



*Stalna misija Bosne i Hercegovine pri Uredu Ujedinjenih naroda u Beču,  
OSSE i drugim međunarodnim organizacijama, B E C  
Permanent Mission of Bosnia and Herzegovina to the United Nations Office  
at Vienna, OSCE and other International Organizations, V I E N N A*

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## NOTE VERBALE

Permanent Mission of Bosnia and Herzegovina to the Organization for Security and Cooperation in Europe presents its compliments to the Secretariat of the Organization for Security and Co-operation in Europe and Permanent Missions and Delegations to the OSCE, and has the honor to enclose the reply to the Questionnaire on Code of Conduct on Politico-Military of Security for Bosnia and Herzegovina.

Permanent Mission of Bosnia and Herzegovina to the Organization for Security and Cooperation in Europe avails itself of this opportunity to renew to the Secretariat of the Organization for Security and Co-operation in Europe and Permanent Missions and Delegations to the OSCE the assurances of its highest consideration.

Vienna, 29 June 2009



To: Secretariat of the Organization for Security and Co-operation in Europe  
Conflict Prevention Centre  
Permanent Missions and Delegations to the OSCE

**BOSNIA AND HERZEGOVINA**

**EXCHANGE OF INFORMATION ON THE OSCE CODE OF  
CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY**

**Sarajevo, June 2009**

# 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, subregional and bilateral) related to preventing and combating terrorism is your State a party?

Bosnia and Herzegovina is a party to the following agreements and arrangements related to preventing and combating terrorism:

#### Political documents:

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

#### UN anti-terrorism conventions:

(Universal international multilateral treaties)

1. Convention on Criminal Acts and other Acts Committed in Aircraft, Official Gazette of BiH, No. 47/70, BiH is the member on the basis of succession, Official Gazette of BiH, No. 26/98.
2. Convention on Suppression of Unlawful Seizure of Aircraft (Hijacking Convention) Official Gazette of SFRY, No. 33/72, BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.
3. Convention on Suppression of Unlawful Acts Against Safety of Civil Aviation Official Gazette of SFRY, No. 33/72, BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.
4. Convention on Prevention and Punishment of Criminal Acts against Persons under International Protection, Including Diplomatic Agents, Official Gazette of SFRY, International Treaties No. 54/76. BiH is the member on the basis of succession, Official Gazette of BiH, No. 25/93.
5. International Convention against the Taking of Hostages, Official Gazette of SFRY, International Treaties No. 9/84. BiH is the member on the basis of succession, Official Gazette of BiH, No. 25/93.

6. Convention on Physical Protection of Nuclear Material, Official Gazette of SFRY, International Treaties No. 9/85. BiH is the member on the basis of succession, Official Gazette of BiH, No. 26/98.
7. 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, Official Gazette of SFRY, and International Treaties No. 14/89. BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.
8. Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation (in the ratification procedure)
9. Protocol on Suppression of Unlawful Acts against the Safety of Fixed Platforms Located in Epicontinental Seaway
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, 01 March 1991;
11. International Convention for the Suppression of Terrorist Bombings, 15 December 1997;
12. International Convention for the Suppression of the Financing of Terrorism, 09 December 1999;

### **Security Council Resolutions**

- |                   |                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S/RES/1822 (2008) | [on directing 1267 Committee to conduct a review of all names on the Consolidated List by 30 June 2010 and followed by regular reviews; making accessible publicly releasable reasons for the listing of individuals and entities and extending the mandate of the Analytical Support and Sanctions Monitoring Team for a further period of 18 months]                     |
| S/RES/1810 (2008) | [on extending mandate of the 1540 Committee for a further three years until 25 April 2011]                                                                                                                                                                                                                                                                                 |
| S/RES/1805 (2008) | [on extending mandate of Counter-Terrorism Committee Executive Directorate (CTED) until 31 December 2010]                                                                                                                                                                                                                                                                  |
| S/RES/1787 (2007) | [on extension of Counter-Terrorism Committee Executive Directorate (CTED) mandate]                                                                                                                                                                                                                                                                                         |
| S/RES/1735 (2006) | [on reviewing the measures imposed resolution 1267 (1999) with a view to their further strengthening in 18 months; providing cover sheet for listing submissions, extending consideration period for exemption requests under resolution 1452 (2002), and extending the mandate of the Analytical Support and Sanctions Monitoring Team for a further period of 18 months] |
| S/RES/1732 (2006) | [on taking note with interest of the best practices and methods contained in the report of the Informal Working Group on General Issues of sanctions (S/2006/997) and requesting subsidiary bodies to take note as well.]                                                                                                                                                  |

- S/RES/1730 (2006) [on establishment of a focal point within the Secretariat to receive de-listing requests and directs the relevant sanctions committees to revise their guidelines accordingly]
- S/RES/1699 (2006) [on requesting the Secretary-General to take the necessary steps to increase cooperation between the United Nations and Interpol]
- S/RES/1673 (2006) [on extending mandate of the 1540 Committee for a further two years]
- S/RES/1631 (2005) [on cooperation between the United Nations and regional organizations in maintaining international peace and security]
- S/RES/1625 (2005) [Threats to international peace and security caused by terrorist acts]
- S/RES/1624 (2005) [on prohibition of incitement to commit terrorist acts]
- S/RES/1618 (2005) [on condemnation of terrorist attacks in Iraq]
- S/RES/1617 (2005) [on reviewing the measures imposed by resolution 1267 (1999) with a view to their further strengthening in 17 months; providing definition of "associated with", calling for submission of checklist, and requesting the Secretary-General to extend the mandate of the Analytical Support and Sanctions Monitoring Team for 17 months]
- S/RES/1611 (2005) [on condemnation of terrorist attacks in London]
- S/RES/1566 (2004) [on creation of working group to consider measures against individuals, groups and entities other than Al-Qaida/Taliban]
- S/RES/1540 (2004) [Under Chapter VII of the United Nations Charter, obliges States to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems]
- S/RES/1535(2004) [on creation of Counter-Terrorism Committee Executive Directorate (CTED)]
- S/RES/1530(2004) [on the bomb attacks in Madrid, Spain, on 11 March 2004]
- S/RES/1526(2004) [on further improving the implementation of resolution 1267 (1999), strengthening the mandate of the 1267 Committee and requesting the Secretary-General to appoint an Analytical Support and Sanctions Monitoring Team for 18 months (paras 1, 3, 6 & 7)]
- S/RES/1516(2003) [on the bomb attacks in Istanbul, Turkey, on 15 November 2003 and 20 November 2003]
- S/RES/1465(2003) [on the bomb attack in Bogota, Colombia]
- S/RES/1456(2003) [on high-level meeting of the Security Council on combating terrorism]
- S/RES/1455(2003) [on improving implementation of measures imposed by resolution 1267 (1999)]
- S/RES/1452(2002) [on implementation of measures imposed by resolution 1267 (1999)]
- S/RES/1450(2002) [on condemning the terrorist bomb attack, in Kikambalā, Kenya, and the at-

	tempted missile attack on the airline departing Mombasa, Kenya, 28 November 2002]
S/RES/1440(2002)	[on condemning the act of taking hostages in Moscow, Russian Federation, on 23 October 2002]
S/RES/1438(2002)	[on the bomb attacks in Bali, Indonesia]
S/RES/1377(2001)	[on the adoption of declaration on the global effort to combat terrorism]
S/RES/1373(2001)	[on international cooperation to combat threats to international peace and security caused by terrorist acts]
S/RES/1368(2001)	[condemning the terrorist attacks of 11 September 2001 in New York, Washington, D.C. and Pennsylvania, United States of America]
S/RES/1363(2001)	[on the establishment of a mechanism to monitor the implementation of measures imposed by resolutions 1267 (1999) and 1333 (2000)]
S/RES/1333(2000)	[on measures against the Taliban]
S/RES/1269(1999)	[on international cooperation in the fight against terrorism]
S/RES/1267(1999)	[on measures against the Taliban]
S/RES/1214(1998)	[on the situation in Afghanistan]
S/RES/1189(1998)	[on the terrorist bomb attacks of 7 Aug. 1998 in Kenya and Tanzania]
S/RES/1054(1996)	[on sanctions against the Sudan in connection with non-compliance with Security Council resolution 1044 (1996) demanding extradition to Ethiopia of the three suspects wanted in connection with assassination attempt on President Mubarak of Egypt]
S/RES/1044(1996)	[calling upon the Sudan to extradite to Ethiopia the three suspects wanted in connection with the assassination attempt against President Mubarak of Egypt]
S/RES/731(1992)	[on the destruction of Pan American flight 103 and Union des transports aériens flights 772]
S/RES/748(1992)	[on sanctions against the Libyan Arab Jamahiriya]
S/RES/687(1991)	[on restoration of the sovereignty, independence and territorial integrity of Kuwait]
S/RES/635(1989)	[on marking of plastic or sheet explosives for the purpose of detection]

BiH is actively working on the implementation of all UN resolutions, especially 1267 and 1373. The implementation of UNSCR 1267 is ensured through the Law on Implementation of Restrictive Measures. Since 2001, BiH submitted five reports on the implementation of UNSCR 1373 to the UN Counter-Terrorism Committee (UN CTC).

The UN Counter-Terrorism Executive Directorate (UN CTED) visited BiH in November 2007 to observe directly the status of implementing UNSCR 1373.

**Regional multilateral treaties:**

1. European Convention on the Suppression of Terrorism, 27 January 1977;
2. Protocol amending the European Convention on the Suppression of Terrorism, 27 January 2005;
3. Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Charter of Organisation and Operation of the South-East European Cooperative Initiative Regional Centre SECI for Combating Trans-border Crime, 16 May 1999.

Relevant Council of Europe conventions – Bosnia and Herzegovina	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	17/03/2003	03/10/2003
Amending Protocol (ETS 190)	04/02/2005	-
European Convention on Extradition (ETS 24)	30/04/2004	25/04/2005
First Additional Protocol (ETS 86)	30/04/2004	25/04/2005
Second Additional Protocol (ETS 98)	30/04/2004	25/04/2005
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	30/04/2004	25/04/2005
First Additional Protocol (ETS 99)	-	-
Second Additional Protocol (ETS 182)	17/05/2006	07/11/2007
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	30/04/2004	25/04/2005
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	30/04/2004	25/04/2005
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	30/03/04*	30/03/04*
Convention on Cybercrime (ETS 185)	09/02/2005	19/05/2006
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	09/02/2005	19/05/2006
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	19/01/2006	11/01/2008
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	19/01/2006	11/01/2008

- 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

BiH signed the Agreement on the Exchange of Security Data with the European Union (Agreement signed in 2004).

In addition, the Security Agreement with NATO was signed on 16 March 2007.

**The bilateral agreements that define the issue of police co-operation between Bosnia and Herzegovina (BiH) and other states are as follows:**

1. Agreement between the Council of Ministers of BiH and Government of the Republic of Hungary on cooperation on the issues of the combat against terrorism, trade

of narcotics and organized crime, signed in Budapest, Hungary on 21 April 1996 entered into force on 26 February 2007;

2. Agreement on cooperation in the combat against international terrorism, illegal trade of narcotics and pschychotropic substances, and organized crime between the Council of Ministers of BiH and the Government of the Republic of Turkey, signed in Ankara, Turkey on 21 June 2000 (ratified by the BiH Presidency on 05 April 2002).

3. Agreement on cooperation between the Council of Ministers of BiH 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.

4. Contract between the Council of Ministers of BiH and the Government of the Republic of Croatia on cooperation in the combat against terrorism, smuggling and abuse of drugs, and combat against organized crime, developed and signed in 2002;

5. Co-operation Agreement between the Ministry of Security of BiH and the Ministry of Internal Affairs of the Russian Federation, signed in September 2004;

6. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Greece, signed in March 2006.

7. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Austria, signed on 5 May 2006, entered into force on 01 September 2007.

8. Agreement on Police cooperation between the Council of Ministers of BiH and the Islamic Republic of Iran, signed in 2005.

9. Agreement on Police cooperation between the Council of Ministers of BiH and Switzerland, signed 25 April 2007.

10. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Slovakia, initiated in 2006.

11. Strategic agreement between the Council of Ministers of BiH and the Office of the European Police (EUROPOL), signed on 26 January 2007;

12. Agreement between the Council of Ministers of BiH and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;

13. Agreement between the Council of Ministers of BiH and the Government of the Republic of Croatia on Co-operation and Monitoring of the State Border (signed on 29 March 2007);

14. Agreement between the Council of Ministers of BiH and the Government of the Republic of Romania on Police Co-operation in Bucharest, signed 04 June 2007;

15. Protocol on Implementation between the BiH Ministry of Security and the



Government of the Republic of Romania Ministry of Internal Affairs and Administrative Reform, signed in Bucharest on 06 July, 2007;

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

17. Agreement between the Council of Ministers of BiH and the Government of the Republic of Bulgaria on Police Co-operation in Pleven, signed on 20 September 2007;

18. Agreement between the Council of Ministers of BiH and the Government of Montenegro on Police Co-operation in Becici, signed on 07 September 2007;

19. Agreement between the Council of Ministers of BiH and the European Union on Readmission; Agreement ratified and entered into force on 01 January 2008;

20. 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;

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

### **Measures for prevention and combating terrorism**

Bosnia and Herzegovina has signed agreements on police cooperation with the following countries:

- Republic of Macedonia (initialed 31/05/2006) (Ohrid 21/03/2008 )
- Republic of Albania (initialed 27/02/2009) (Sarajevo 24/03/2009)

Also, Bosnia and Herzegovina has signed agreements on readmission with the following countries:

- Montenegro (08/10/2008) (Sarajevo 01/12/2008)
- Republic of Albania (27/02/2009) (24/03/2009)

### **Criminal Code**

For the purpose of full harmonisation of the BiH Criminal Code with the international instruments and standards, the Council of Ministers of BiH formed the working group tasked to develop the draft amendments to the BiH Criminal Code in the part referring to terrorism.

The Working Group completed the task in the fall of 2007 and, through the BiH Ministry of Security, submitted the Draft Amendments to the BiH Criminal Code to the BiH Ministry of Justice. The BiH Ministry of Justice submitted the Draft Amendments for the adoption procedure.

We would like to note that the aforementioned proposals were developed in cooperation with the experts from the UN Office on Drugs and Crime Terrorism Prevention Branch (UNODC-TPB) and the Council of Europe.

The regulations dealing with the issues of the combat against terrorism and funding of terrorist organisations are, as follows:

1. Criminal Procedure Code of BiH (BiH Official Gazette, number 3/03, 32/03, 36/03);
2. Criminal Code of BiH (BiH Official Gazette, number 3/03, 32/03, 37/03);
3. Law on Prevention of Money Laundering (BiH Official Gazette, number 29/04);
4. Law on State Protection and Investigation Agency - SIPA (BiH Official Gazette, number 27/04);
5. Book of Rules on Data, Information, Documentation, Methods of Identification and minimum other indicators required for efficient implementation of the provisions of the Law on Prevention of Money Laundering (BiH Official Gazette, number 27/05).

In reforming its criminal legislation (2003), B&H paid special attention to the classification of offences related to terrorism as criminal acts. Accordingly, the following offences are considered criminal acts in the new Criminal Code of Bosnia and Herzegovina (CCB&H)<sup>1</sup>: terrorism (Article 201)<sup>2</sup> and the financing of terrorist activities (Article 202)<sup>3</sup>.

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<sup>1</sup> Criminal Code of B&H "Official Gazette of B&H" number 3/03.

<sup>2</sup> Article 201 of the CCBiH on the Terrorism states:

(1) Whoever perpetrates a terrorist act with the aim of seriously intimidating a population or unduly compelling the Bosnia and Herzegovina authorities, government of another state or international organisation to perform or abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of Bosnia and Herzegovina, of another state or international organisation, shall be punished by imprisonment for a term not less than three years.

(2) If the death of one or more people resulted from perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator, shall be punished by imprisonment for a term not less than five years.

(3) If in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article the perpetrator intentionally deprived another person of his life, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(4) A *terrorist act*, in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to a state or international organisation:

- a) Attack upon person's life, which may cause death;
- b) Attack upon the physical integrity of a person;
- c) Unlawful confinement of, keeping confined or in some other manner depriving another of the freedom of movement, or restricting it in some way, with the aim to force him or some other person to do or to omit or to bear something (kidnapping) or taking of hostages;
- d) Causing a great damage to facility of Bosnia and Herzegovina, facility of government of another state or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
- e) Kidnapping of aircraft, ships or other means of public or goods transport;
- f) Manufacture, possession, acquisition, transport, supply, use of or training for the use of weapons, explosives, nuclear, biological or chemical weapons or radioactive material, as well as research into, and development of, biological and chemical weapons or radioactive material;
- g) Releasing dangerous substances, or causing fire, explosion or floods the effect of which is to endanger human life;

In addition, the Entity Criminal Codes,<sup>4</sup> and the Criminal Code of Brčko District,<sup>5</sup> criminalise the above-mentioned criminal offences almost identically (the only difference is in the subject of the legal protection: state, entity or district).

