



Стална мисија Босне и Херцеговине при Канцеларији Уједињених нација у Бечу,  
ОЕБС-у и другим међународним организацијама, БЕЧ  
Permanent Mission of Bosnia and Herzegovina to the United Nations Office  
at Vienna, OSCE and other International Organizations, V I E N N A

FSC.EMI/81/16  
18 April 2016

MIS-OSCE/UN-VIE  
204-6-05-4-233-2/16

ENGLISH only

### NOTE VERBALE

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

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

Vienna, April 15, 2016



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

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

## SECTION I: INTER-STATE ELEMENTS

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

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

Bosnia and Herzegovina (B&H) is a party to a large number of universal international treaties, conventions, agreements, arrangements, and resolutions that attempt to efficiently regulate prevention and combating of terrorism, terrorism financing, and prevention of proliferation of weapons of mass destruction.

Bosnia and Herzegovina has signed and ratified a series of United Nations (UN) conventions and protocols on the fight against terrorism, it has committed itself to implementing various UN Security Council Resolutions, and it actively cooperates with the Counter Terrorism Committee of the UN Security Council.

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

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

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

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

The establishment of conditions allowing for a peaceful and safe life for all of Bosnia and Herzegovina's citizens, free from violence and fear, democratic, creative and prosperous, respectful of law and order, is of clear significance for the country. Any form of terrorism directed against Bosnia and Herzegovina is considered a grave and intolerable threat to the country's fundamental values and interests, as it would directly affect security and lives of its citizens. Therefore, it is Bosnia and Herzegovina's priority to develop comprehensive measures, national and international, for the prevention of and protection from all forms of terrorism. Those measures should produce, along with direct benefits, a strong deterrence effect against any terrorist act targeting Bosnia and Herzegovina.

In addition to extensive existing legislation (see Annex 1), **anew Law on Prevention of Money Laundering and Financing of Terrorist Activities** was adopted in June 2014. This Law brings significant improvements to the performance of financial and non-financial institutions with regard to prevention of money laundering and financing terrorist activities, and it facilitates and more precisely defines cooperation between the Financial Intelligence Department of Bosnia and Herzegovina's State Investigation and Protection Agency (SIPA) and other law enforcement agencies regarding money laundering and the financing of terrorist activities.

The threat of persons who participate in conflicts, in wars, or crisis-affected regions and countries, such as Iraq and Syria (i.e., foreign terrorist fighters), is obviously greater and to a certain extent different than traditional terrorist threats. Mindful of the specifics of this security challenge, Bosnia and Herzegovina incorporated new offences into its Criminal Code (Article 162b), namely the illegal establishment of, and/or participation in foreign paramilitary or para-police formations. This provision supplemented the BiH criminal law framework in reference to the fight against terrorism by opening additional possibilities for the police and judicial bodies to investigate and prosecute individuals and groups who decide to join foreign paramilitary or para-police formations. Article 162b also criminalizes the acts of organizing, managing, training, equipping or mobilizing individuals or groups for the purpose of joining illegal paramilitary or para-police formations. Furthermore, the Article refers to the activities of procuring or facilitating resources, removing obstacles, creating plans or passing agreements which create conditions favorable for committing these criminal acts, as well as instigating, supporting, financing or assisting in any other relevant way individuals or groups in joining the aforementioned illegal formations.

A stable security environment in BiH also means that the country must keep the upper hand in dealing with terrorism, and other related crimes, as it is one of the key requirements for BiH's accession to the EU and NATO. Bosnia Herzegovina is adopted **Strategy for prevention and fight against terrorism in June 2015..** Such a strategy will continue to provide a general framework for Bosnia and Herzegovina's actions in its fight against terrorism and offer guidelines for improving existing and developing new measures and instruments for the prevention and suppression of terrorism. It will also present a means for the transfer and application of European antiterrorism standards and regulations into the constitutional and legal system of Bosnia and Herzegovina. The Ministry of Security of Bosnia and Herzegovina<sup>1</sup> is the main institution responsible for creation and implementation of the Strategy. The new strategy is adopted for a five-year period 2015-2020.. It is also important to emphasize that new Action Plans will be developed within the strategy drafting and adopting, in four areas: prevention; protection; investigations and prosecutions; and reaction and managing the consequences of possible terrorist attacks.

