acts Against Safety of Civil Aviation
- Convention on Prevention and Punishment of Criminal Acts against Persons under International Protection, Including Diplomatic Agents
- International Convention against the Taking of Hostages
- Protocol on Suppression of Unlawful Acts of Violence at the Airports serving International Civil Aviation, as an amendment to the Convention on Suppression of Unlawful Acts against the Safety of Civil Aviation dated 23 September 1971
- Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation (in the ratification procedure)
- Protocol on Suppression of Unlawful Acts against the Safety of Fixed Platforms Located in Epicontinental Seaway
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, 01 March 1991;
- International Convention for the Suppression of Terrorist Bombings, 15 December 1997, ratified 19.06.2003
- International Convention for the Suppression of the Financing of Terrorism, 09 December 1999;

### Regional multilateral treaties:

- Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Charter of Organization and Operation of the South-East European Cooperative Initiative Regional Centre SECI for Combating Trans-border Crime, 16 May 1999.
- OSCE Document on SALW (Vienna, 24.11.2001)
- OSCE Charter on Preventing and Combating Terrorism (Porto, December, 2002)
- OSCE Document on Stockpiles of Conventional Ammunition
- Strategic agreement between the Council of Ministers of BiH and the Office of the European Police (EUROPOL), signed on 26 January 2007;
- Agreement between the Council of Ministers of BiH and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;
- Agreement on the Exchange of Security Data with the European Union, signed in 2004.
- Agreement between the Council of Ministers of BiH and the European Union on Readmission; Agreement ratified and entered into force on 01 January 2008;
- Agreement between the BiH Council of Ministers and the European Union on Benefits for Visas; Agreement ratified and entered into force on 01 January 2008;
- In accordance with signed Protocols on Conducting Joint Patrols, regional Plans for conducting joint patrols with Republic Croatia, Montenegro, and the Republic Serbia have been agreed upon, and currently, appropriate actions are being taken in the field.

### Bilateral agreements that define of police cooperation between Bosnia and Herzegovina (BiH) and other states:

Bilateral agreements that define of police cooperation between Bosnia and Herzegovina and other states:

#### Austria

Agreement on Police Cooperation between the Ministry of Security of Bosnia and Herzegovina and the Republic of Austria, signed on 5 May 2006, entered into force on 01 September 2007;

## Bulgaria

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Bulgaria on Police Cooperation, signed in Pleven on 20 September 2007;

## Belgium

Memorandum of Understanding between the Ministry of Security and Belgian Federal Police, signed in Brussels 03 12 2015;

## Croatia

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia on Cooperation in Combating Terrorism, Smuggling and Abuse of Drugs and Organized Crime, concluded in Sarajevo in 2002;

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia on Cooperation and Monitoring of the State Border, signed on 29 March 2007;

According to the Agreement on State Border Surveillance Cooperation, the following protocols were created and signed between the Council of Ministers of Bosnia and Herzegovina and the Government of Republic Croatia:

- Protocol between Ministry of Security of Bosnia and Herzegovina - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Conducting Joint patrols along Common Border;
- Protocol between Ministry of Security of Bosnia and Herzegovina - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Forming Joint Groups for Fighting Crime;
- Protocol between Ministry of Security of Bosnia and Herzegovina - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Assigning Liaison Officers;
- Protocol between Ministry of Security of Bosnia and Herzegovina - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Official Transit Across the Other Contracting Party Territory to Act in Own State Area.

In accordance with the Police Cooperation Convention in Southeastern Europe, the following Protocols and Agreements were signed with the Republic of Serbia:

- Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior of Republic Serbia on Conducting Joint patrols along Common Border;
- Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior of Republic Serbia on Holding Regular Meetings of Border Police Representatives at National, Regional and Local Levels.

In accordance with Police Cooperation Convention in Southeastern Europe, the following Protocols and Agreements were signed with Montenegro:

- Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior and Public Administration of Montenegro on Organizing and Holding Regular Meetings of Border Polices at National, Regional and Local Levels;
- Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior and Public Administration of Montenegro on Conducting Joint patrols along Common Border;
- Agreement between Council of Ministers of Bosnia and Herzegovina and Government of Montenegro on Conducting Border Checks at Joint Border-crossing Points.