Besides the above-mentioned articles, the following articles of the Criminal Code of B&H also apply in the case of individual acts of terrorism: Article 19 - Taking of hostages, Article 192 - Endangering internationally protected persons, Article 193 - Illicit trafficking in arms and military equipment, Article 194 - Illicit procurement and disposal of nuclear material, Article 196 - Piracy, Article 197 - Hijacking an aircraft or a ship, Article 198 - Endangering the safety of air traffic and maritime navigation, Article 199 - Destruction and removal of signal devices utilised for safety of the air traffic, Article 200 - Misuse of telecommunication signals, Article 212 - Illicit trade, Article 213 - Illicit manufacturing<sup>6</sup>.

The following articles of the Criminal Code of B&H should also be emphasised: Article 26 - Attempt, Article 29 - Accomplices, Article 30 - Incitement, Article 31 - Accessory, Article 247 - Conspiracy to perpetrate a criminal offence, Article 248 - Associating for the purpose of perpetrating criminal offences, Article 32 - Limitations in responsibility and punishment of collaborators, Article 35 - Intent and Article 36 - Negligence<sup>7</sup>.

Therefore, the general provisions of the Criminal Code of B&H provide for the criminalisation of not only organised terrorist activities, but also incitement, accessory, accomplices and similar types of activities mentioned above, which can also be applied to other criminal offences.

Bosnia and Herzegovina ratified the Council of Europe Convention on the Prevention of Terrorism (ETS 196) on 11<sup>th</sup> January 2008. The ratification process of the UN Convention for the Suppression of Acts of Nuclear Terrorism is ongoing. Aiming

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h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;

i) Threatening to perpetrate any of the acts referred to in items a) to h) of this paragraph.

<sup>3</sup> Article 202 of the CCBiH on the Funding of Terrorist Activities states: Whoever by any means, directly or indirectly, provides or collects funds with the aim that they should be used or knowing that they are to be used, in full or in part, in order to perpetrate:

a) A criminal offence referred to in Article 191 (*Taking of Hostages*), 192 (*Endangering Internationally Protected Persons*), 194 (*Illicit Procurement and Disposal of Nuclear Material*), 196 (*Piracy*), 197 (*Hijacking an Aircraft or a Ship*), 198 (*Endangering the Safety of Air Traffic and Maritime Navigation*), 199 (*Destruction and Removal of Signal Devices Utilised for Safety of the Air Traffic*), 200 (*Misuse of Telecommunication Signals*) and 201 (*Terrorism*) of this Code;

b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel the authorities of Bosnia and Herzegovina or any other government or an international organisation to perform or to abstain from performing any act, shall be punished by imprisonment for a term between one and ten years.

<sup>4</sup> Criminal Code of the Federation and Criminal Code of Republika Srpska.

<sup>5</sup> Criminal Code of Brčko District B&H.

<sup>6</sup> Available at: [www.coe.int/T/E/Legal\\_Affairs/Legal\\_co-operation/Fight\\_against\\_terrorism/4\\_Theme\\_Files/Country\\_Profiles\\_B&H\\_-\\_Legislation](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Fight_against_terrorism/4_Theme_Files/Country_Profiles_B&H_-_Legislation)

<sup>7</sup> Ibidem 6

more efficient implementation of these instruments, new amendments to the Criminal Code of B&H were suggested.

Also, in line with these and other relevant international instruments the number of "lex specialis laws" have been amended or are in the amending procedure" (see page 5-7). Having in mind that getting closer and acceding to NATO and EU is most important national goal the main focus is given to the harmonisation of national legislation with EU and NATO instruments and standards.

### **The area of court jurisdiction**

The criminal legislation of B&H shall be applied to any person who perpetrates a criminal offence in the territory of B&H, regardless of the perpetrator's citizenship (territorial principle). Pursuant to the provisions of international law, the territorial principle has been supplemented with another two principles: the principle of ship's flag and the principle of aircraft registration.<sup>8</sup>

The criminal legislation of B&H shall be applied to any person who perpetrates a criminal offence outside B&H which is directed against the integrity of B&H,<sup>9</sup> a criminal offence which B&H is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements, as well as a criminal offence against an official or person with responsibility within the institutions of Bosnia and Herzegovina, related to his/her duty.<sup>10</sup>

The criminal legislation of B&H shall be applied to a non-citizen of B&H who, outside its territory, perpetrates any criminal offence against B&H or one of its citizens. It shall be applied to a non-citizen of B&H who, outside its territory, perpetrates a criminal offence against a foreign state or non-citizen of B&H for which, under the law in force in the place of perpetration of the criminal offence, a term of imprisonment of five years or a more severe punishment may be imposed.<sup>11</sup>

In the cases referred to in the last paragraph, the criminal legislation of B&H shall be applied only if the perpetrator of the criminal offence is found within the territory of B&H, or has been extradited to it, or if the perpetrator is found within the territory of B&H and is not extradited to another state.

### **Forfeiture of objects acquired by a criminal offence**

As a security measure, forfeiture of objects<sup>12</sup> is established by the Criminal Code of B&H and concerns any object in connection with a criminal offence which was either used or destined for use in the perpetration of a criminal offence. This security measure also applies when there is a danger that those objects will be used again for the

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<sup>8</sup> Article 11, Chapter II - General Provisions, Criminal Code of B&H.

<sup>9</sup> Chapter XVI, Criminal Code of B&H.

<sup>10</sup> Paragraph 1, items a), c) and d), Article 12, Chapter II - General Provisions, Criminal Code of B&H.

<sup>11</sup> Paragraph 2, Article 12, Chapter II - General Provisions, Criminal Code of B&H.

<sup>12</sup> Article 74, Chapter IX - Security Measures, Criminal Code of B&H.

perpetration of a criminal offence or when necessary to protect the public safety or for moral reasons. Objects may be forfeited even if not owned by the perpetrator when public safety considerations or moral reasons so require, but such forfeiture does not affect the rights of third parties to obtain damages from the perpetrator.

## **Procedural rules**

The Criminal Procedure Code of B&H (CCPB&H)<sup>13</sup> does not provide for special ways of prosecuting criminal acts related to terrorism - there is no difference in the prosecution of a criminal terrorist activity and other criminal activities. Thus, all procedural actions shall be implemented in accordance with the Criminal Procedure Code of B&H, with respect for the human rights and freedoms arising from numerous international documents, particularly the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) which was ratified by Bosnia and Herzegovina and entirely integrated in its Constitution.

## **Investigative methods**

Special investigative measures<sup>14</sup> defined by the Criminal Procedure Code of B&H may be applied in an investigation; they may include certain temporary restrictions of fundamental rights and freedoms in the process of obtaining the data and evidence necessary to carry out a criminal proceeding. These are: surveillance and technical recording of telecommunications, access to computer systems and computerised data processing, surveillance and technical recording of premises, covert following and technical recording of individuals and objects, use of undercover investigators and informants, simulated purchase of objects and simulated bribery, supervised transport and delivery of objects of criminal offence.<sup>15 16</sup>

Competence to initiate the above-mentioned measures is assigned to the prosecutor, but only the court may approve them (judge for previous proceeding). At the same time, the court controls the legality of the procedure for the application of these measures (the principle of court supervision).

The introduction of special investigative measures in the Criminal Procedure Code of B&H was motivated by:

- the aspiration of Bosnia and Herzegovina to enhance the fight against the most complex types of crimes, including terrorism;
- the commitment of the state to fight growing crimes which endanger not only public safety but also the whole democratic system;
- an obligation arising from numerous international documents; and

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<sup>13</sup> Criminal Procedure Code of B&H, "Official Gazette of B&H" number 3/03.

<sup>14</sup> Articles 116-122, Chapter IX - Special Investigative Actions, Criminal Procedure Code of B&H.

<sup>15</sup> Article 116, Chapter IX - Special Investigative Actions, Criminal Procedure Code of B&H.

<sup>16</sup> For the successful suppression of modern types of crime, apart from undercover operations and measures, other activities may be implemented, such as: "transfer" of the burden of providing evidence to the suspect, i.e. the convict in the proceedings; forfeiture of property gains acquired by a criminal offence; testimony by witnesses under protection; granting of complete or partial immunity from criminal prosecution to so-called collaborators of justice; or revealing of a banking secret.

- the general opinion that the specificities of modern organised crime and terrorism call for the introduction of special measures and action in detecting and proving the commission of such criminal offences.

Pursuant to the paragraph which defines that human rights and freedoms may be restricted only if protecting legitimate social interests and values (Article 8, Paragraph 2 of the ECHR), the above-mentioned measures and actions abide by the following principles which are generally accepted: any action or measure must be regulated by law; special investigative measures shall be applied only if the aim cannot be achieved in any other way; they may only be applied in serious and complex cases; and their duration shall be limited.

## Other relevant laws

### **Protection of witnesses**

Another important aspect of the fight against terrorism is the protection of witnesses. The protection of witnesses is conducted in compliance with the **Law on Protection of Witnesses under Threat and Vulnerable Witnesses**,<sup>17</sup> the **Law on Witness Protection Programme**,<sup>18</sup> and other regulations of B&H relating to witness protection.

According to the Law on Witness Protection Programme, a witness may be provided protection with his/her approval, if he/she or any member of his/her family faces a threat endangering his/her life, health or freedom, because of his/her intention to act as a witness. A witness may also be provided protection if a threat is identified only after the completion of a criminal proceeding, if the threat is caused by the fact that the witness testified during the proceeding. This Law stipulates that witness protection measures shall be implemented by the **Department for Witness Protection** within the State Investigation and Protection Agency (SIPA).

The Law on Witness Protection Programme is in amending procedure, actually the amendments have been referred to the Parliament of B&H and its adoption is to be expected soon.

B&H has not adopted a law on the assistance and compensation of victims of terrorist activities, but psycho-social and similar assistance is provided for in the Law on Protection of Witnesses under Threat and Vulnerable Witnesses. Thus, Article 6 of this Law stipulates that "during the investigation, the Prosecutor, and after the indictment has been issued, the Court, shall ensure that the body responsible for issues of social care is aware of the involvement of the vulnerable witness in the proceedings and shall enable the assistance provided by this body as well as psychological support to the witness, including the presence of appropriate professionals during examinations or hearings".

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<sup>17</sup> "Official Gazette of B&H" numbers 3/03, 21/03 and 61/04.

<sup>18</sup> "Official Gazette of B&H" number 29/04.

## **Application of international restrictive measures**

The international restrictive measures are applying by the **Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures**<sup>19</sup>.

This Law regulates appliance of international measures which are in line with international law, that Bosnia and Herzegovina applying against states, international organisation, territorial units, movements and physical and legal persons, and other subjects encompassed by international restrictive measures.

International restrictive measures includes: arms embargo, completely or partly restrictions of export or import, travel ban, financial restrictions and other measures in line with international law.

Ministry of Security manages data base on persons who are object of these restrictive measures.

**The Law on Classified Data Protection of B&H (Official Gazette of B&H no. 54/05)** regulates common bases of a unique system of determining, access, use, safekeeping and protection of classified data from an unauthorized disclosure, destruction and misuse, within the competence of Bosnia and Herzegovina, entities and other levels of state structure of Bosnia and Herzegovina related to public security, defense, foreign affairs or intelligence and security activities, cessation of secrecy of such data, as well as procedure of security vetting and issuance of security permit for the access to classified data.

## **The Framework Law on the Protection and Rescue of People and Property in the Event of Natural or Other Disasters**

Getting closer to the Euro-Atlantic integrations implies creation of the new legal and institutional frame for the protection and rescue, and its integration into contemporary EU and NATO concepts.

In order to implement mentioned activities, on May 15 2008 Parliament of B&H adopted the Law Framework on the Protection and Rescue of People and Property in the event of Natural and other Disasters in B&H.

This Law, in general framework, regulates protection and rescue of people and property in the event of natural or other disasters in Bosnia and Herzegovina, as follows:

- a) Implementation of the international obligations and cooperation in the implementation of protection and rescue, i.e. civil-protection;
- b) Competencies of the bodies and institutions of Bosnia and Herzegovina in the field

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<sup>19</sup> Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures, Official Gazette of B&H, No 25/06

- of protection and rescue of people and property in natural and other disasters in Bosnia and Herzegovina;
- c) Coordination of actions of the institutions and bodies of Bosnia and Herzegovina, the entity civil protection administrations and the relevant body for civil protection of the Brcko District of Bosnia and Herzegovina (hereinafter: the Brcko-District);
- d) Operations Communication Centre of Bosnia and Herzegovina---112;
- e) Issuance and harmonization of the framework plans and programmes of protection and rescue in the event of natural or other disasters;
- f) Public information and public relations;
- g) Funding;

Article 18. Defines: „For the purpose of constant collection of data on all phenomena and dangers that may lead to a natural or other disaster as well as data on consequences of natural or other disasters for people and property in affected areas, and data processing and dissemination to competent authorities and legal persons, the system of single European emergency call number 112 shall be introduced in Bosnia and Herzegovina, and the Operations Communication Centre of Bosnia and Herzegovina – 112 (hereinafter: Centre – 112) shall be established”.

The Law foresees, as well, establishment of the Coordination Body. This Body will coordinate and manage all activities related to the protection and rescue of the people and property in the event of natural or other disasters

Apart from these, the following Laws are also significant for counter terrorism in Bosnia and Herzegovina:

- The Criminal Procedure Code of Bosnia and Herzegovina;
- The Criminal Code of the Federation of B&H and the Criminal Procedure Code of the Federation of B&H;
- The Criminal Code of the Republic of Srpska and the Criminal Procedure Code of the Republic of Srpska;
- The Criminal Code of Brcko District and the Criminal Procedure Code of Brcko District

Other relevant Laws:

- The Law on the Prevention of Money Laundering B&H;
- The Law on the Protection of Witnesses under Threat and Vulnerable Witnesses;
- The Law on the Protection of Secret Data;
- The Law on the Intelligence Security Agency B&H;
- The Law on the State Investigation and Protection Agency;
- The Law on the State Border Police of B&H

### **The Criminal Procedure Code of Bosnia and Herzegovina**

The Criminal Procedure Code does not provide for the special manner of prosecuting terrorist acts.

**Actions Aimed at Obtaining Evidence and Special Investigative Measures**



The Criminal Procedure Code, apart from the Actions Aimed at Obtaining Evidence, provides for the application of Special Investigative Measures, which might include temporary restrictions on fundamental rights and freedoms of a person in a process of gathering data and evidence necessary for conducting criminal procedure. Those are: surveillance and technical recording of telecommunications, access to the computer systems and computerized data processing, surveillance and technical recording of premises, covert following and technical recording of individuals and objects, use of undercover investigators and informants, simulated purchase of certain objects and simulated bribery and supervised transport and delivery of objects of criminal offence.

Initiation of the aforementioned measures is within the competence of the Prosecutor's Office, and they can be ordered only by the approval of the Court which also conducts a supervision and control of the legality of the application of the aforementioned measures.

The introduction of the Special Investigative Measures into the Criminal Procedure Code of B&H, is motivated by an aspiration of Bosnia and Herzegovina to strengthen the fight against the most complex types of crime, including terrorism, and on the other hand Bosnia and Herzegovina is obliged to fight against rising crime that is endangering not only the safety of its citizens, but the entire democratic system; also the introduction of these measures is an obligation resulting from numerous international documents, and finally an opinion is generally accepted that specificities of contemporary organised crime and terrorism require an adoption of special measures and actions in detecting and proving such criminal offences. Special investigative actions are applied only when there is no other way to accomplish the goal. They can be applied only in serious and complex cases, and their duration must be time limited.

**The Court of Bosnia and Herzegovina** is competent for the criminal offences stipulated by the Criminal Code of Bosnia and Herzegovina as well as for criminal offences of the entity courts, when those criminal offences: a) endanger sovereignty, territorial integrity, political independence, national security and international subjectivity of Bosnia and Herzegovina; b) may have negative repercussions and damaging consequences for Bosnia and Herzegovina or may cause serious economic damage or other harmful consequences outside of the territory of the entities and district. Also, within the competence of the Court of B&H is to decide on issues relating to implementation of international and inter-entity criminal provisions, including relations with Interpol and other international police authorities, such as a transfer of a convicted person, extradition and delivery of persons, requested by any foreign authority in the territory of Bosnia and Herzegovina, or international court or tribunal.

Realising the importance and complexity of combating terrorism, the Ministry of Security of B&H adopted the Strategy for Combating Terrorism.

The procurement, carrying, and possession of weapons and ammunition by private individuals or legal persons are governed by entity regulations.

The harmonization of these regulations is an ongoing process.

Due to this fact, by the Order of the Council of Ministers of BiH, (15th Assembly, 28.06.2007), groups of experts have been formed on the State level in order to make propositions of regulations in the area of manufacturing, transportation, keeping and storage arms and military equipment and transportation of hazardous substances and dual use means (Official Gazette BiH n.60/07).