General objectives of the strategy will focus on: Conducting continued activities with the aim of deterring any support to terrorism, terrorist activities or radical movements through public awareness activities directed at positive communication; Implementing the Strategy in such a way as to prevent violations of fundamental human rights and freedoms guaranteed by international conventions and regulations; Improving interagency coordination and cooperation and developing capabilities in those institutions or agencies that lack them; Ensuring monitoring and supervision of the Strategy's implementing documents.

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

When it comes to its legal framework, Bosnia and Herzegovina does not have a single law, a “lex specialis”, when it comes to fighting terrorism and terrorism-related activities. It has, nevertheless, established extensive adequate standards in its legal code to effectively combat terrorism. In addition to articles of Bosnia and Herzegovina’s Criminal Code dealing specifically with terrorism, there are a number of other articles that are also significant, such as: taking of hostages; endangering internationally protected persons; illicit trafficking in arms and military equipment; illicit procurement and disposal of nuclear material; piracy; hijacking an aircraft or a ship; endangering the safety of air traffic and maritime navigation; destruction and removal of signal devices utilized for safety of air traffic; misuse of telecommunication signals; illicit trade; illicit manufacturing. The articles listed, in addition to a number of other related articles clearly indicate that the general provisions of the Criminal Code of BiH provide for the criminalization of not only organized terrorist activities, but also incitement, accessory, accomplices and similar types of activities mentioned above, which can also be applied to other criminal offences.

A further positive step in the direction of proactive fight against terrorism also represents the establishment of additional operational specific databases at the relevant institutions / agencies to monitor the problem of terrorism, as well as the establishment of a system of coordination and exchange of relevant operational information at lower levels of government in Bosnia and Herzegovina. Currently, at its initial phase is proposal for draft and later on adoption of Strategy for Weapons of Mass Destruction which will further define and analyse relations between terrorism and WMD (weapons of mass destruction) as well as determine responsible measures and activities that need to be carried out in this field.

Furthermore, the Parliamentary Assembly of Bosnia and Herzegovina and its Joint Committee for Defense and Security were involved in several operations and activities during the reporting period. Its engagement is particularly note in its insistence that the relevant agencies and the Ministry of Security define security challenges and methods necessary to face them, resulting in improved level of coordination in their work - especially in times of emergency - contributing to a better security environment, both in Bosnia and Herzegovina and the region. The Joint Committee through a number of activities made a special contribution in the process of transparent and lawful destruction of surplus weapons, ammunition and explosive ordnance, solving current problems in the procurement process, transparency in the conduct of personnel, improving the system of aid to the civilian population during natural disasters and crisis situations, a more efficient system of military mine-clearance and solving current problems related to the status of immovable and movable perspective military property as well as a number of other issues which have often been the subject of discussion during the meetings and workshops organized by the Joint Commission. The Joint Commission has also initiated a number of discussions with the aim of designing and upgrading of strategic documents. First of all, for the upgrading of existing Security Policy, as well as upgrading the Strategy for Small Arms and Light Weapons (SALW), as well as upgrading elements that will make an annual security situation analysis to be more comprehensive when it comes to the status report and the preparation of proposals that will improve the security situation and make the work of the agency more efficient and mutually coordinated.