#### France

Agreement on cooperation in the area of security between Council of Ministers of Bosnia and Herzegovina and Government of the Republic of France, signed on 29 03 2010. Concrete measures and actions are anticipated with special attention devoted to fight against terrorism, organized crime, illegal drug trade, money laundering and human trafficking;

#### Germany

Joint statement intent for the cooperation in fight against crime, terrorism, organized crime and illegal drug trade between the Ministry of Security of Bosnia and Herzegovina and the Federal Ministry of Interior of the Federal Republic of Germany, signed in Sarajevo, on 15 01 2014;

#### Greece

Agreement on cooperation in area of fight against crime, specially fight against terrorism, illegal drug and organised crime between the Council of Ministers of Bosnia and Herzegovina and the Republic of Greece, signed in March 2006;

#### Hungary

Agreement between the Government of Bosnia and Herzegovina and the Government of the Republic of Hungary on Cooperation on Combating Terrorism, Traffic of Narcotics and Organized Crime, signed in Budapest (Hungary), on 21 April 1996, entered into force on 26 February 2007;

#### Islamic Republic of Iran

Agreement on cooperation in the field of security between the Council of Ministers of Bosnia and Herzegovina and the Islamic Republic of Iran, signed in 2005;

#### Italy

Agreement on cooperation between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Italy in the field of the combat against organized crime, developed and signed in 2002, entered into force on 26 October 2007;

#### Macedonia

Agreement on police cooperation with the Republic of Macedonia, signed on 24 03 2009, Official Gazette no 7/09;

#### Montenegro

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro on Police Cooperation signed in Bečići on 07 September 2007;

#### Romania

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Romania on Police Cooperation signed in Bucharest on 04 June 2007;

Protocol on Implementation between the Ministry of Security of Bosnia and Herzegovina and the Ministry of Internal Affairs and Administrative Reform of the Republic of Romania signed in Bucharest on 06 July, 2007;

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Romania on readmission of their citizens and foreigners, signed in Bucharest on 10 October 2005;

#### Russian Federation

Cooperation Agreement between the Ministry of Security of Bosnia and Herzegovina and the Ministry of Internal Affairs of the Russian Federation, signed in September 2004;

#### Switzerland

Agreement on Police cooperation between the Council of Ministers of Bosnia and Herzegovina and Switzerland, signed on 25 April 2007;

#### Slovakia

Agreement on Police cooperation between the Council of Ministers of Bosnia and Herzegovina and the Republic of Slovakia, initiated in 2006;

#### Serbia

Agreement between the Council of Ministers of Bosnia and Herzegovina and Government of Serbia on police cooperation, signed on 24 09 2010, entered into force on 28 01 2012;

Protocol on Joint Border Patrols along the state border with the Republic of Serbia, signed on 6 March 2009, Official Gazette no 08/09;

#### Turkey

Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Turkey on Cooperation in Combating International Terrorism, Traffic of Narcotic Drugs and Psychotropic Substances and Organized Crime, signed in Ankara (Turkey) on 21 June 2000, ratified by the Presidency of Bosnia and Herzegovina on 5 April 2002);

#### Ukraine

Agreement on Cooperation in Fight Against Crime between Council of Ministers of Bosnia and Herzegovina and the Cabinets of Ministers of Ukraine, signed in Kiev 18 12 2015;

#### Kingdom of Saudi Arabia

Agreement on Cooperation in Fight Against Crime between the Council of Ministers and the Government of Kingdom of Saudi Arabia, signed in Jeddah on 16 05 2016;

#### EUROPOL

Agreement on Operative and Strategic Cooperation between Bosnia and Herzegovina and EUROPOL signed in Sarajevo on 31 08 2016, entered into force 17 03 2017;

**National legislation related to combating terrorism and terrorism-related activities and legislation related to democratic control of armed forces:**