The expert team made propositions on the Laws as follows:

- Law on Arms
  - o Central registry establishment
- Law on Transport of Dangerous Goods
- The Law on Border Control
- Law on Control of Movement of Arms and Military Equipment
- Decision on issuance of unique agreements (licenses) for the transportation of hazardous substances

#### Advantages of the implementation of these Laws:

- Legal harmonization  
For legal harmonization, but also for operational reasons, a State-level Law and a Central Database for the registration of SALW in civil possession are needed
- Implementation of EC Directives  
The Law on Arms is aligned with EC Directive on arms acquisition and possession.  
The Law on transport of hazardous substances is aligned with EC Directives
- Implementation of UN Model Regulations  
The Law on transport of hazardous substances is aligned with UN Model Regulations
- Efficient control at all levels in relation to arms, export, import, stamping, issuance of licenses and etc.
- A unique data base at the State level

The National Strategy and Action Plan have been adopted in accordance with the UN Programme of Fight against Illicit Arms and the EU Strategy. The Small Arms Control Strategy and Action Plan represents a basic document for the humanitarian and other collection and destruction of SALW, the prevention and fight against the illegal holding of SALW problem and eradication of the illegal trade in SALW in all of its aspects. It is obvious that with fewer SALW in circulation, and tighter controls over their use, there are lower rates of violent death.

The state-level Criminal Code of Bosnia and Herzegovina incriminates the acts related to terrorism as follows: terrorism – Article 201 and financing of terrorist activities – Article 202. Individual acts of terrorism, in addition to the criminal offences under the articles referred above, can also be related to the following criminal offences: taking of hostages – Article 191, endangering internationally protected persons – Article 192, illicit trafficking of arms and military equipment – Article 193, illicit procurement and possession of nuclear material – Article 194, piracy – Article 196, hijacking of aircraft or vessel – Article 197, endangering the safety of air traffic or maritime navigation – Article 198, and others.

The Criminal Code of the Federation of Bosnia and Herzegovina, Chapter XVIII, defines the criminal offences of terrorism in Article 200 – taking hostages, Article 201 – terrorism, and Article 202 – financing of terrorist activities.

Legal frame of the Police of Brcko District BIH for the fight against terrorism is defined in:

- a) Law on Police of Brcko District BIH (Official gazette of Brcko District BIH number 2/00, 5/01, 2/02, 17/02, 6/03, 15/04, 42/04, 11/05, 33/05, 41/07).

The Police of Brcko District BIH is carrying out duties and tasks with priority on:

- Protection of life and personal safety
- Preventing and revealing of criminal acts
- Human and citizens rights guaranteed by the Statute of BIH

- b) Criminal Law of Brcko District BIH

In chapter XVIII Criminal Law of Brcko District BIH following criminal acts are stipulated:

- Hostage taking (article 197)
- Terrorism (article 198)
- Financing of terrorist activities (article 199).

The institutional framework for the fight against terrorism is stipulated in the Book of Rules on internal organization and job classification of the Police of Brcko District BIH. Within the Crime Police Unit two sections are responsible for the conducting police activities for the following fields:

- Section for fight against organized crime and terrorism
- Section for crime intelligence support

In accordance with the legal responsibility the Police of Brcko District, by using its own personnel and material capacities and with a proactive approach, is significantly participating in gathering and exchange of information with other police agencies in BIH.

### **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?**

The **Prosecutor's Office of B&H**<sup>20</sup> is responsible for the investigation and prosecution of criminal acts pursuant to the Criminal Procedure Code of B&H.

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<sup>20</sup> [www.tuzilastvobih.gov.ba](http://www.tuzilastvobih.gov.ba)

The **Intelligence and Security Agency of B&H**<sup>21</sup> is responsible for collecting and analysing intelligence data related to threats to the security of B&H, both within the country and from abroad, including terrorism and international terrorism.

The **Ministry of Security of B&H**<sup>22</sup> as main security institution in B&H, is responsible for: protection of international borders, prevention and tracing of perpetrators of criminal offences of terrorism, drug trafficking, counterfeiting of domestic and foreign currencies and trafficking in persons, and of other criminal offences with an international or inter-Entity element, international co-operation in all areas within the remit of the Ministry, protection of persons and facilities, collection and use of data relevant for security of B&H, organization and harmonization of the activities of the Entity Ministries of Internal Affairs and of the District of Brcko of B&H in accomplishing the tasks of security in the interest of B&H, meeting of international obligations and co-operation in carrying out of civil defense, coordination of activities of the Entity civil defense services in B&H and harmonization of their plans in the event of natural or other disasters afflicting B&H, and adoption of protection and rescue plans and programmes, implementing B&H immigration and asylum policy and regulating procedures concerning movement and stay of foreigner in B&H.

Part of the Ministry of Security is the **Department for the Fight against Terrorism** which monitors the implementation of international conventions; is responsible for international co-operation; drafts new legal regulations on fighting terrorism; 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 organised crime. In this respect, the Department co-operates with the Agencies within the Ministry of Security, other institutions and relevant international organisations.

Within the Ministry of Security are: the Border Police, the State Investigation and Protection Agency, Service for Foreigners as administrative organizations whose rights, duties and operational autonomies are regulated by separate laws, and the Office for Co-operation with Interpol, as an autonomous service whose rights and duties are regulated by separate regulations.

The **State Investigation and Protection Agency**<sup>23</sup> (**SIPA**) is agency within Ministry of Security. SIPA has police power and it's responsible for fighting terrorism, organised crime and other criminal offences which are under responsibility of Court of B&H.

**Financial Intelligence Department (FID)**, as a part of the **SIPA**, receives, collects, investigates and analyses information and data and forwards them to the B&H Prosecutor's Office in accordance with the Law on Preventing Money Laundering and Financing of Terrorist Activities. It is responsible for international co-operation on issues relating to the fight against the financing of terrorism, and offers expert assistance to the Prosecutor's Office in this area. The FID has been a member of the EG-

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<sup>21</sup> [www.osa-oba.gov.ba](http://www.osa-oba.gov.ba)

<sup>22</sup> [www.msb.gov.ba](http://www.msb.gov.ba)

<sup>23</sup> [www.sipa.gov.ba](http://www.sipa.gov.ba)

MONT group since 29 June 2005; exchanges of information on money laundering and the financing of terrorism are ongoing amongst the members of the group. With the aim of improving the exchange of data and information relating to the fight against the financing of terrorism, the FID has signed Memorandums of Understanding with several countries in the region. The **Crime Investigation Department** offers operational assistance to the FID, detects and investigates criminal terrorist activities, identifies and extradites the perpetrators of such criminal offences to the Prosecutor's Office, collects notifications and data on criminal offences, and monitors and analyses the security situation. The **Witness Protection Department** provides protection to witnesses in accordance with the laws and other regulations of B&H on witness protection. The **Unit for Special Support** offers its support to FID and other departments, ensuring additional police tactics, equipment and human resources when stronger security measures are needed. The Unit also performs the most demanding and the most complex technical, operational and tactical police actions.

The **Border Police**<sup>24</sup> is responsible for the surveillance and control of state borders; implements the Law on Movement and Stay of Foreign Persons and Asylum; detects, investigates and suppresses offences prescribed by the Criminal Code of B&H, particularly those directed at the security of B&H and the security of state borders. The **Central Investigation Office and Specialised Units** are entities within the State Border Service.

The **Service for Foreigners**<sup>25</sup> is responsible for: Administrative work regarding move and stay of foreigners in Bosnia and Herzegovina as it is stipulated by the Law on Move and Stay of Foreigners and Asylum (includes tasks as cancellation of visas, issuing of identification and travel documents to alien, revocation 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). Then: a) approval of temporary or permanent stay in BiH, 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 Move and Stay of foreigners and Asylum and deals with statistical and analytical work refers to foreigners.

The **Sector for Protection of the Classified Data** within the Ministry of Security BiH is dealing with issue of the exchange of classified data on national and international level. In practice, the work with classified data is carried out in a way that prevents any unauthorized access and respecting, at the same time, procedures and principles "need to know". Appropriate evidences are kept for: confidential data, access to confidential data, renouncing of the classified data and other evidences. The persons who have appropriate permission and passed security checks may have access to classified data in the security area.

The Agreement with NATO has been signed and Sector is certified by the NOS NATO to exchange data up to the level secret. The procedure is ongoing for signing of the Agreement on exchange of the classified data with the NATO member states

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<sup>24</sup> [www.granpol.gov.ba](http://www.granpol.gov.ba)

<sup>25</sup> [www.sps.gov.ba](http://www.sps.gov.ba)

and other states, as well. Thus, BiH has developed procedures and standards for protection of the classified data in the line with NATO standards.

Also, BiH ratified the Agreement between BiH and EU on security procedures for classified data exchange (Official Gazette no 2/06). The undergoing EU – Twinning Project will create conditions for the certification of the Sector and for the classified data exchange with European Union, as well.

Several commissions, task and strike forces currently operate on state level, which are directly or indirectly connected in B&H system for fighting terrorism. For example there are: **Task Force for Fighting Terrorism** that has been established by the Council of Ministers of B&H with the role of coordinating all the activities relating to the fight against terrorism. The Task Force is led by the Chief Prosecutor of B&H. **Special Working Group for the Suppression of Money Laundering and Financing of Terrorism** is in charge of drafting of new legal solutions and coordinates all activities of relevant institutions in the field of AML and CFT. **State Commission for the Review of Decisions on Naturalization of Foreigners in B&H** - The review procedure includes all persons admitted to citizenship through naturalisation, who prior to their admission, were not provided with JMB (ID number) for the period after 6 April 1992 and before 1 January 2006 (war and post war period). The Commission started working in February 2006. Based on the report for 2007, the Commission has made 661 decisions which referred to citizenship withdrawal. Concerned persons received the B&H citizenship under suspicious circumstances, and some of them were members of extreme military units during the war.

At the Entity level (FB&H and RS) the competence to fight terrorism is allocated to:

- the **Ministry of the Interior of the Federation of B&H**<sup>26</sup>, which comprises the Department for the Fight against Terrorism, the Intelligence Department and the Anti-terrorist Unit;
- the **Ministry of Interior of the RS**<sup>27</sup> with the following departments: Counter Terrorism Department, the Special Investigative Department, the Department for Crime-intelligence Analysis and the Department for Anti-diversion Protection within the Crime Police Administration.

As regards the fight against the financing of terrorism at the Entity level, the following institutions are responsible: the **Banking Agency of the FB&H**<sup>28</sup> and the **Banking Agency of RS**<sup>29,30</sup>. These institutions actively co-operate with the Financial Intelligence Department (FID-SIPA).

**The plan of civil-military cooperation** is adopted by the Council of Ministers at its 51st session held on June 3<sup>rd</sup> 2008. The obligation of passing the Plan has ensued from the Strategy of Bosnia and Herzegovina for fighting terrorism for 2006 – 2009.

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<sup>26</sup> [www.fmup.gov.ba](http://www.fmup.gov.ba)

<sup>27</sup> [www.mup.vladars.net](http://www.mup.vladars.net)

<sup>28</sup> [www.fba.ba](http://www.fba.ba)

<sup>29</sup> [www.abrs.ba](http://www.abrs.ba)

<sup>30</sup> Currently the bank supervision does not exist on state level. The institutions responsible for bank supervision are established on the Entity level (Bank Agency of RS and Bank Agency of FB&H)

The purpose of the Plan is to prevent or minimize terrorist attacks and aftermath of the attacks through civil military cooperation. The Plan defines response management phases and cooperation in case of terrorist attack and clearly presents competences and activities of included institutions at all government levels (prevention-preparedness for response, response, aftermath mitigation).

The Plan and Annexes of the Plan, also, clearly and precisely defines activities of civil bodies and institutions and activities of the Ministry of Defense of Bosnia and Herzegovina – Armed Forces of Bosnia and Herzegovina.

In addition, the Armed Forces of BiH, by its correct approach to the property, equipment and armaments, contribute to preventing them from being obtained by individuals and groups that may use them for the purpose of terrorism.

In accordance with the conclusions from the United Nations Programme for Prevention, the Combat and Elimination of Illegal Trade with Small Arms and Light Weapons (SALW) in all Aspects, and the Regional Implementation Plan for the Combat Against the Proliferation of SALW of the South-East Europe Stability Pact, the State-level SALW Co-ordination Committee was established in 2003. Further, upon the proposal by the National SALW Co-ordination Board, the BiH Council of Ministers adopted the SALW Strategy and Action Plan for SALW Control in BiH in May 2006.

In July 2004, the Minister of Defense of BiH issued an instruction that defines the deadlines and obligations for meeting the deadlines for prohibiting the trade of SALW that are owned by the Armed Forces of BiH. The Instruction prescribes that all SALW owned by the Armed Forces of BiH, that were not exported before 30 June 2005, according to the precisely defined procedure, shall be subject to destruction.

In the area of defense activities BiH is determined to actively confront terrorism and all other forms of destructive activities.

For the Armed Forces of BiH, 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-defence...". The defense policy of BiH specifies terrorism as one of the main challenges and risks for the safety of the state of BiH.

The military doctrine of the BiH Armed Forces specifically highlights that the protection of sovereignty and territorial integrity includes the fight against terrorism. This implies that the BiH Armed Forces take measures of self-protection, cooperate with other forces within the country, and similar forces of other countries (OSCE participating States, partners in the NATO Partnership for Peace program and NATO members) in the process of detection, follow-up, and counter terrorism measures.

The NATO Coordination Team has been established at the BiH Council of Ministers level, with the purpose to improve the Inter-ministerial activities in BiH.

A Military-Intelligence Branch exists within the Armed Forces of BiH that is tasked to work on a timely detection of terrorist activities as well as developing preventive

measures in coordination with complementary services. In its structure there are no special units that could conduct counter-terrorism activities, but they can be engaged by order of the BiH Presidency for conducting activities to combat terrorism more intensively.

In addition to the BiH AF, the following institutions have the competence in the security domain:

1. Intelligence Security Agency of BiH (OSA);
2. State Investigation and Protection Agency (SIPA);
3. Border Police of BiH (BP);
4. INTERPOL;
5. Police forces from Entities (Federation BiH, Republika Srpska and Brcko District).

Aspiring to respond to security challenges posed before Bosnia and Herzegovina, and with the aim to develop secure surroundings, up to this point a great attention was paid to strengthening the existing capacities for combating terrorism. In relation to that, after the war the following institutions at the state level were formed: the Ministry of Security B&H, the Ministry of Defence B&H, the State Investigation and Protection Agency, the Border Police of B&H, the Intelligence Security Agency of B&H, Service for Foreigners' Affairs of B&H. Apart from the establishment of new institutions so far, a lot has been done in strengthening the capacities within the Ministry of Interior of the Republic of Srpska and the Federal Police Administration.

**The State Investigation and Protection Agency (SIPA)** is the police agency competent for the entire territory of Bosnia and Herzegovina. Work done by SIPA, in relation to its competence and role in combating terrorism, is as follows:

- Prevention and detection of criminal offences from the competence of the Court of Bosnia and Herzegovina, and especially: organised crime, terrorism, war crimes, trafficking in human beings, and other criminal offences against humanity and values protected by the international law, and financial crime;
- implementation of international agreements on police cooperation and other international instruments within its competence;
- criminal expertise;

The main bearers of work in combating terrorism within SIPA are:

**Criminal Investigation Department** works on detection and investigation of criminal offences within the competence of the Court of B&H, on identification, and detention of perpetrators of those criminal offences, works on prevention of criminal offences, provides assistance to the Financial Intelligence Department; collects intelligence and information on criminal offences, monitors and analyses the security situation and phenomena causing emergence and development of criminality.

The role and mission of the Police, i.e. of the Ministry of Interior of the Republic of Srpska in fighting terrorism are regulated by Article 5 of the Law on Internal Affairs ("Official Gazette of the Republic of Srpska", number 48/03), and by the Articles 30 and 39 of the Rulebook on the Internal Organization and Systematization of Work Posts in RS Mol, no.K/B-870-I/08 from 15.05.2008.



Specifically, the role and mission of RS Mol in fighting terrorism is: uncovering and preventing of a criminal offence of terrorism, of the financing of criminal activities, taking hostages, illicit traffic and manufacture in arms and explosives, criminal organizations, environmental pollution by waste and poisonous materials, prevention of terrorism by acting directly with the aim of eliminating terroristic groups and of breaking organized terroristic networks, resolving the hostage situation by realizing the hostages.

The Counter-Terrorism Division of the Administration of Federal Police is, within its scope of work, in charge of detection and prevention of criminal acts of international and domestic terrorism, that are, in accordance with the provisions of the Law on Interior Affairs of the Federation of Bosnia and Herzegovina, under the competence of the Federation Ministry of Interior Affairs –Administration of Federal Police. Through preventive and repressive actions, this Division prevents certain extremist organisations and groups to commit any terrorist act against domestic or international institutions on the territory of the Federation of BiH. It has established cooperation with all law-enforcement agencies at the state and entity levels, and significant cooperation with many European countries and the US on prevention of international terrorism.

**1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

— **Financing of terrorism;**

Whoever by any means, directly or indirectly, provides or collects funds with the aim that they should be used or knowing that they are to be used, in full or in part, in order to perpetrate:

- a) A criminal offence referred to in Article 191 (*Taking of Hostages*), 192 (*Endangering Internationally Protected Persons*), 194 (*Illicit Procurement and Disposal of Nuclear Material*), 196 (*Piracy*), 197 (*Hijacking an Aircraft or a Ship*), 198 (*Endangering the Safety of Air Traffic and Maritime Navigation*), 199 (*Destruction and Removal of Signal Devices Utilised for Safety of the Air Traffic*), 200 (*Misuse of Telecommunication Signals*) and 201 (*Terrorism*) of this Code;
- b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel the authorities of Bosnia and Herzegovina or any other government or an international organisation to perform or to abstain from performing any act, shall be punished by imprisonment for a term between one and ten years.