The process of destruction of ammunition, mines, weapons and military equipment is particularly monitored by the Joint Committee. The progress in this process is visible through implementation of the EXPLODE Programme led by the UNDP in collaboration with the Ministry of Defense of B&H. The Joint Committee is directly involved in activities of the

Project Board which meets quarterly and reviews the degree of execution of planned tasks. The Joint Committee also monitors the activities of the SECUP Project which is being implemented with the support of the OSCE Mission to Bosnia and Herzegovina. Visible results of the Joint Commission are evident in terms of disposal of surplus ammunition, mines and explosives; achievement of the adequate status of the AF BiH members, as well as the members of the police agencies at the state level; preparation of more adequate annual information on the security situation in BiH; fight against terrorism and organized crime in B&H; personnel situation in the AF BiH; assistance of the AF BiH to the civilian population during the elementary disasters and extraordinary situations; drafting of proposals of the needed amendments for laws and by-laws which will make the work of the BiH MOD and the Joint Staff of the AF BiH more efficient and operational; identification of security challenges in BiH and strategy for its solution; better coordination with the work of police agencies within the Ministry of Security; improvement of coordination and cooperation between the police agencies with goal to use the available capacities; more efficient activities in the process of so called military de-mining organized by the AF BiH.

Also, as Bosnia and Herzegovina firmly continues on its path toward Euro-Atlantic integrations, continued attention is paid to the harmonization of Bosnia and Herzegovina's national legislation with EU and NATO instruments and standards.

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

### **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 activities of civil-military cooperation that are executed within the legal mission of the Armed Forces of Bosnia and Herzegovina and pertaining to the provision of assistance to the civilian authorities in case of natural and man-made disasters, have undergone significant progress, particularly in the following areas: Passage of the Agreement on Cooperation between the BiH Ministry of Defense and BiH Ministry of Security, which identifies a number of areas of cooperation mutually important to the civilian and military structures; approval of the Standard Operational Procedures (SOPs) for the employment of the BiH Armed Forces for the purpose of providing assistance to the civil authority during the response to natural and other catastrophes; and establishment of the Command and Control Operations Center within the BiH defense institutions and its linkage with the Operations-Communication Center of BiH, through which the provision of assistance to civil authorities in emergency situations is communicated.

For the **Armed Forces of Bosnia and Herzegovina**<sup>2</sup>, the fight against terrorism presents a component of the mission of the Armed Forces, which stipulates "... participation in operations of collective security, peace support operations and self-defense...". The defense policy of BiH specifies terrorism as one of the main challenges and risks for the safety of Bosnia and Herzegovina.

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

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



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. A Military-Intelligence Branch exists within the Armed Forces of BiH that is tasked to work on a timely detection of terrorist activities, on military controlled areas, 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.

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

Part of the Ministry of Security is the **Department for the Fight against Terrorism** which monitors the implementation of international conventions; is responsible for international cooperation; 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 organized crime. In this respect, the Department co-operates with the Agencies within the Ministry of Security, other institutions, and relevant international organizations. Within the Ministry of Security are the Border Police, the State Investigation and Protection Agency (SIPA)<sup>3</sup>, the Service for Foreigners, the Directorate for the Coordination of Police Bodies, as administrative organizations whose rights, duties, and operational autonomies are regulated by separate laws.

The **Service for Foreigners Affairs**<sup>4</sup> is responsible for: Administrative work regarding move and stay of foreigners in Bosnia and Herzegovina as it is stipulated by the Law on Foreigners (adopted in 2015) (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; approval of temporary or permanent stay in B&H, 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 implements the Law on Foreigners and deals with statistical and analytical work refers to foreigners.

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

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

The **Directorate for the Coordination of Police Bodies (DCPB)**<sup>5</sup>, beside the earlier established police agencies (Border Police, SIPA, Service for Foreigners' Affairs), is an administrative organization with operational autonomy whose work is regulated by special laws and above all by the Law on Directorate for the Coordination of Police Bodies of BiH and Agencies for Police Structure Support. The DCPB performs its role in combating terrorism through: Communication, cooperation and coordination among police bodies of BiH and relevant bodies in Bosnia and Herzegovina with relevant foreign and international bodies; Application of the best European and other international practices relating to the police matters in Bosnia and Herzegovina; Daily integration of security-related information of relevance for Bosnia and Herzegovina; Organizing and performing of the physical and technical protection of VIPs and facilities of BiH institutions and diplomatic and consular institutions; Gathering, monitoring, analysis, and use of data of relevance for security of Bosnia and Herzegovina.