- Criminal Code of BiH
- Law on Criminal Proceedings of BiH
- Law on State Investigation and Protection Agency
- Law on Police Officials of BiH
- Law on Border Control of BiH, followed by creation of implementation regulations to enable full enforcement of all provisions of the Law and the mentioned Protocols and Agreements. So far, the following have entered into force:
  - Book of rules on the manner of weapons and ammunition transport across the state border
  - Book of rules on layouts, contents, conditions and procedure of issuing and taking away permits for movement and stay of persons at international airports
  - Law on Protection of Witnesses under Threat and Vulnerable Witnesses
  - Law on Witness Protection Program
  - Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for the former Yugoslavia and other international restrictive measures.
- The Law on Classified Data Protection of BiH
- Law on the Protection and Rescue of People and Property in the Event of Natural or Other Disasters
- Law on Prevention of Money Laundering and Financing of Terrorism
- Law on Identity Cards of Citizens of BiH
- BiH has also ratified the following treaties in the field of radioactive and nuclear material security:
  - Treaty on the Non-Proliferation of Nuclear Weapons;
  - The New Safeguards Agreement between BiH and International Atomic Energy Agency in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Ratified on 12th December 2012);
  - Additional Protocol to the Safeguards Agreement between BiH and International Atomic Energy Agency in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Ratified on 12th December 2012).
  - Convention on the Physical Protection of Nuclear Material;
  - Amendment to the Convention on the Physical Protection of Nuclear Material.
  - Also, BiH has expressed political support to the implementation of the "Code of Conduct on the Safety and Security of Radioactive Sources."
- There are also other legal and secondary legislation (strategies, and similar documents), which regulate different aspects of institutions and agencies in the area of combating and preventing terrorism in BiH.
- Constitution of BiH
- Law on the Parliamentary Military Commissioner of BiH
- Law on Defense of BiH
- Law on Service in the AF of BiH
- Law on participation of the members of AF of BiH, police officers, civil servants and other employees in peace support missions and other activities abroad
- Law on travel documents of BiH
- Law on amendments to the law on travel documents of BiH
- Constitution of Federation of BiH (FBiH)
- Memorandum of Cooperation in the Fight against Terrorism between the Federal Police Administration and Cantonal Ministries of Interior in the FBiH
- Constitution of Republika Srpska (RS)
- Law on Agencies for Protection of Persons and Property and on Private Detective Activities of RS
- Law on the Government of RS
- Law on Administration of RS
- Law on Internal Affairs of RS (amended in 2014)
- Law on Parliamentary Oversight of the Defense and Security Sector of RS
- Law on Amendments of the Law on Parliamentary Oversight of the Defense and Security Sector of RS
- Law on Police Officers of RS
- Law on Amendments of the Criminal Code of the RS
- Criminal Code of Breko District (BD)
- Statute of BD
- Law on Police of BD



- Law on Agencies for Protection of Persons and Property and on Private Detective Activities of BD
- Law on police officers of BD
- Law on civil service in administration of BD
- Labor Law of BD
- Regulation on Security of Nuclear Material and Radioactive Sources

**Relevant Council of Europe anti-terrorism conventions:**

- European Convention on Combating Terrorism (ETS 90)
- Additional Protocol (ETS 190)
- European Convention on Extradition (ETS 24)
- First Additional Protocol (ETS 86)
- Second Additional Protocol (ETS 98)
- European Convention on Mutual Assistance in Criminal Matters (ETS 30)
- First Additional Protocol (ETS 99)
- Second Additional Protocol (ETS 182)
- European Convention on Transfer of Proceedings in Criminal Matters (ETS 73)
- European Convention on Compensation of Damage to the Victims of Violent Crimes (ETS 116)
- European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)
- Convention on Cybercrime (ETS 185)
- Additional protocol to the Convention on Cybercrime on Incrimination of the Acts of Xenophobic and Racist Nature (ETS 189)
- European Council Convention on Terrorism Prevention (ETS 196)
- European Council Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Combating Terrorism (ETS 198)