**Prevention and suppression of financing of terrorism**

Issues pertaining to the prevention and suppression of the financing of terrorism are regulated by the **Law on Preventing Money Laundering**.<sup>31</sup> This Law stipulates that

<sup>31</sup> "Official Gazette of B&H" number 29/04.

the financing of terrorist activities includes all actions prescribed by criminal legislation.

Investigations related to the financing of terrorism are conducted by the **Financial Intelligence Department (FID)** within the State Investigation and Protection Agency.<sup>32</sup> Pursuant to the Law on Preventing Money Laundering, the FID also has the competence to freeze funds (issue an order to suspend any suspicious transactions) suspected of being used to fund terrorist activities.

Preventive measures to detect and suppress the financing of terrorism are taken in accordance with this Law by: banks (in accordance with the Law on Banks), post offices, investment and pension funds, stock-exchanges and stock-exchange agencies, insurance and re-insurance companies, casinos, gambling houses and organisers of other lotteries, pawnshops, attorneys and notaries public, accountants and auditors, real estate agencies, humanitarian organisations, and other similar institutions. According to the Law, the above-mentioned institutions are obliged to identify clients and transactions and notify the FID about any suspicious transactions, any transactions exceeding 30,000KM<sup>33</sup> and any interconnected transactions in cash exceeding 30,000KM.

### **Applying of international restrictive measures**

The international restrictive measures are applying by the **Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures**<sup>34</sup>.

This Law regulates appliance of international measures which are in line with international law, that Bosnia and Herzegovina applying against states, international organisation, territorial units, movements and physical and legal persons, and other subjects encompassed by international restrictive measures.

International restrictive measures includes: arms embargo, completely or partly restrictions of export or import, travel ban, financial restrictions and other measures in line with international law.

Ministry of Security leads data base on persons who are object of these restrictive measures.

**Financial Intelligence Department** receives, collects, registers and forwards to the Prosecutor's Office data and documents received pursuant to law and other regulations of B&H on the prevention of money laundering and funding of terrorist activities; realises international cooperation in the area of prevention and investigation of

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<sup>32</sup> Article 5 of the Law on Preventing Money Laundering defines all the tasks pertaining to the detection, investigation and prevention of the funding of terrorist activities in accordance with the Law on the State Investigation and Protection Agency, and other laws on promoting co-operation among the responsible B&H bodies, as well as on promoting co-operation and exchanges of information at the international level with regard to the fight against the funding of terrorism.

<sup>33</sup> 30.000KM=15.000EUR

<sup>34</sup> Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures, Official Gazette of B&H, No 25/06

money laundering and funding of terrorist activities. It is an active member of the EGMONT Group, where it conducts an active exchange of data on suspicious financial transactions with a special emphasis on potential funding of terrorist activities.

The problem area of prevention and combating of the funding of terrorist activities is regulated by the Law on the Prevention of Money Laundering. The said Law stipulates that the funding of terrorist activities involves actions provided for by the criminal justice regulations.

The Law on Money Laundering, Article 5, defines the work related to prevention, investigation and detection of funding of terrorist activities operations pursuant to provisions of the Law on the State Investigation and Protection Agency, as well as other Laws on promoting cooperation between competent institutions of B&H, entities and the Brcko District in the area of prevention of terrorist activities, as well as promoting cooperation and international exchange of information on combating funding of terrorist activities.

### **Strategy for Combating Terrorism**

The Strategy for Combating Terrorism has an aim to review the current situation in B&H and to set priority tasks whose realisation shall establish a unified system of combating terrorism in B&H.

Stable security surroundings require equal security conditions in B&H as well, which implies solving the issue in the area of combating terrorism and other types of crime related to terrorism, as one of the main requirements of Bosnia and Herzegovina's accession to European Union and NATO. On the prompt and successful solution to these issues depends not only the security situation in B&H, but the general progress in B&H. Therefore, one of the main goals of the Strategy for Combating Terrorism is to initiate certain changes, which shall in long term solve the issue of combating terrorism, but at the same time it represents the instrument which sets a framework for transfer and application of European standards and provisions on anti-terrorism within the constitutional and legal system of B&H.

The Strategy consists of two parts: the first part analyses the current state and determines specific measures and actions to be conducted, while the second part consists of certain bearers of activities which shall implement specific measures and actions with strictly set time limits.

The aforementioned document has been composed with the intention to answer the question: what improvements must be made, i.e. what new activities must be initiated, whose realisation would accomplish an effective solution to combating terrorism in B&H. That is the intention with which this document examines the current state in all relevant segments (legislation, existing institutions and activities), and then, depending on what type of combating terrorism is required, the main goals of the system development are being defined along with proposition of specific measures.

The Strategy has been adopted for the 2006 – 2009 time period. An analysis of results accomplished by the implementation of the Strategy is ongoing, and upon the detailed analysis, a composition of new Strategy is in preparation for the upcoming time period.

With the aim of realising prerequisites for successful combating of terrorism, cooperation between police agencies in B&H is carried out through the **Counter Terrorism Task Force** established on January 26th, 2006 by the decision of the Council of Ministers. The Counter Terrorism Task Force consists of representatives from the Prosecutor's Office of B&H (Prosecutor), representatives from the State Investigation and Protection Agency, the Border Police, Intelligence Security Agency, Ministry of Interior of the Republic of Srpska, Ministry of Interior of the Federation of B&H, the Police of Brcko District. The head of the Task Force is a prosecutor from the Prosecutor's Office of B&H: The principle goals of this Task Force, among others, are presenting propositions for changes of observed deficiencies within the legislation and institutions, as well as working on specific cases of combating terrorism.

Regarding collection of information on different aspects of terrorist activities, the Agency possess some information which clearly indicates the importance of financing some stages, in other words, financing terrorist acts in their entirety.

The amount of financial assets, needed by a terrorist group for carrying out an attack causing much causality, is often not more than several hundreds or thousands dollars; therefore, there is often small chance for such financial activities to be discovered in advance.

Except of direct financing activities of the attack, the world-wide extremist groups depend on money for many reasons such as funding travels, helping families of the killed members, bribing, funding safe houses, establishing fictitious organizations or for funding activities that serve as cover-up for actual terrorist activities, trainings, documents, weapons stocks, media campaigns, communications and information technology. In most cases, funding needed to ensure assets for terrorist "infrastructure" is much larger than the amount needed for carrying out attacks.

With financing terrorism, there are often situations when "good" money (donated by humanitarian organizations and other charitable organizations and individuals) is transferred into "bad" money. Benefactors could be individuals and some prosperous terrorists. However, there are many individuals who think their intentions are good because they give money to charities.

As mediators in financing terrorism, we can have banks and other financial institutions - Western Union, DHL, and exchange offices and so on. Terrorists use the new technologies such as so-called smart cards, electronic cards from which they draw cash in advance, which is then used for terrorist activities, in order to avoid the control. In the end, the money ends up with terrorists for carrying out terrorist acts.

The most usual method of disrupting actions of financing terrorism is the method of freezing assets to individuals or organizations and groups "which are believed" to be associated with terrorism. In this way, their ability to draw, transfer or use assets is limited. Freezing assets is usually applied to their associates or their family members, but only if there is a firm evidence of them being willing accomplices in any criminal activity carried out by the prime targets.

Apart from freezing financial assets, the authorities and international institutions use a whole range of methods in order to disrupt money flow to terrorist organizations (by financial inquiries, seizing money, establishing commissions for controlling work of charities, controlling organs for offering financial services, controlling international bodies combating money "laundering" and financing terrorism and so on).

Authorities in Bosnia and Herzegovina have active and regular cooperation with international institutions in disrupting the money flow to terrorist organization, in other words, in disrupting finances of any stage of terrorism. In terms of contribution to international counter-terrorism, and in accordance to the adopted Resolutions of UN Security Council, number 1267 article 4.b from 1999 and number 1390 articles 1 and 2 from 2002, alongside with other features of BiH security system, in 2002, the intelligence and security structures in BiH have nominated some humanitarian organizations, for which there were indications, that with their activities they were supporting some illegal activities linked to financing terrorism. Authorities in Bosnia and Herzegovina have closed such organizations in the meantime and nowadays these organizations are not active on the BiH territory. There is no information indicating that terrorism is financed in any other way by individuals, groups or organizations from BiH.

#### — **Border controls:**

In accordance with the Law on Border Police and the Law on Supervision and Control of the state borderline, the Border Police, as an administrative organization in composition of the Ministry of Security of Bosnia and Herzegovina with operational independency, is in charge of tasks of supervision and control of the state border crossings. The new Law on Border Control is in the adoption procedure, in order to harmonize the border control activities with the best practice and standards of the European Union. After the Law has been passed it will be necessary to approach drafting of the implementation bylaws.

On 22<sup>nd</sup> December 2008, BiH minister of security, directors of Border Police, Indirect Taxation Administration, Veterinary Office, Plant Health Administration, and Service for Foreigner's Affairs have signed the Agreement on establishing joint Center for Risk Analysis related to BiH state borders.

The Centre was established as an organizational unit of the Border Police of Bosnia and Herzegovina and it has been placed in the office in seat in Sarajevo. The European Commission has provided support for the project of establishing this Centre, and a significant contribution has been given by the International Organization for Migrations (IOM).

The Centre for Risk Analysis related to state borders employs officers from the Border Police of Bosnia and Herzegovina, The Indirect Taxation Administration of Bosnia and Herzegovina, The Veterinary Office of Bosnia and Herzegovina, The Plant Health Administration of Bosnia and Herzegovina, The Service for Foreigners' Affairs of Bosnia and Herzegovina, and The Ministry of Security of Bosnia and Herzegovina. At the same time, the local centers for risk analysis will be performing activities within the competency of their Agency or Service.

This Agreement will ensure communication between competent Services, in order to make their work more efficient which is necessary for risk analysis related to border crossings. Their work includes evaluations on illegal migrations, illegal trafficking in human beings and goods, and at the same time ensures more efficient border control, with faster and safer traffic of human beings and goods, efficient combating of all kinds of trans-borderline crimes, efficient control of migrations, and full application of the Strategy on Integrated Border Management and the Action Plan for the implementation of this Strategy.

In addition, The Border Police is currently working on a Twinning Project with Hungarian partners with a goal to strengthen operational capacities in the Border Police necessary for efficient combating against organized trans-borderline crimes through information management, advancement of operational analytics, information system and investigation components. The project was launched on 1<sup>st</sup> June 2008, and the duration of this project is 14 months.

In the framework of planned activities within BiH Border Police competence, through Integrated Border Management Strategy, Action Plan of that Strategy, and through obligation for enforced state border surveillance, there have been some agreements and protocols drawn and signed with other agencies involved in state border protection activities on the national levels of Bosnia and Herzegovina and Republic Croatia.

In the framework of the above mentioned, defined obligations of BiH Border Police and BiH Indirect Taxation Authority are carried out through joint working plans implemented on all levels. There are continuous meetings on the level of Joint Working Body where there are activities for joint action, in the following period, in surveillance and control of crossing of the state border of people and goods, which are in some way connected to terrorism and organized cross-border crime.

Joint working plans have been made in the whole border area with Republic Croatia, and in accordance with mentioned activities, at regional and local levels, and their realization has begun with joint patrols. Within these activities there has also finished the first stage of leading police officers training, in relation to mixed patrols activities according to Protocol on Mixed Patrols along the Common State Border and according to Agreement on State Border Surveillance.

Implementation of Law on Confidential Data Protection Provisions which refer to determination of access level and issuance of permissions for confidential data access is ongoing. Security questionnaires have been completed for all BiH Border Police officers, according to level of access, and then submitted for further competence and checking procedure.

Within improvement of technical conditions for more successful surveillance and control of crossing the state border, activities have been taken to establish integrated border control system at border crossing points. Document "Early Specification of Software Demands – Information System for Overall Management of Control of Persons at Border" has been created. This document presents an early specification of software demands for implementation of BiH Border Police information system for overall management of crossing of the state border control. Final version of the

document has been submitted for further consideration. In 2009 we expect invitation for tenders, provision of planned equipment and finalization of programmer activities.

Within improvement of Border Police communication capacities for surveillance and state border control we continuously carry out activities in order to establish communication connection between all border crossing points, using capacities of SDH radio-relay network and communication via SPIN wireless network.

BiH Border Police – Organizational Unit Field office for Airports has, within its obligations stated in international and national regulations for this area referring to and in connection with BiH Strategy for Combating Terrorism, carried out activities to fulfill obligations within Border Police competence.

Border Police representatives have been actively participating in recently adopted Law on Movement and Stay of Aliens and Asylum implementation, and in creation of Sub-Acts based upon this Law that have later been adopted or are still in the phase of being adopted by the Council of Ministers.

Within training for terrorist crime scene inspection and evidence collection, a number of BiH Border Police officers have been trained and have acquired knowledge of the way of inspecting and collecting evidence at a terrorist crime scene.

In accordance with its duties in the field of airport security BiH Border Police has actively participated in preparation and implementation of joint exercises with airport security authorities as well as with other authorities (fire brigades, military and police). In accordance with that, and based upon annual plans, joint exercises were carried out at international airports, during which situations of endangering civil aviation security were simulated.

Border Police has also actively participated in creation and adoption of BiH civil aviation security programs. At the beginning of 2008 Ministry of Communication and Transport, i.e. Directorate of Civil Aviation, adopted new BiH civil aviation security program, and its implementation started immediately at international airports.

Following adoption of BiH civil aviation security program, creation of individual security programs for BiH international airports as well as creation of procedures derived from airport security programs started. New airport security programs and deriving procedures have been created for all international airports, except for Banja Luka Airport. Those activities are still ongoing in BPU Banja Luka. Within this, creation and updating of emergency and contingency plans for acting at all international airports have been carried out.

There is regular cooperation and data exchange with other agencies in BiH in control of crossing the state border by persons who are registered on watch list. In accordance with procedures all persons registered on watch lists are taken measures against, and data on state border crossings and measures taken are delivered to SIPA or OSA via determined channels.

Within planned activities with bearers and deadlines of implementation in the segment related to BiH Border Police where it is said that activities of the Task Force for

Combating Terrorism must be intensified, we had our representatives in that Task Force.

Border Police has anticipated in its annual plan for 2009 a number of activities related to implementation of objectives and tasks of BiH Strategy for Combating Terrorism and Action Plans for Strategy Implementation.

It is anticipated that activities will be taken to implement Action Plan for Combating Terrorism through data exchange with other agencies, continuous police officers training and development of civil-military cooperation in response to terrorist attacks.

Beside the above mentioned, the Plan anticipates system of exchanging information that demand immediate action, improvement of border control through cooperation with neighboring countries border police and creation of joint plans between agencies included in Integrated Border Management Strategy for acting in emergency situations.

At the regional level, in the field of security, BiH participates in the activities of South-East Europe Cross border Crime Prevention Centre (SECI). The activities are being performed through the Expert Working Groups that are dealing with the following issues: human trafficking and smuggling; drug trafficking, stolen vehicles trafficking; financial crime; merchandise trafficking; customs fraud; terrorism (small and light weapons, mass destruction weapons and other forms of terrorism) and other forms of cross border crime.

— **Travel document security:**

In order to fight terrorism and its prevention, the Ministry of Civil Affairs of Bosnia and Herzegovina has undertaken activities to increase the security measures pertaining to the travel documents of Bosnia and Herzegovina.

It should be emphasized that this aspect is both in the law and bylaw regulations from the field of the travel documents.

The most important measure of raising the security of travel documents forms is, in addition to the standard elements of protection (design, print, UV protection, etc.), embedding an electronic chip in the form of a booklet in which biometric data of the passport owner will be stored.

Blank forms of ordinary passport booklets are now, and afterwards, kept in Banja Luka in a separate room with the security doors, video surveillance and fire alarm.

Blank forms of other types of passports are kept in the basement of the building of joint institutions of Bosnia and Herzegovina, which is under the constant physical supervision of the security services personnel, and equipped with the video surveillance and fire alarm.

Sector for Citizenship and Travel Documents appreciates that the security aspect regarding the forms themselves are at high level and therefore they are difficult to forge. Any unwanted manipulations are possible in the process of their personaliza-



tion and production, particularly in the authorities which are requested for the issuance of passports. Security checks of personnel are the responsibility of these authorities.

In order to reduce the possibility of abuse the central database is established, which is directly two-way connected to all the authorities responsible for issuing passports and the relevant data are available to all and verifiable. This system is located within the Agency for Identification Documents, Registers and Data Exchange.

#### Currently available equipment for detection of forged documents

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 BiH BPU, due to their geographical position and traffic frequency, where it's realizable are also equipped with stereo microscopes, cold light sources, while International Airport Sarajevo possesses two stereo microscopes, one of which is with an integrated camera and independent source of cold light. Training Centre also possesses 5 stereo microscopes primarily used for staff training. Three Field Offices have mobile devices for document analysis, of the following brands: doc-box "Dragon" (manufacturer "Projectina") and VSC-4 (manufacturer Foster-Freeman).

BPU Sarajevo Airport has a device "Projectina doc centre 3000", a microscope with integrated camera, as well as a scanner and a color printer.

Within Operations Administration there is a laboratory for document analysis, equipped with device Foster-Freeman type VSC 5000, stereo microscope with integrated camera and independent cold light source, two sophisticated color printers, one high-resolution scanner, a retro-check and hand magnifiers with and without a source of light.