*"During 2015, Border Police of Bosnia and Herzegovina has undertaken, first of all intensified measures of prevention, especially at airports and important events which are took place in Bosnia and Herzegovina. During 2015, Border Police of Bosnia and Herzegovina forwarded information about border crossings of 139 security interesting persons to relevant authorities in Bosnia and Herzegovina, some of those information were related with border crossings of persons who may be associated with terrorism. Also, Border Police of Bosnia and Herzegovina had submitted information on travel documents of security interesting persons, information for persons which were in their company, vehicles which they used during border crossings, etc."*

Pursuant to the Law on Intelligence-Security Agency of B&H, the **Intelligence and Security Agency of Bosnia and Herzegovina (OSA)** is responsible for information gathering regarding the threats posed to BIH security, as well as for their analysis and dissemination to authorized B&H officials and institutions, where terrorism as one of the important current threats posed both to global and B&H security is also included. The Agency's organizational structure is such that significant number of its human and technical resources is focused on gathering and processing of data useful for the prevention and suppression of terrorist threats. Continued constant education of its members in the field of counterterrorism is executed, with the additional improving of high-quality IT and technical equipment, as well as Agency's staff training, in accordance with current needs and necessities in the contemporary intelligence work. It is exactly in the field of counterterrorism that the Agency developed not only constructive cooperation with B&H agencies and institutions, being legally relevant in regard to that security threat, but also various intensive and dynamic forms of international cooperation, as defined by the Law on Intelligence and Security Agency of BIH.

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

- Exchange of information, co-ordination and cooperation between all security agencies
- Investigation of cases characterized as terrorism
- Criminal-intelligence operations
- Initiative for amendments of the legislative framework in accordance with the needs related to the fight against terrorism
- Security assessments and analyses

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

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

- Protection of witnesses and other persons who can provide the valuable information about potential terrorist activities as well as their consequences
- Initiative to simplify the procedures for use of special investigative techniques when there is suspicion that a terrorist act might occur
- Education of officers on the issues related to the fight against terrorism and financing of terrorism, with a special emphasis on new forms of terrorism
- Protection of members of foreign offices in our country
- Prevention through intelligence activities, including all levels of police structures, and particularly through community policing
- Prevention of terrorism by acting directly with the aim of eliminating terroristic groups and breaking down organized terrorist networks
- Monitoring of radical groups whose behavior can lead to any form of violence
- Preventive measures through prevention of support and recruitment in sensitive and isolated communities
- Detection and prevention of terrorism, the financing terrorism, taking hostages, illicit traffic and manufacture in arms and explosives, criminal organizations,
- Resolving the hostage situation by releasing the hostages
- Detection of environmental pollution by waste and poisonous materials

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

The Rulebook on the Internal Organization and Systematization of Work Positions in MoI in the Republic of Srpska (2015) establishes a new organizational unit 'Administration for Countering Terrorism and Extremism'.

The Federal Police Directorate has, in accordance with the FBiH Law on Interior Affairs, competences to undertake all activities to prevent and combat terrorism at the territory of the Federation of BiH. The Federal Police Directorate, in accordance with the Rulebook on Internal Organisation, has had the Counter-Terrorism Department since 2002, as a response to ever increasing terrorism threats in the world.

#### **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**

In order to achieve the preconditions for a successful fight against terrorism, the cooperation between police agencies in BiH is conducted through the Group for Fight against Terrorism and Strengthening Capacities for Fight against Terrorism (Task Force), which was established by the decision of the Council of Ministers of Bosnia and Herzegovina. This taskforce operates under the leadership of the Office of Prosecutor of Bosnia and Herzegovina, and under supervision of the Ministry of Security of BiH. It cooperates with representatives from SIPA, Border Police, DCPB, Intelligence and Security Agency, Ministries of Interior of Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), and Police of Brcko District (BD).