#### Staff qualification for detection of forged documents and investigation of crimes

All BiH Border Police officers have, within transition training, passed the basic training for forged documents detection, and some police officers have also passed certain specialist trainings organized by EUPM, IOM and other international organizations and carried out by BiH Border Police staff as well as by guest lecturers.

#### — **Container and supply chain security;**

BiH Indirect Taxation Authority (ITA), as leading agency, controls all goods coming in or out of Bosnia and Herzegovina, controls prohibited and limited traffic of goods endangering public policy, public morality, public security, health of people, animals and plants, traffic of industrial-commercial property, poisons, drugs, terrorist material, arms, ammunition, waste material etc. BiH Border Police has obligation to cooperate with BiH ITA in control of goods the transport of which is not allowed, especially in detecting illicit goods: explosives, arms including mass destruction weapons, and narcotics.

— **Security of radioactive sources;**

Licensing agencies that can deal with radioactive materials is carried out by BiH Ministry of Foreign Trade and Economic Relations, while BiH Indirect Taxation Authority as leading agency for control of goods during import/export carries out control. Besides BiH Indirect Taxation Authority control is also carried out by BiH Border Police, BiH Veterinary Office, Phytosanitary Inspection, market inspection, sanitary inspection, each agency within its respective competence.

— **Use of the Internet and other information networks for terrorist purposes;**

The State Investigation and Protection Agency, within its regular activities, monitors contents of web sites, which might be of security interest for the aspect of combating terrorism. Upon receiving certain findings, security checks are performed, and based on the results of those checks, other measures and activities in accordance with the law are being conducted.

The Intelligence-Security Agency of Bosnia and Herzegovina did not obtain any information indicating the misuse of internet for standard terrorist purposes or for cyber terrorism.

The information collected by the Agency indicates that currently there are few websites in Bosnia and Herzegovina which, with the content presented on the website, incite or invite individuals to express intolerance or even hatred. These are mostly the sites that are not registered in Bosnia and Herzegovina but in some European countries (such as Austria, Germany, Norway and others). It is assessed that free distribution of such content on internet, in which they openly encourage violence and vengeance, significantly incites and motivates users/readers of these sites to express intolerance and hatred what all contributes to the spread of negative atmosphere and general insecurity in Bosnia and Herzegovina.

Moreover, these sites are used by some individuals to express verbal support to global terrorist organizations and movements by featuring certain video recordings produced by production companies supported by Al Qaeda. Some video recordings openly encourage use of violence and revenge against the coalition forces in Iraq and Afghanistan. In addition to this, in some instances, the internet is used for encouraging nationalist intolerance, schism and intimidation of other ethnic and religious groups (such as group "Noz, zica Srebrenica" (TN: Knife, wire, Srebrenica) created on Facebook, which glorifies genocide in Srebrenica).

— **Legal co-operation including extradition;**

The question of extradition of suspects, accused and convicted persons is among the most complex procedures in the field of providing international legal assistance. The question of extradition is regulated by domestic legislation and international, bilateral and multilateral treaties.

The most important domestic legislation is the Law on Criminal Procedure of BiH, who makes assumptions and authority for making decisions on extradition, while in the parliamentary procedure the Law on Mutual Legal Assistance in Criminal Matters,

which further regulates the issue of extradition, and specifies the competencies of individual authorities in carrying out the same.

From international treaties governing the issue of extradition the most important for Bosnia and Herzegovina is European convention on extradition in 1957. and the Additional Protocol of 1975. and the Second Additional Protocol of 1978. Also, the process of extradition is regulated by other international conventions, such as the UN Convention on Corruption.

The European Convention on extradition, with its additional protocols is one of the broadest adopted Conventions by the Council of Europe.

The issues of international legal assistance<sup>35</sup> and extradition<sup>36</sup> are regulated by the Criminal Procedure Code of B&H, and by multilateral and bilateral treaties. Lex specialis Law on International Assistance in criminal matters is in the draft phase. B&H has ratified the relevant UN and European instruments and concluded a series of bilateral treaties. *The bilateral agreements on police co-operation*, which also encompass the fight against terrorism, should be highlighted in particular; these agreements have been concluded both with countries from the region<sup>37</sup> and other countries.<sup>38</sup>

### — Safe havens and shelter to terrorists and terrorist organizations

In terms of secure places and havens for terrorists and terrorist organisations, the State Investigation and Protection Agency continually performs field checks with the aim of possible identification of havens of terrorists and terrorist organisations. Up to this point, there were no findings on their existence.

## 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

There are no stationed units of the BiH Armed Forces in the territory of other participating States, other than the EOD Unit, located in Iraq as part of the Coalition Forces engaged in the "Iraqi Freedom" mission. The Unit is engaged in accordance with the UN Resolution.

The EOD Unit of the AF BiH is a platoon size (36 soldiers) unit and has been stationed in Iraq since June 2005. The Unit's Mission is to identify and destroy EOD, mainly stored in previous ammunition and weapons storages of the Armed Forces of Iraq. Since the above stated date, the Unit has continuously participated in the mission within the Multinational Forces in Iraq, in seven rotations for six month each.

<sup>35</sup> Chapter XXX – Procedure to render international legal aid and to enforce international agreements in criminal matters, Criminal Procedure Code of B&H.

<sup>36</sup> Chapter XXXI – Procedure to extradite suspects or accused and convicted persons, Criminal Procedure Code of B&H.

<sup>37</sup> Bilateral agreements on police co-operation in the field of the fight against terrorism and organised crime were signed with the following countries in the region: Hungary (21 April 1996), Italy (28 January 2002), Croatia (17 June 2002), Greece (09. February 2006), Slovakia (05. June 2006), Austria (05. May 2006), Slovenia (22. December 2006), Romania (04. June 2006), Montenegro (07. September 2007), Bulgaria (20. September 2007), and Macedonia (21. March 2008)

<sup>38</sup> Bilateral agreements on police co-operation in the field of the fight against terrorism and organised crime were also signed with: Turkey (21 June 2000), the Russian Federation (09. September 2004), the Islamic Republic of Iran (08. March 2005), Egypt (14. December 2006), Baden-Württemberg (Germany) and Spain.

Pursuant to the decisions of the Bosnia and Herzegovina Presidency and Parliamentary Assembly of Bosnia and Herzegovina, since August 2008, the Infantry Unit of AF BiH participated in the operations of the Coalition Forces in Iraq, including 49 members and one liaison officer, at the Command of the 39<sup>th</sup> Infantry Brigade of the Multinational Division in Baghdad. The mission of the Infantry Unit of the AF is to protect of part the Coalition Forces, civilian personnel within the base, as well as protection of the infrastructure, facilities and equipment within the military installation-base.

In December 2008 the EOD Unit of the AF BiH and Infantry Unit of AF BiH mission these units is terminated.

Upon accession of BiH to the NATO PfP on 14 December 2006, negotiations between BiH and NATO concerning the Agreement on the Status of Armed Forces (SOFA) began (signed and ratified). the BiH Council of Ministers, at its 19<sup>th</sup> session, 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 BiH Presidency brought a Decision on the accession.

Members of the AF BiH are also engaged in UN missions in Congo in accordance with the UN Security Council Resolutions as military observers. There are five (5) observers , in this mission (MONUC).

The Armed Forces of BiH have taken part in UN Peace Mission in Ethiopia-Eritrea (UNMEE) since 2001. So far, 59 officers have participated, the Status of the UNMEE Mission has been resolved through the UN Security Council Resolution no.1827 dated July 30, 2008, terminating this mission.

On the other hand, there are approximately 2153 members of EUFOR from 14 countries, of which 11 are EU member countries and 3 countries are non-EU members, in BiH.

The NATO Headquarters Sarajevo consists of approximately 120 members, with a primary purpose to provide support in the implementation of defense reforms, assistance in arresting persons indicted of war crimes and in combating terrorism.

Participation of police officers of Bosnia and Herzegovina in peace-keeping operations of the United Nations

The peace-keeping operations of the United Nations Organization represent expression of permanent commitment to peace and general security. These operations are one of the mechanisms of the United Nations Organization for establishing peace and security. These operations are realized through deployment of police and armed forces as well as civilian on the territory of the state where peace had been violated. Bosnia and Herzegovina became a member of the United Nations in May 1992. It has been actively committed to participation of police officers in peace-keeping operations, which represents one of the obligations of member states of the United Nations.

In peace-keeping operations since the year 2000 until today, in total 112 police officers from Bosnia and Herzegovina participated in peace operations in Liberia, Sudan, Cyprus, East Timor and Haiti. The UN Mandate is reflected through providing support to the implementation of peace agreements, support to governments in the implementation of security reforms, protection of civilians (especially the most jeopardized groups of population: displaced persons, returnees, women and children), providing and organizing various trainings for local police officers, as well as preventing renewal of conflict, restoring public peace and security.

Currently, there are 19 police officers deployed in peace-keeping mission of the United Nations (below represented by missions):

**Peacekeeping mission in Liberia – UNMIL** : since 2004 until today, there have been deployed 45 police officers in total, out of which there are currently deployed 9 police officers (from the region of the Federation of BiH- 3, Ministry of Interiors of the Republic of Srpska - 2, SIPA - 1, BiH Border Police - 3).

**Peacekeeping mission in Sudan – UNMIS**: since 2006 until today, there have been deployed 12 police officers in total, out of which there are currently deployed 7 police officers (the Federation of BiH - 3, BiH Border Police – 3, and SIPA – 1).

**Peacekeeping mission in Cyprus – UNFICYP**: since 2004 until today, there have been deployed 12 police officers in total, out of which there are currently deployed 3 police officers (Ministry of Interiors of the Republic of Srpska – 2, and DB 1).

**Peacekeeping mission in Haiti – MINUSTAH**: since 2004 until 2006, there had been deployed 12 police officers in total (Federation BiH – 12).

**Peacekeeping mission in East Timor – UNMISET**: since 2000 until 2005, there had been deployed in total 31 police officers (Federation of BiH – 21, Ministry of Interiors of the Republic of Srpska – 10).

Participation of BiH police members in UN peacekeeping missions has significantly contributed to the international affirmation of Bosnia and Herzegovina; consequently enabling Bosnia and Herzegovina to become an active member in creating the international security. Keeping in mind that Bosnia and Herzegovina, as one of the UN members, has responsibilities to participate in peacekeeping operations, as well as to affirm the position of Bosnia and Herzegovina on the international scene, the BiH Ministry of Security will take all necessary measures to make the police officers from Bosnia and Herzegovina competent to participate in peacekeeping operations of the United Nations.

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 („ BiH Official Gazette“ number: 14/2005) 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 („BiH Official Gazette“ number: 93/2006).

#### Representation of female members in peace-keeping forces

Out of 112 police officers who have participated in peace-keeping missions, there have been 14 female members, which represents 12,5 % of female participation.

Currently, we have 3 female members in peace-keeping missions out of 19 deployed police officers in total, which represents 15,79% of female participation.

### **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**

BiH, as the first country in the region that introduced the moratorium on the export of SALW in the possession of 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.

In early 2007, the Ministry of Defence of BiH, with the UNDP BiH, developed and signed a document under the title Small Arms Control and Reduction Project in BiH (SACBiH )

The SACBiH is implemented with the partnership of BiH authorities and includes activities intended to reduce the threats to people that are caused by the large and uncontrolled presence of SALW and ammunition in the country.

The Project is based on three components, each targeted toward specific goals; such as:

1. Improvement of institutional capabilities for SALW control;
2. Destruction of SALW and associated weapon systems;
3. Destruction and demilitarization of ammunition.

Within the implementation of the Project on Control and Reduction of Small Arms and Light Weapons in the time period from 2004-2006, the BiH Ministry of Defence destroyed over 90.000 tons of SALW with the assistance of the UNDP Office in BiH. At the beginning of 2007 the BiH Ministry of Defence proclaimed that 5.740 tons of light ammunition were unstable and developed the Plan for disposal of unsafe ammunition for the time period from 2007-2008.

With the delaboration and open combustion method in 2008, approximately **2.000 tons** have been destroyed. At the end of 2007, the BiH Armed Forces Inspection Teams and EUFOR Verification Teams began the project "One Hundred Percent Inspection," aimed to inspect every military armament storage site in BiH. Project "One Hundred Percent Inspection" is finished in 2008. During 2008 the Ministry of Defence of BiH have begun Control Technical Inspection of all ammunition stockpiles.

The UNDP Office in BiH as the proposer and author of the material in the cooperation with the BiH Ministry of Defense has initiated the revision procedure for the Project Document – Small Arms Control Reduction Project in the 2008 year.

The revision of document includes the following changes:

1. Extension of the program time line from 4 to 6 years, which means instead of the 2005-2009 period to 2005-2011 period,
2. The new activity - „The Police Work in the Community“ will be included within the development component for institutional capacities for the SACBiH project,
3. The SALW destruction component and arms system include improvement up to four industrial capacities for ammunition destruction instead of one that existed.

This project is to be signed by the BiH Ministry of Defense and UNDP Office in BiH.

Agreement on Sub Regional Arms Control is based on Article IV of Annex 1-B of the Dayton Peace Accords. The Agreement is based on the same guidelines and principles as the CFE Treaty. Four countries are involved on its implementation: Bosnia and Herzegovina, Montenegro, the Republic of Croatia and the Republic of Serbia. Thanks to this Agreement, the southern European region has set an example as far as arms control and disarmament in a post conflict situation are concerned. A high level of cooperation was achieved in the area and today the Parties are continuing to work in a common effort to further strengthen stability, transparency and confidence. More than 9000 items of heavy weapon have been reduced so far.

The legal framework of the Police of Brcko District for this field is defined in the Law on Police of Brcko District BiH and Law on weapon and ammunition of Brcko District BiH (Official gazette number 17/02, 23/03, 25/05). By the Law on weapon and ammunition of Brcko District BiH defines the definition and type of weapon, procedures for issuing the permit for purchasing, keeping and carrying a weapon and ammunition, sale and transport of weapon and ammunition and supervision of the law implementation.

### **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**

Bosnia and Herzegovina signed the Agreement on Open Skies, and as the state member of the OSCE participates in implementation of the Vienna Document 1999. Also Bosnia and Herzegovina is state party to the Agreement on Sub-regional Arms

Control, Article IV. In addition to BiH, the following states have signed the agreement: Croatia, Serbia and Montenegro.

### **Treaty on Open Skies**

Bosnia and Herzegovina is a party of the Treaty on Open Skies, which establishes a programme of unarmed aerial surveillance flights over the entire territory of its participants. It is designed to enhance mutual understanding and confidence by giving all participants, regardless of their size, a major role in gathering information about military forces and activities of concern to them and is one of the most wide-ranging international efforts to date promoting openness and transparency of military forces and activities.

### **Vienna Document 1999**

Bosnia and Herzegovina also participates in other conventional arms-control agreements concluded within the framework of the Organization for Security and Cooperation in Europe, including the Vienna Document 1999 of the negotiations on confidence and security-building measures, which is designed to promote mutual trust and dispel concern about military activities by encouraging openness and transparency. Its provisions regarding the exchange and verification of military information on participating States' armed forces, their defence policies and military activities, including the size of defence budgets, the location, size and strength of military units and formations, the exchange of annual calendars and prior notification of certain military activities, as well as observation of certain military activities, increase transparency and confidence by promoting broader and more comprehensive cooperation among States on the regional and sub-regional levels.

### **Agreement on Sub-regional Arms Control**

Guided by the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1-B, Agreement on Regional Stabilizations, Article IV, signed in Paris on 14 December 1995, Bosnia and Herzegovina signed Agreement on Sub-regional Arms Control in Vienna on 4 January 1996.

Agreement on Sub-regional Arms Control establish new forms of cooperation in the field of security aimed at building transparency and confidence and achieving balanced and stable defence force levels at the lowest numbers consistent with the Parties respective security and the need to avoid arms race in the region.

Bosnia and Herzegovina provides great importance to regional confidence and security-building measures. We are aiming to increase the transparency, openness, confidence and security and to establish and strength good neighborly relations and cooperation in the field of security and arms control. Good examples of successful cooperation on the sub-regional level is an Agreement on Sub-regional Arms Control.

The implementation of these documents, which is in charge of the Ministry of Defence of the Bosnia and Herzegovina and Armed Forces of Bosnia and Herzegovina (Verification Centre) has proved itself as an effective mechanism for building and



strengthening confidence, as well as for promoting military cooperation among OSCE member States.

## **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 total process of planning, programming, budgeting and implementing the budget was significantly improved and transparent

The BiH Defence Minister initiated a process of developing the defence budget. The State Parliamentary Assembly reviews and adopts the total budget through regular parliamentary procedure. One of the aims of the defence reform, the implementation of which is in progress, is to achieve sustainable level of the defence expenditures, consistent with the economic capacity of BiH.

As of the 2008 fiscal year, all activities involved in preparing, adopting, implementing, accounting, reporting and supervising the budget for the Ministry of Defence and Armed Forces are conducted in accordance with the Law on Funding the Institutions of BiH (Official Gazette of BiH, number 17/08).

The approved budget for 2008 was 324.9 mil. BAM, which is about 1,18 % of projected GDP.

Defence sector in BiH and the defence expenditures are brought under control and have significantly decreased (the budget of the BiH Ministry of Defence and Armed forces in 2006 was over 1.26% of GDP).

Competencies of BiH Parliamentary Assembly are stipulated by Articles 10 and 17 of the BiH Law on Defence.

In the area of defence, above mentioned Article 10 stipulates that Parliamentary Assembly of BiH is competent for:

- exercise of democratic parliamentary control over Armed Forces and all defence institutions at Bosnia and Herzegovina level,
- adoption of laws related to organization, financing, recruitment, training, equipping, deployment and engagement of the Armed Forces,
- Confirmation of the appointment of the Chief and Deputy Chief of Staff in Armed Forces Joint Headquarters, Commander and deputies of the Armed Forces Operative Command, Commander and deputies of Armed Forces Support Command and all officers with the rank of general in the Armed Forces,
- oversight and investigations of all issues related to organization, financing, recruitment, training, equipping, deployment and engagement of the Armed Forces,

Article 17 stipulates responsibilities of BiH Minister of Defence toward Parliamentary Assembly of BiH and Joint Committee for Defence and Security and liability of reporting on all issues within the competency of this Ministry.

The competencies of Joint Committee for Defence and Security of BiH are stipulated by Article 54 of the Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and Article 48 of the Rules of Procedure of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina.

According to the above mentioned provisions, Joint Committee for Defence and Security of BiH:

- a) considers and monitors the implementation of Security and Defence Policy of BiH;
- b) monitors the work and considers reports from the Standing Committee for Military Matters, BiH Ministry of Defence, BiH Ministry of Security and other executive bodies dealing with defence and security issues, reports thereof to the BiH PA, with particular focus on:
  - reports, short-term and long-term plans pertinent to the structure of the Armed Forces of BiH,
  - professional conduct and ethical standards of civilian and military staff,
  - Army equipment, military industrial work, procurement and import and export of military equipment, material assistance and contracts with foreign companies, rendering services to the defence institutions on a commercial basis,
  - combat readiness, military exercises and operations including enforcement of international obligations and international peace support operations;
- c) considers laws and amendments to laws within competencies of the Committee;
- d) considers and submits opinions and recommendations, amendments and changes to the defence budget proposal;
- e) considers reports on the defence budget execution as well as reports on the auditing of institutions in the domain of BiH defence and security policy;
- f) considers the issues of cooperation of Bosnia and Herzegovina with United Nations, OSCE in Europe, NATO, Stability Pact of Southeast Europe and other organizations and countries in the domain of defence and security
- g) 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;
- h) considers and submits opinion of BiH PA on ratification and implementation of international treaties in the domain of security and defence;
- i) establishes cooperation with competent parliamentary committees of the BiH entities, other countries as well as with international organizations and other defence bodies in the domain of defence;
- j) Joint Committee considers all other issues in the domain of BiH security.

**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?**

Starting from the need to preserve lasting peace, security and stable democratic and overall state development, as well as to include Bosnia and Herzegovina (BiH) in modern European, political, economic and security integration, BiH set accession to Euro-Atlantic integration processes as one of foreign policy priorities. By accession to NATO Partnership for Peace (PfP) programme, BiH demonstrated its commitment to reach full interoperability as soon as possible in all segments with all NATO member states. BiH will continue with PARP, will actively participate in consultations with NATO through modalities of "Intensified Dialogue" co-operation, implement IPAP provisions, all aimed at faster accession to Membership Action Plan (MAP) and eventual fully-fledged NATO membership.

In addition to NATO membership, one of the main foreign-policy objectives of BiH is to integrate in the European Union. On that road, BiH has foreseen a few crucial activities. First of all, BiH is working intensively on improving its internal coordination system in terms of EU integration process. Every second year BiH receives European Partnership (EP) document underlying various obligations and priorities divided into key, short-term and mid-term priorities. On the basis of the EP as well as of Stabilization and Association Agreement (SAA) provisions, all BiH institutions are involved in the process of development of a program of BiH integration in the EU. An important mechanism for implementation of EP obligations is Reform Process Monitoring (RPM) and reporting to the European Commission. It is particularly important for BiH to inform the public and raise its awareness in terms of importance of EU integration process. BiH continues to strengthen human resources that will be capable of implementing all the tasks deriving from SAA. BiH intends to establish and continually improve functional coordination mechanisms between the institutions at all levels in the State of BiH within political, legislative and technical framework. It is necessary that BiH continues to individually and responsibly create its own policies and decision-making.

Improvement of co-operation with neighbouring countries – Republic of Montenegro, Republic of Croatia and Republic of Serbia, based on common interest and principles of equality, mutual respect, respect of sovereignty and territorial integrity, is permanent priority of BiH foreign policy. In this regard, BiH will in the future period initiate series of activities to intensify co-operation in all areas and will actively participate in resolution of bilateral issues of mutual interest. We will actively start improving economic, cultural, political and security co-operation, and resolving issues to define border line with neighbouring countries. BiH will constructively act in order to resolve some specific issues with neighbours and will actively contribute to further continuation of mutual contractual regulation of relations. Special attention will be given in the future period to resolution of the issues on identification of border line with the neighbouring countries, resolution of pending property issues, border co-operation with the neighbouring countries with regard to prevention of illegal border crossing, in particular with the Republic of Croatia, and co-operation in the area of reaching EU standards at international border crossings with the neighbouring countries.

Last year, Parliamentary Assembly of Bosnia and Herzegovina and the Joint Committee for Defence and Security of BiH were engaged with tasks and in activities stipulated by BiH Law on Defence and Rules of Procedure of both Houses of PA BiH. Joint Committee for Defence and Security of BiH has completely realised its annual work plan; with the respect to the activities and oversight over the work of the Ministry of Defence and BiH Armed Forces, the following can be stated:

- Members of the Joint Committee visited a number of Commands and Units of BiH Armed Forces. They talked to soldiers and responsible chiefs, attended exercises, seminars and workshops, and found out that the situation regarding parliamentary oversight is relatively good. Professional attitude towards the execution of tasks was visible as well as growing transparency in area that is the subject of public interest. Armed Forces are increasingly open to public and the intentions for realization of commenced programmes with NATO and other international organizations are unquestionable. Members of BiH Armed Forces show high respect for representatives of legislative authorities and are quite open for discussion and presentation of problems they face with in their work.
- Significant progress has been made in communication and realization of planned tasks with BiH Ministry of Defence and its structures. The representatives of the Ministry of Defence are regularly present at the sessions of Joint Committee for Defence and Security, and their interest for settlement of current problems is evident.
- Joint Committee for Defence and Security is directly involved in monitoring the items related to Defence and Security Sector budget. Parliamentary hearings on proposed budget items are organized every year. It also participates in drafting the budget for Defence and Security Sector needs. We believe that proposal preparation of Defence and Security Sector budget and monitoring of its utilization is fully transparent. The most responsible representatives, ministers, and directors of the agencies and their associates accept the invitations, actively participate in the workshops and parliamentary hearings referred to the budget; significant progress has been made in this area since the process of budget drafting and monitoring has been continuously improved. There are other issues regarding the control of used assets related to military procurement, on which more attention should be paid in the forthcoming period.
- Defence and Security Sector institutions regularly inform Joint Committee for Defence and Security of BiH and BiH Parliamentary Assembly on realization of short-term and long-term plans in relation to the structure, professional conducts and ethic standards for civil and military staff, combating readiness, military exercises and operations including fulfilment of international liabilities and international peace support operations.
- The issue of cooperation between Bosnia and Herzegovina and international organizations and institutions in domain of defence and security has been discussed on regular basis, as well as activities of BiH permanent and ad hoc delegations with international and inter-parliamentarian organizations and other bodies in the domain of defence.
- Members of BiH Joint Committee for Defence and Security greatly contributed last year to monitoring implementation of BiH security and defence policy through numerous activities; trainings realized with representatives of BiH institutions were especially useful.

- Oversight over the work of police agencies which are under BiH Ministry of Security/ State Agency for Investigations and Protection, BiH Border Police, NCB Interpol, Service for Foreigners' Affairs/ has been implemented in accordance with Joint Committee's annual work plan. Significant improvement was made in organizational strengthening of mentioned police agencies. Members of the Joint Committee made great efforts to help agency managements with material and human resources improvement. Oversight over field-work and visit to regional offices of police agencies proved to be efficient and functional. Members of Joint Committee regularly informed both Houses of BiH PA on Security Sector situation. They also proposed conclusions for improvements and solutions for current problems. They informed BiH Council of Ministers about their observations and requested undertaking appropriate activities.
- According to Joint Committee, the situation on BiH borders is quite good but, however, it can always be better. Competent services and police agencies properly do their job in spite of different problems related to inadequate structure at border crossing points.
- BiH Joint Committee for Defence and Security has paid special attention to the issues of destruction of ammunition surplus and military equipment which are one of the major security challenges for Bosnia and Herzegovina, settlement of the issue of movable and the immovable military property, as well as implementation of BiH demining strategy. The Committee undertakes different activities to insist and lobby for increasing demining funds.

## **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?**

In accordance with the BiH Law on Defence, the Parliamentary Assembly of BiH conducts the parliamentary control over the BiH Armed Forces (AF BiH) and all defence institutions at the State level. The competencies of the BiH Parliamentary Assembly over the AF BiH are regulated by Article 10 of the BiH Law on Defence (Official Gazette of BiH, number 88/05).

The State Parliamentary Assembly Joint Committee for Defence and Security performs tasks in the area of the oversight over the BiH defence and security institutions, in accordance with Article 54 of the BiH Parliamentary Assembly House of Representatives Rules of Procedure.

The Joint Committee for Defence and Security conducts the parliamentary oversight of the following BiH institutions: Ministry of Defence, Armed Forces, Ministry of Security, SIPA, Border Police, National Central Bureau of INTERPOL, BH De-mining Centre.

Democratic control over the AF BiH is conducted by the BiH Presidency and BiH Minister of Defence. The role of the BiH Presidency in the oversight of the AF BiH is conducted in accordance with Article 12 of the BiH Law on Defence.

According to the BiH Law on Defence (Section E, Articles 15-17), BiH Minister of Defence is a civilian in charge of the BiH Ministry of Defence and conducts his function in the area of administrative, organizational and command authority as well as control and inspection of the BiH AF.

Procedures established by the Constitution for ensuring the effective, democratic control over the activities of the Republic of Srpska Ministry of Interior are regulated by the following legal acts:

- The Constitution of Bosnia and Herzegovina, Article 3, Item 3;
- The Constitution of the Republic of Srpska, Articles 68 and 3;
- The Law on the Republic of Srpska Government, "Official Gazette of the Republic of Srpska", no. 03/97, 03/98, and 118/08;
- The Law on Republic Administration, "Official Gazette of the Republic of Srpska", no. 118/08, and 11/09;
- The Law on the Internal Affairs of the Republic of Srpska, "Official Gazette of the Republic of Srpska", no.48/03;
- The Law on Parliamentary Oversight of the Defense and Security Sector, "Official Gazette of the Republic of Srpska", no. 25/05 and 63/07;
- The Law on Agencies for Protection of Persons and Property and on Private Detective Activities, "Official Gazette of the Republic of Srpska", no. 50/02, 92/05, and 91/06;

Constitutionally established procedures for democratic control over the work of the Federation Ministry of Interior Affairs are prescribed by the following legal acts:

- Constitution of the Federation of Bosnia and Herzegovina;
- Rules of Procedure of the House of Representatives of the Parliament of the Federation of BiH (Official Gazette of the Federation of BiH no. 69/07) – Article 61 – Security Committee;
- Rules of Procedure of the House of Peoples of the Parliament of the Federation of BiH (Official Gazette of the Federation of BiH no. 27/03 and 21/09) – Article 59 – Security Committee;
- Law on Interior Affairs of the Federation of BiH (Official Gazette of the Federation of BiH, no. 49/05) – Articles 34 and 35 – Independent Board;
- Decree of the Government of the Federation of BiH on Office for Public Complaints (Official Gazette of the Federation of BiH, no. 68/05).

Parliamentary supervision of the work of the Police of Brcko District BiH is carried out by following legal provisions:

- Article 8 item 2 Law on Police of Brcko District BiH, defines the obligation of the Police to submit reports on work to the Assembly of Brcko District BiH and to the Mayor of Brcko District BiH.
- Article 8 item 18 Law on Police of Brcko District BiH defines the obligation of the Police to cooperate with the Assembly Commission for the supervision of the work of the Police.
- Article 34 Law on Police of Brcko District BiH defines the obligation of the Chief of Police towards the Mayor and the Assembly of the District.

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

In accordance with the BiH Constitution, Amendments to the Constitution, and the amendments to the Entity-level constitutions, as well as decisions of Entity-level Parliaments on transferring the competencies from the Entities to the State, the BiH Law on Defence was adopted (2005) and regulates the competencies of State institutions in the defence sector.

Democratic control is implemented through a clear chain of command and control, defined by the Law on Defence of BiH, which begins at the Presidency of BiH, through the Minister of Defence to the Chief of the Joint Staff of the BiH Armed Forces (AF BiH).

The parliamentary control over the AF BiH shall be performed by the BiH Parliamentary Assembly, directly through the Joint Committee for Defence 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 organisation, funding, appointment, training, mobilization, equipping, and use of the BiH Armed Forces.

The Parliamentary Assembly also has the authority to announce the state of war upon the request by the Presidency, in the case of direct attack to BiH or parts of BiH, as well as to announce a state of emergency.

The Parliamentary Assembly 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 Parliamentary Assembly of Bosnia and Herzegovina is in charge of the control and supervision of defense and security institutions of Bosnia and Herzegovina in accordance with Article 54 of the Rules of Procedures of the House of Representatives and Article 48 of the Rules of Procedures of the House of Peoples.

This Commission was established by both of the Houses of the Parliamentary Assembly in December 2003. The Commission consist of twelve members, out of which 6 are coming from both Houses.

The Joint Committee for Defense and Security Policy manages parliamentary supervision over following BiH institutions:

- The Ministry of Defence,
- The Ministry of Security,
- Border Police (BP),
- The State Investigation and Protection Agency (SIPA),
- The National Office of Interpol,
- The Mine Action Centre – BHMAC.

Proactive efforts of the Joint Committee for Defense and Security Policy had significantly contributed to:

- overall reform of the security sector in BiH;
- adoption of a law which establishes the Intelligence and Security Agency of Bosnia and Herzegovina (OSA);
- improvement of state police agencies SIPA and SBS.

Aside to the above mentioned, the Joint Committee also considers and monitors implementation of the security and defense policy of Bosnia and Herzegovina; supervises and considers reports of: the Permanent Committee for Military Matters, 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 Parliamentary Assembly of Bosnia and Herzegovina. With regard to the reports, a special focus is being given to short-term and long-term activities concerning structure of the BiH Armed Forces, personnel policy and recruitments, salaries and compensations, education and training of the BiH Armed Forces 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. Further, the 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.

The Joint Committee for Defense and Security Policy performs its expertise in field of *democratic political control over defense and security structures on national level*. In practical sense, this means that ever since its establishment the Committee had over 30 regular Committee sessions, numerous meetings with different Ministers and delegations that came to visit, paid field visits to BiH institutions, Parliaments and executive structures in the region. All of the activities had contributed to development of good bilateral relations not only with executive structures in BiH, but also with parliamentary colleagues from wider region.

Another joint committee of both Houses of Parliamentary Assembly of Bosnia and Herzegovina - the Joint Intelligence and Security Committee for Supervision over Intelligence and Security Agency (OSA) – was established pursuant to above mentioned legislation on Intelligence of Bosnia and Herzegovina. Since the Committee's initiation in April 2004, it held over 10 regular sessions and performed supervision over demanding process of launching OSA. It also carefully examined and lobbied the Parliamentary Assembly to adopt proposed legislation that secured, upon its adoption, certain democratic political supervision over OSA.

In accordance with institutional division of competences in Bosnia and Herzegovina, Entity Parliaments of Republic of Srpska and BiH Federation also have their committees for parliamentary supervision. These defense and security committees (two in



the Federal Parliament with two Houses, and one in People's Assembly of RS) initially performed democratic political control over entity Ministries of Defense (that were closed on December 31<sup>st</sup>, 2005, pursuant to the Law on Defense of BiH). On January 1<sup>st</sup>, 2006, when the transfer of defense responsibilities was completed, the Entity Parliamentary Committees remained responsible for supervision of entity Ministries of Internal Affairs and subordinated police forces.

The OSCE Mission provides an immense support and gives instructions to secure adequate legal framework needed for setting-up and respecting defense, security and intelligence structures in Bosnia and Herzegovina, through a strong parliamentary supervision. The OSCE Mission's Program on Security Cooperation also includes development of specialized projects which stream parliamentary committees to understanding and performing their roles in providing democratic political supervision over entire security sector in Bosnia and Herzegovina. One of the tasks focuses on enhancement of cooperation between national and entity parliamentary committees for supervision with an aim of organizing mutual meetings on security matters and visits to BiH institutions. In wider context, bilateral meetings in neighboring countries would contribute to transparent bilateral relations aimed at providing support for stability in the region.

Democratic control and oversight of work of the Federation Ministry of Interior is carried out by the following bodies/institutions:

- Parliament of the Federation of Bosnia and Herzegovina;
- Security Committee of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina;
- Security Committee of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina;
- Government of the Federation of Bosnia and Herzegovina;
- Independent Board of the Parliament of the Federation of Bosnia and Herzegovina, which carries out the process of selection, appointment and removal of the director and deputy director of the Administration of Federal Police, considers complaints related to their work and conducts appraisal of their performance, in the case of their re-election;
- Office for Public Complaints monitors and controls procedure of processing complaints against employees of the Federation Ministry of Interior Affairs.

In accordance with the laws on interior affairs of cantons, cantonal assemblies establish Independent Board which nominates a candidate for police commissioner in the cantonal ministry of interior affairs, considers complaints related to their performance, considers proposals for their removal and carries out appraisal of their performance.

The mentioned Law and Rules of procedure of the Assembly and work of the mentioned Assembly Commission in the field of parliamentary supervision defines the jurisdiction and procedures of the mentioned legislative institution and its body in relation to the Police of Brcko District.

### **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?**

BiH Armed Forces are a professional, single military force organised and controlled by the state of BiH. The Armed Forces can be organised, trained, equipped or mobilized in the territory of BiH, only in accordance with the Law on defence of BiH and the Law on service in the Armed Forces of BiH.

The mission of the Armed Forces of BiH is to:

1. Participate in operations of collective security, peace support operations and self-defence operations, including fight against terrorism;
2. Provide military defence of BiH;
3. Provide assistance to civil authorities in reacting to natural disasters and catastrophes;
4. Anti-mine activities in BiH;
5. Fulfil international obligations of BiH.

Engagement of the AF BiH is conducted upon the proposal of the defence minister, and based on a decision of the BiH Presidency, which (in case of announcement of a state of emergency, state of war or deployment of AF of BiH units to peace keeping missions) is confirmed by the Parliament of BiH.

The Armed Forces of BiH (AF BiH), according to the decision of the BiH Presidency from 07 July 2006, can have 10 000 professional soldiers, 1 000 civil employees (including employees of the Ministry of Defence) 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 BiH. Members of reserve units selected or appointed to public functions is not obliged to resign from the position if mobilized to regular training.

Interior affairs that are under the authority of the Ministry of Interior of the Federation of Bosnia and Herzegovina are:

- prevention and detection of criminal offences of terrorism, inter-cantonal crime, drugs trafficking and organised crime, and arresting of perpetrators of criminal offences and bringing them before competent bodies,
- protection of dignitaries and buildings in the Federation,
- education, professional training and professional development,
- citizenship of the Federation of BiH.

Interior affairs under the joint competence of the Federation and cantons are implementation of laws and other acts regulating citizenship, travel documents of citizens of Bosnia and Herzegovina residing at the territory of the Federation, residence and movement of foreigners at the territory of the Federation, agencies for protection of people and property, and other affairs as prescribed by the laws of the Federation of BiH.

These functions are performed in accordance with the Constitution and applicable laws and bylaws governing this area. The Federation Ministry of Interior is managed by the Minister, while the Administration of Federal Police is managed by the Director, who is accountable to the Government of the Federation of BiH and Minister. Deputy Director of the Administration of Federal Police is accountable for his work to the Director.

In addition to the aforesaid management staff who within the scope of their responsibilities ensure legality and constitutionality in performance of duties and tasks, constitutionality and legality is also protected by the bodies / institutions referred to under 2.2.

According to the Law on Agencies and Internal Services for Protection of People and Property (Official Gazette of the Federation of BiH, no. 78/08), inspection control of implementation of this Law by the agencies and internal services for protection of people and property is carried out by the Federation Ministry of Interior and cantonal ministries of interior affairs within their competencies, as prescribed by this Law.

Democratic control and supervision over the activities of the Republic of Srpska Ministry of Interior is conducted by the following authorities/institutions:

- the President of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska );
- the National Assembly of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska,
- the Law on Parliamentary Oversight of the Defense and Security Sector);
  - . Committee for monitoring and control of the work of bodies and institutions in defense and internal affairs sector;
  - . Independent Board for selection and appointment of the Police Director
- the Government of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska);
- the Constitutional Court of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska);
- Ordinary Courts of Law of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska);
- the citizens of the Republic of Srpska (The Law on the Internal Affairs of the Republic of Srpska);

Besides the mentioned ones, the control and supervision over the activities of the Agency for Protection of Persons and Property and on Private Detective Activities are done by the Ministry of Interior of the RS (The Law on Agencies for Protection of Persons and Property and on Private Detective Activities).

Pursuant to the Law on Agencies for Protection of Persons and Property, and on Private Detective Activities in Brcko District BiH, eleven agencies were registered. In accordance with the law, Police of Brcko District is conducting supervision upon the legality of work of the mentioned 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 which was regulated by entity laws was abolished in BiH on 1<sup>st</sup> January 2006. The Law on Defence of BiH prescribes the existence of active reserve. There is no specifically designed reserve component of the AF BiH, but an active reserve is envisaged in the peacetime structure

Recruitment of staff for the needs of the Federation Ministry of Interior Affairs, in terms of the police staff is governed by the Law on Police Officers of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina no. 27/05 and 70/05), in terms of civil servants by the Law on Civil Service of the Federation of Bosnia and Herzegovina (Official Gazette no. 29/03, 23/04, 39/04, 54/05, 67/05 and 8/06) and for employees by the Law on Employees in Public Bodies in the Federation of BiH (Official Gazette of the Federation of BiH no. 49/05).

Employment in the Police is carried out in accordance with the provisions of the Law on Police officials of Brcko District BiH (section C. Employment procedure article 58 to article 67).

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

There is no compulsory military service in BiH.

#### **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 Armed Forces of BiH is regulated by the following:

1. Law on Defence of BiH (Official Gazette of BiH, number 88/05);
2. Law on Service in the AF of BiH (Official Gazette of BiH, number 88/05);
3. 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 (Official Gazette of BiH, number 14/05)

Accession to AF of BiH is performed in accordance with legal provisions exclusively, regulated by the mentioned Laws.

Current solutions define that all members of the Armed Forces of BiH (AF BiH) during their active or reserve service exercise their rights and obligations in accordance with

the Law on Defence and the Law on Service in the Armed Forces of BiH. The mentioned laws are in compliance with the Constitution of BiH and other relevant legislation. There is no Military Court within the Armed Forces of BiH.

Armed Forces personnel consists 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 service in the AF BiH, composition of the Armed Forces, admission into service, rights and obligations of the personnel serving in the Armed Forces, status during service, personnel classifying system, evaluations, promotions, personnel record and carrier management, ranks and insignia in the Armed Forces, standards of conduct and other status issues of the personnel serving in the Armed Forces.

Civilians in service in the Armed Forces are civil servants and employees who exercise their rights and obligations in accordance with the Law on Civil Service in the institutions of BiH (Official Gazette of BiH, number 12/02 and 19/02) and the Law on Labour in the institutions of BiH (Official Gazette of BiH, number 26/04, 7/05 and 48/05).

The Laws governing the rights of staff of the Federation Ministry of Interior Affairs are: Law on Interior Affairs of the Federation of BiH (Official Gazette of the Federation of BiH no. 49/05), Law on Police Officers of the Federation of BiH (Official Gazette of the Federation of BiH no. 27/05 and 70/08), Law on Civil Service of the Federation of BiH (Official Gazette of the Federation of BiH no. 29/03, 23/04, 39/04, 54/04, 67/05 and 8/06), Labour Law (Official Gazette of the Federation of BiH no. 43/99, 32/00 and 29/03), Law on Employees in Public Bodies in the Federation of BiH (Official Gazette of the Federation of BiH no. 49/05).

In cantonal ministries of interior affairs, this area is governed by the Law on Police Officers in cantons, as well as the Law on Civil Service in the Federation of BiH and the Law on Employees in Public Bodies in the Federation of BiH referred above.

The Laws, which regulate the rights of the RS Ministry of Interior employees, are:

- The Law on the Internal Affairs;
- The Labor Law, "Official Gazette of the Republic of Srpska", no.22/07 and 55/07;
- The Law on Labor Relations in State Bodies, "Official Gazette of the Republic of Srpska", no. 11/94, 06/97 and 96/03;
- The Law on the Civil Service in the Administration of the Republic of Srpska, no. 16/02,62/02,38/03, and 42/04;
- The Law on civil servants, "Official Gazette of the Republic of Srpska", no. 118/08
- Collective contracts
- The Law on Independent and Supervising Authorities of Police Structures in Bosnia and Herzegovina, Official Gazette of BiH, 36/08

#### **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?**

BiH ensures that the Armed Forces of BiH (AF BiH) are equipped, trained and managed in accordance with the provisions of the International Humanitarian Law through the implementation of the Security and Defence Policy as well as the military Doctrine.

Training curriculum of basic and advance courses for NCOs and officers of the Armed Forces includes studying of the International Humanitarian Law and conventions, which must be applied in armed conflicts, as well as relevant state legislation.

##### **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?**

Through the training of military professionals, prescribed in the "Leader's Development" manual, the mandatory courses have been defined at the Center for Professional Development for the AFBiH officers and NCOs as follows:

- Command and Staff Course,
- Basic Officer Course,
- Basic NCO Course,
- Advanced Officer Course,
- Advanced NCO Course.

The attendance of these courses is mandatory for each AFBiH officer and NCO. Programs of instructions for all above-mentioned courses contain lessons, which address in details the IHL and Law on War. Also, at the level of all AFBiH 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.

The 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, Geneva and Hague Conventions.

The AFBiH in coordination with the ICRC organizes the execution of seminars and courses according to the ICRC plans and programs.

All AFBiH units that are to be deployed in peace support operations must be trained on IHL and Law on War. Additionally, the AFBiH 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 AFBiH 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?**

The Article 4 of the AFBiH Service Law (Official Gazette of BiH, number 88/05) defines the usage of language and alphabet in the AFBiH, e.g. official languages in the AF are Bosnian, Serbian and Croatian as well as two alphabets: Latin and Cyrillic.

The Article 6 of the AFBiH Service Law defines infantry regiments, which among other things, inherit identity and military heritage of the units and constituent peoples, foster cultural-historical heritage, publish regimental bulletin and perform other cultural-historical regimental activities.

In the mid 2007 the Agreement between the BiH Council of Ministers and churches and religious communities in Bosnia and Herzegovina was signed on the establishment, organization and functions of catholic spiritual care, orthodox spiritual care and military mufti office as integral parts of the common religious service at the BiH Ministry of Defense and BiH Armed Forces.

**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 BiH Defense Law (Official Gazette of BiH, number 88/05) defined that the BiH Armed Forces can not be used for political purposes or for political party activities.

The AF members are allowed to register for voting as well to participate in voting, and can candidate themselves for the 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 AFBiH, he/she can not perform activities from the party point of view.

The Article 26 of the AFBiH Service Law, (Official Gazette of BiH, number 88/05) strictly prohibits syndical and political organization of the all AF members

In accordance with article 44 Law on Police officials of Brcko District BiH, the rights of police officials are defined, and the political neutralism is defined by the Code of conduct of members of the Police of Brcko District BiH.

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

The 1949 Geneva Convention and its Additional Protocols compose an integral part to the Military Doctrine of the Armed Forces of BiH. This ensures that military professionals are aware of the obligations to comply with and to implement certain humanitarian principles and rules during armed conflicts.

## **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?**

In the second half of the March 2008, representatives of the BiH Ministry of Security participated in drafting inter-departmental annual information on OSCE's Code of Conduct in the Military-Political aspects of Security. Along with the OSCE, the Ministry of Security organized two courses on the subject of Code of Conduct in the Military-Political Aspect of Security (14<sup>th</sup> – 15<sup>th</sup> April and 7<sup>th</sup> – 8<sup>th</sup> May 2008).

On basics of the OSCE's Code as well as of the all of the other items mentioned above, the public was informed through the official web-site of the Ministry of Security ([www.msb.gov.ba](http://www.msb.gov.ba)), which states as follows:

"The OSCE's Code was adopted in 1994 when many European democracies in establishment had faced the process of transition. Through clear definition of norms which set stabile European democracies as well as roles and functions of their security institutions, the Code of Conduct had contributed to introduction of regular process of transition for European countries which strived to develop democratic governments and adequate institutions for defense and security." Bosnia and Herzegovina is one of the co-signatory and participating countries to this process.

Within the Police of Brcko District BiH the position of the spokesperson is stipulated and a web page of the Police of Brcko District was created. Through the mentioned instruments public can be informed about all events which are investigated by the Police of Brcko District BiH with possible limits by the above mentioned Laws.

#### **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?**

No information is available on the subject.

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

According to the BiH' Defence Policy of May 2001, a transparent approach to the defence activities is in accordance with international standards, which will help to restore and develop mutual confidence between the three constituent peoples, citizens and the Entities in, and at the level of BiH, and establish and consolidate a permanent, stable and self-sustaining peace in BiH.

This principle implies the implementation of the following objectives:

1. Mutual exchange of information with reference to the planning of defence activities, engagement of assets and their origin and on the location of the military units and facilities;
2. Transparency of the budget and foreign military assistance;



3. Transparency of co-operation with the armed forces of other states;
4. Full access to and oversight of all defence activities by civilian authorities exercising command and control of the defence structures in BiH;
5. Co-operation with appropriate government and non-governmental organisations dealing with security and defence issues;
6. Openness to the media and continued informing of the public about defence activities.

Public access to information related to the Armed Forces of BiH is in accordance with the Law on Free Access to Information in BiH (Official Gazette of BiH, number 28/00). This Law defines that all information under the control of a public body represent public property of value. A Public body has a relevant obligation to release such information. Every citizen of BiH has access to information in accordance with public interest.

A public body can define exceptions in cases when release of information can cause damage to legitimate objects in BiH; such as: foreign policy; defence and security interests; protection of public security; monetary policy interests; prevention of crime and any detection of criminal activities.

Other examples include: the protection of the decision making process, opinions, advices or recommendations by a public body in accordance with the Law on secret data protection BiH (Official Gazette, number 54/05).

Media representatives are invited on regular basis to attend all important events taking place at defence institutions and in the Armed Forces of BiH.

The Ministry of Defence of BiH has established a Public Relations Office in order to inform the public on the Ministry's activities in implementing the BiH defence policy, and to inform the public on all important issues related to the work and activities of the Ministry of Defence of BiH.

## **2. Contact information**

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

Each institution has provided information on their points of contact, since there is no national point of contact as such:

#### **Ministry of Foreign Affairs:**

Ms. Anesa Kundurovic, First Secretary, OSCE desk-officer, Tel: +387 33 281 246, Fax: +387 33 472 188; e-mail: [anesa.kundurovic@mvp.gov.ba](mailto:anesa.kundurovic@mvp.gov.ba)

#### **Ministry of Defense:**

Mr. Denis Selimovic, Senior Expert for information exchange in Department for International Cooperation. Phone number: + 387 33 285 627; e-mail: [denis.selimovic@mod.gov.ba](mailto:denis.selimovic@mod.gov.ba)

**Ministry of Security:**

Mr. Mario Janecek, Expert Adviser for counter-terrorism issues, Tel: +387 33 492 717; e-mail: [Mario.Janecek@msb.gov.ba](mailto:Mario.Janecek@msb.gov.ba)

**Border police:**

Mr. Sasa Corsovic, tel: +387 33 755 300; e-mail: [sigzluk@dgs.gov.ba](mailto:sigzluk@dgs.gov.ba)

**Ministry for Human Rights and Refugees:**

Mr. Goran Garic, Expert Adviser for legal affairs, tel: +387 33 703 937; e-mail: [garic.goran@hotmail.com](mailto:garic.goran@hotmail.com) and Ms. Samra Filipovic-Hadzibadic, Director of the Agency for Gender Equality, tel: +387 33 209 761

**Ministry of Civil Affairs:**

Mr. Nihad Bajramovic, tel: +387 33 492 560; e-mail: [nihad.bajramovic@mcp.gov.ba](mailto:nihad.bajramovic@mcp.gov.ba)

**Ministry of Justice:**

Mr. Emir Mehmedovic, tel: +387 33 223 503, e-mail: [emir.mehmedovic@mpr.gov.ba](mailto:emir.mehmedovic@mpr.gov.ba)

**Parliamentary Assembly (Joint Commission for Defense and Security):**

Mr. Zeljko Grubestic, tel: +387 33 284 462, e-mail: [zeljko.grubestic@parlament.ba](mailto:zeljko.grubestic@parlament.ba)

**Ministry of Interior of Federation of Bosnia and Herzegovina:**

Mr. Dragoljub Tomic, Adviser to the Director; tel: +387 33 207 617; e-mail: [kabinet@fup.gov.ba](mailto:kabinet@fup.gov.ba)

**Ministry of Interior of Republic of Srpska:**

Mr. Ranko Vukovic, Inspector in Police Department, tel: +387 51 334 386; e-mail: [stazovukovic@yahoo.com](mailto:stazovukovic@yahoo.com)

**Police of Brcko District:**

Mr. Fahrudin Selimovic – Deputy Chief of Police; tel: +387 49 233 200; e-mail: [fahrudin.selimovic@bdcentral.net](mailto:fahrudin.selimovic@bdcentral.net)

**Additional:**

**Information on Gender Equality in Bosnia and Herzegovina**

**What state has done and what is currently doing in the field of gender equality**

Establishment of the institutional mechanism for the gender issues

*Institutional mechanisms for gender issues have been established as the part of the overall efforts to improve the status of men and women in Bosnia and Herzegovina at a time when gender equality was not considered as development priority.*

*Institutional mechanisms for gender issues are composed of legislative and executive mechanisms, permanent working bodies and working bodies established on at hock base at all levels of legislative and executive authorities of BiH state.*

*Currently it involves the following:*

- The Agency for Gender Equality of Bosnia and Herzegovina (at the state level, established on 2004 by the BiH Law on Gender Equality (Article 22) within the Ministry for Human Rights and Refugees)
- FBiH Gender Centre (established by Decision of Federation BiH Government in 2000)
- RS Gender Centre (established by Decision of RS Government in 2001)
- Parliamentary Commission for Gender Equality within the House of Representatives of the Parliamentary Assembly of BiH, national level
- Commission for Gender Equality within the Federation Parliament (House of Peoples and House of Representatives of the Federation BiH Parliament)
- Equal Opportunity Commission of RS National Assembly
- Gender Equality Commission within all cantonal assemblies and cantonal governments, and
- Gender Equality Commission within municipal councils/municipal assemblies and mayor's offices
- Gender Equality Commission of BiH Brcko District

#### International Legal Framework

BiH is signatory state of many treaties, international as well as European, in the field of human rights. Apart from that BiH assumed political obligations to promote gender equality.<sup>39</sup> Those legal and political obligations were taken in consideration during the GAP development. Following are the key documents:

#### **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Bosnia and Herzegovina ratified CEDAW in 1993, and the Convention became integral part of the BiH Constitution and integral part of national rules. Optional Protocol of the Convention was ratified in 2002. The Convention commits BiH to eliminate discrimination from the legal, political, social and cultural life.

CEDAW recognizes that discrimination is the part of everyday life of women and such discrimination violates women's rights and human dignity. By ratification of CEDAW BiH expressed its readiness to eliminate discrimination of women and undertake in that regard all needed measures and activities at all levels. Articles 2 and 3 of the CEDAW stipulate general legislative and political measures to be undertaken and enable BiH to fulfill its obligations. Article 4 of CEDAW is of the most importance as that Article, together with Articles 2 and 3, bind countries acceded to the Convention to put its provisions into practice.

Reporting system, every four years, on measures the signatory states have taken to comply with the treaty obligations is the good instrument for actions in different fields. This system encourages signatory states to consider and initiate debate within society as a whole and may give impetus to the political and legal mechanisms in order to promote realization of gender equality and woman human rights. Bosnia and Herzegovina submitted Initial and then the Second and Third (combined) periodical reports to CEDAW Committee in 2005 followed presentation before the Committee in May 2006. After that the UN CEDAW Committee developed its Recommendations for

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<sup>39</sup> Full list of all international conventions signed by BiH can be found at:  
<http://www.ohchr.org/english/countries/ratification/13.htm>

Bosnia and Herzegovina. Recommendations of the UN CEDAW Committee are incorporated into Gender Action Plan of BiH. The development of the Fourth Report is ongoing and will be submitted to the CEDAW Committee in 2010.

### **Beijing Declaration and Platform for Action**

Bosnia and Herzegovina is obliged to implement Beijing Declaration and Platform for Action<sup>40</sup> (from 1995). This Declaration has not the status of legal binding document but every member state (signatory state of Beijing Declaration and Platform for Action) is obliged to develop National Action Plan to improve the status of women. Bosnia and Herzegovina developed such Plan in 2004 and it had important role in development of GAP<sup>41</sup>.

### **Council of Europe Recommendations on Gender Equality**

BiH Agency for Gender Equality takes part in the work of the Council of Europe Committee for Gender Equality and contributes with other member states in development of recommendations of the Committee of Ministers. Those recommendations enable establishment of standards in the field of gender equality in all member states of the Council of Europe (47) and make integral part of the policies enacted by Bosnia and Herzegovina. Those Recommendations were important tool used in development of the BiH Law on Gender Equality and Gender Action Plan.

### **Security Council Resolution no.1325 (UNSCR 1325)**

Security Council Resolution no.1325 was passed unanimously on 31 October 2000. The Resolution is binding for all member states. The Resolution addresses inclusive concept of security and member states are called to ensure full and equal participation of women in all efforts for the maintenance and promotion of peace and security. The Resolution urges Member States to strengthen gender perspective at all decision-making levels in national, regional and international institutions and mechanisms for prevention, management and resolution of conflicts.

The resolution calls all actors involved, when negotiating and implementing peace agreements, to adopt gender perspective, including, *inter alia*:

- The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict resolution
- Measures that support local women's peace initiatives and indigenous processes for conflict resolution and that involve women in all of the implementation mechanisms of the peace agreements;
- Measures that ensure the protection and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

It is important to underline that the Security Council called all parties to armed conflict to take special measures to protect women and girls from gender-based violence,

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<sup>40</sup>Beijing Platform for Action was enacted by all UN member states in 1995 during the IV International Women Conference (held in 1995) organized by UN. Platform for Action, *inter alia*, treats the issues like women and poverty, women and economy and woman human rights. BiH took part the Conference.

<sup>41</sup>National Action Plan for improvement of the women's status in Bosnia and Herzegovina was attached to the GAP as an Annex

particularly rape and forms of sexual abuse and all other forms of violence in situations of armed conflict;

Agency for Gender Equality of BiH currently develops Action plan for implementation of the UNSCR 1325. The Working Group, composed of representatives of the Agency for Gender Equality of BiH, entity gender centres, BiH Ministry of Defence, BiH Ministry of Security, BiH Ministry of Foreign Affairs, BiH Border Police, SIPA, Federal Ministry of Interior, RS Ministry of Interior and non-governmental organizations, has been established. Up to date working group met twice. The next meeting of the working group will be held in Mostar from 19 to 21 May aiming to develop draft Action Plan. The comparative analysis of the action plans of Spain, Norway, Austria, Liberia and Island has been done and will be the initial base for Action Plan development.

### **Domestic legal frame and policies referring gender equality in BiH (key documents)**

#### **The Law on Gender Equality of Bosnia and Herzegovina**

The Law on Gender Equality of BiH was passed in 2003<sup>42</sup> and represents important instrument for awareness on gender equality and introduction of the gender perspective into public policies and regulations. It promotes gender equality and guarantees equal opportunities for male and female citizens, in both in the private and public spheres, and prevents their direct or indirect discrimination on the basis of gender or sexual orientation. The Law is composed of 18 Chapters including chapters on discrimination and definitions, education, employment, social welfare and health protection, sports, culture, public life, media, prohibition of gender-based violence, statistical records, court protection, obligations of the authorities and measures they should implement, sanctions and etc. The Law on Gender Equality obliges Government and its institutions to develop programs on implementation of the Law in all spheres of life; In compliance with the Law the BiH Agency for Gender Equality was established with competence to develop National Action Plan for the implementation of the gender equality (Article 23 of the Law on Gender Equality)

*Although it represents a good instrument the Law requires permanent monitoring and reviewing. The content of the relevant provisions will be amended for the purpose of more efficient implementation, better protection of violated rights, strengthening of capacities and defining of institutional responsibilities at all levels, creation of the clear procedures and sanctions for the violation of the Law. The amending of the Law on Gender Equality is ongoing particularly in the part relating to the Court protection. Implementation of the Law on Gender Equality requires harmonization of existing regulations with provisions of the Law particularly in the following fields:*

- Electoral regulations
- Regulations on working relations
- Regulations on family relations
- Civic law
- Criminal code

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<sup>42</sup> The Law on Gender Equality was published in the BiH Official Gazette no.16/2003

Institutional gender mechanisms ensured harmonisation of the existing regulations with the provisions of the Law on Gender Equality. Some of activities were implemented in cooperation with NGOs but still further work is needed in this field.

General public is not sufficiently informed on the content of the Law on Gender Equality and on implementation of its provisions.

One of the fields that cause concerns, as it is the case with other laws in BiH, is the lack of the court protection of the rights contained in the BiH Law on the Gender Equality.

Majority of employees within judiciary bodies as well as lawyers do not recognize the Law and its provisions. Implementation of the law provisions at different level across BiH (national, entity, cantonal and municipal) requires permanent monitoring by the state authorities, civil society and academic community.

A Trainings for the civil servants, judges and prosecutors on necessity of implementation of the Law on Gender Equality in BiH was conducted by the Gender Institutional mechanisms.

### **Gender Action Plan of BiH (GAP)**

Gender Action Plan (GAP) of Bosnia and Herzegovina was passed by the BiH Council of Ministers on 14 September 2006 as the five year strategy for the gender mainstreaming in BiH. The main goal of the GAP is "to define strategy and realize program goals aimed to implement equality of women and men in Bosnia and Herzegovina". Gender Action Plan is composed of 15 Chapters, as follows:

- European integration in the light of gender equality
- Cooperation and capacity building
- Macro-economic and development strategies
- Gender sensitive budgets
- Political life and decision-making process
- Employment and labour market
- Social inclusion
- Gender sensitive media
- Long-life learning
- Health, prevention and protection
- Family violence, gender-based violence, harassment, sexual harassment and trafficking in human beings
- Role of men
- Harmonisation of professional and private life
- Gender and sustainable environment
- Information and communication technologies

Common strategic goals in all working areas defined by GAP are as follows:

- "Harmonization of the legislation in each field with domestic and international legal standards relating gender equity and equality;
- Advancement of data bases, research and socioeconomic analysis on the state of gender equality in each field;
- Education and public awareness raising on necessity of introduction of gender equality in all spheres of life and work;

- Capacity development and supporting of cooperation activities and participatory approach of all institutional and out institutional actors in Bosnia and Herzegovina.”

### **The role and representation of women in the conflict, prevention of conflict, crisis management and rehabilitation, etc**

As other countries affected by a war, women of Bosnia and Herzegovina represented a tie between families, they took care on and provided support to the women victims of war, took care on widows and their children, fed family, take care on education of children and elementary needs of middle aged. This experience was the foundation for the new role and status of women within BiH society. However, full attention of the domestic and international actors was paid to the importance of the ethnic, regional and religious equality in BiH, leaving aside the issue on gender equality and pushing women to the margin of the public and political interest. Legacy of the economic crisis and war still prevent participation of women in public life, politics and economy. Inequality between men and women is visible in all sectors of public life in BiH.

Currently, representation of women within executive authorities is less than 8% and for the last ten years we are faced with decreasing ratio of women presentation. Reasons are rooted in the sexual discrimination and stereotyped gender-based roles which have strong influence on each aspect of woman life.

While representation of women in the municipality and cantonal level ranges between 20 and 30%, women councillors of the House of Representatives of the Parliamentary Assembly of BiH make amounts 10%. Rate of the women representation in the House of Peoples is 13,3%<sup>43</sup>. Apart from that, there are no women holders of executive power at the national level. Almost all political party leaders are men (there is only one woman president<sup>44</sup> of the political party out of 47 political parties registered for the 2006 elections).<sup>45</sup> However, most women have leading positions within state services and the number of women working as assistant ministers, head of departments, bureaus and agencies is increasing.

When it comes to the representation of women in the sector of security of BiH, following is extract from data from 2008 as an illustration on women representation:

- BiH Armed Forces (m 93,5%, w 4,5%)
- BiH Ministry of Defence (m 66%, w 34%)
- BiH Ministry of Security (48,73% are women out of which 26,47% at the leading positions)
- State Investigation and Protection Agency of BiH (14 % women out of which 0,53% at the leading positions)
- BiH Border Police (11% women out of which 0,19 at the leading positions)
- Services for aliens (34,83 out of which 2,25 at the leading positions)
- Peacekeeping missions of UN (Liberia, Cyprus, Haiti, East Timor)

<sup>43</sup> [www.quotaproject.org](http://www.quotaproject.org)

<sup>44</sup> Lara Online – Online Magazine for Women, <http://online-lara.com/>

<sup>45</sup> Central election Commission of BiH, <http://www.izbori.ba>

- in the period 2000 – 2008, 101 police officer from BiH participated in the UN Peacekeeping missions out of which 13 officers were women or 12,87%
- in 2008 that number was 18 in total (3 women or 15,79%)

When it comes to the representation of women at the diplomatic level the situation is similar. Women are excluded from the process of the police reform as it is very sensitive political issue which is limited within the leadership of the political parties where women have little power and influence.

Perception of defence, police and security as a “men’s” business is widely spread. This perception also refers to women in the Army. Women mostly work in administration and they are represented in the decision-making bodies when “women’s” issues are discussed.

Although equal number of men and women enrolled the Police Academy, women have less chance to be promoted to higher positions at which decisions and research are making.

Because of all said, implementation of above UNSCR 1325 which is promoted and implemented by the BiH institutional mechanisms has great importance for involving of the aspect of gender equality into education of police and military staff and creation of the programs and policies within the security sector of BiH. Apart from development of the Action Plan for the implementation of the Resolution, one of the activities assumed by the Agency for Gender Equality of Bosnia and Herzegovina is work with civil war victims and victims of sexual harassment (Article 4 of the Resolution). The aim is to identify problem in order to realize rights of the civilian war victims and overcome current situation.

Article 7 of the UNSCR 1325 “urges” Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts of police and army staff , including those undertaken by relevant funds and programs, inter alia, the United Nations Fund for Women which plans to establish network of international organizations in Bosnia and Herzegovina dealing with promotion and implementation of this Resolution.

European Union Forces have their own officer dealing with issues of gender equality and who acts as the legal advisor and has mandate to ensure that military staff do not violate local and cultural customs of the host country and to be in general informed on ethic codex. International Military Forces in BiH act in accordance with orders of their countries and when it comes to the training from the aspect of gender equality there are still big differences regarding involvement of women . Some European countries that send their soldiers into peace missions are obliged to conduct training in the field of human rights including training on women’s rights as well and in some cases even UNSCR 1325 and CEDAW.

### **Funds for implementation of the Gender Action Plan (FIGAP)**

BiH governments allocate funds to implement priority activities of the GAP in accordance with Work Plan. When it comes to the support of International organizations in BiH, mainstreaming activities were financed through independent, partially coordinated donor’s projects. Lack of common time frame and overviews of donor’s funds caused uncoordinated activities in the field of gender equality.



In order to ensure future sustainable implementation of GAP, Agency for Gender Equality for BiH, Gender Centre of Federation BiH and Gender Centre of Republika Srpska developed, in the course 2007 and 2008, draft program for implementation of the Gender Action Plan of BiH (FIGAP Program).

Program proposal is the result of the consultative process between gender institutional mechanisms and local actors and donors group interested to financially support this program. Program activities require donors' professional and financial support in order to establish capacity building for program managing and sustainability of activities.

GAP implementation is the main goal of the five year long FIGAP program. GAP sets up ambitious goals and refers to important international documents (UN, Council of Europe, EU) as well as domestic (state, entity, cantonal constitutions, BiH Law on Gender Equality). All fifteen areas are important for promoting of gender equality in BiH. FIGAP program makes efforts to define priority fields and areas of strategic importance for BiH in order to direct all activities to promote gender equality. FIGAP program establishes numerous concrete measures to improve knowledge on legislation and modalities to improve its implementation. Prioritization of activities in different fields of GAP will be defined in comply with operational plans and programs of the BiH Council of Ministers and entity governments. Implementation of FIGAP program is tightly connected with implementation of GAP aiming to contribute better quality of life of the beneficiaries through specific project to be implemented by partner institutions in order to improve access to education, employment, health protection and social welfare, participation in the political and public life. It will be focused on inadequately represented and socially excluded groups like women, young people, middle aged, invalid persons, national minorities and etc.

The Program will contribute increasing level of gender equality within BiH society. It means that the concept of gender equality is accepted as an approach in formulating and implementation of the program and policies in sectors of society as it is defined by GAP. Also, Program will contribute to strengthening of the organizational capacities of the gender institutional mechanisms and partner institutions in order to implement GAP.

In order to create environment for the sustainable mainstreaming of the gender equality, awareness and responsibility for the issues of gender equality must be strengthened. Gender mainstreaming should be functional at all levels from the local community to the state level which will then contribute improvement of gender equality in BiH. Implementation of the FIGAP goals will have the following effects:

- All sector will apply gender mainstreaming as an approach in formulation and implementation their policies and programs
- Key GAP areas implemented by application of inter-sectoral GAP areas
- 50% planned activities implemented within GAP
- Holders responsible for GAP implementation developed and implemented programs defined within 15 GAP areas

Signing of the Agreement on Joint Financing of the FIGAP between BiH Government and group of donors (SIDA, Austrian ADA, British DFID, Swiss SDC, Dutch Embassy) is currently ongoing. Implementation of the initial phase of the program is foreseen for 2009 aimed to create all necessary preconditions for implementation five years long program, until the end of 2014.

### **Information on private protection companies**

The control and supervision over the activities of the Agency for Protection of Persons and Property and on Private Detective Activities are done by the Ministry of Interior of the RS (The Law on Agencies for Protection of Persons and Property and on Private Detective Activities), and the control and supervision over the activities of the Republic of Srpska Ministry of interior is done by the Committee for monitoring and control of the work of bodies and institutions in defense and institutional affairs sector (The Law on Parliamentary Oversight of the Defense and Security Sector).