The Council for Ministers of Bosnia and Herzegovina on 8th July 2015 has adopted New Strategy of Bosnia and Herzegovina for Prevention and Combating Terrorism for 2015-2020.



Based on this Strategy, in August 2015, the Federal Police Directorate adopted its Action Plan for the Fight against Terrorism with the focus on four areas: prevention, protection, investigation and response.

Under BiH presidency of Board of Ministers of Council of Europe has adopted an Action Plan for Combating Terrorism and Additional Protocol for Convention on Prevention of Terrorism in May 2015.

Likewise, under BiH presidency of Board of Ministers of Council of Europe, above mentioned protocol has been subject for signing as a result of which, 18 countries including European Union have signed protocol, in November 2015.

**A new Law on Prevention of Money Laundering and Financing of Terrorist Activities** was adopted in June 2014. This Law brings significant improvements to the performance of financial and non-financial institutions with regard to prevention of money laundering and financing terrorist activities, and it facilitates and more precisely defines cooperation between the Financial Intelligence Department of Bosnia and Herzegovina's State Investigation and Protection Agency (SIPA) and other law enforcement agencies regarding money laundering and the financing of terrorist activities. This law shall meet the requirements of MONEYVAL, specifically in terms of defining money laundering and terrorist financing terminology, further strengthening of the operational independence of the Financial Intelligence Department, strengthening cooperation and exchange of information among law enforcement agencies, establishing enhanced control and monitoring of taxpayers.

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

Furthermore, the Intelligence-Security Agency of Bosnia and Herzegovina, being aware of transitional challenges, particularly in the field of economy, which create fertile ground for the development of various forms of illicit activities, constantly pays special attention, while gathering and analyzing data, to disclosing possible activities that may refer to terrorism financing in any of its phases. In this respect, the Agency especially investigates possible covert activities of some organizations and individuals that used to be brought in the same context before, for various reasons and causes, as well as criminal groups that may serve as potential sources of funds for terrorist activities. The Agency obtained, through its activities,

information indicating that in the previous period of time, in the area of our country activities were conducted on fundraising for financing certain activities, such as volunteers' departure to foreign battlefields (Syria, Iraq, and Ukraine). Currently, there is not enough reliable information on the methods used for financing volunteers departures from BiH to the battlefields, but it is known that certain amounts of money for covering travel expenses to Syria and Iraq come to BiH from private donors from abroad, or self-financing takes place. Those are usually smaller amounts of money, about 200-300 Euros, coming to BiH via mediators. In addition, some data indicate that financing process also involves other individuals who live in countries in Western Europe, but are of BiH origin, or via individuals of Afro-Asian origin, who live and work in West European countries for a longer period of time. Some information indicates that behind the work of some humanitarian organizations and associations that raise funds for Syrian people are members of radical structures in BiH. Due to the non-transparent work of these humanitarian organizations and associations, it is possible that aforementioned individuals use part of the raised funds for financing departures to Syrian war, as well as for providing financial and material support to the families of volunteers being already in Syria, or who were killed there.

#### **- Border controls**

The Border Police of Bosnia and Herzegovina has established a centralized information system at the level of the Head of Office and telecommunication connection of all lower organizational units, which is under constant improvement. The information system of border checks has been established at 53 border crossing points and in all other organizational units of the Border Police of Bosnia and Herzegovina. **Border check system** includes an application of control of crossings that allows control of **biometric documents**. It has access to INTERPOL, IDDEEA, ROS and ISM databases; access to records of wanted persons of the RS and FBiH Ministries of Interior and Police of Brcko District; access to the databases of Border Police of Bosnia and Herzegovina, and it has higher security, better reporting and a better monitoring system.

#### **- Travel document security**

The Law on Travel Documents of Bosnia and Herzegovina regulates the type and form of travel documents of B&H, authorities responsible for issuing travel documents, the procedure to issue travel documents, the personalization of travel documents of Bosnia and Herzegovina and central registry. Through legislative amendments, Bosnia and Herzegovina has defined the legal framework for the **introduction of the third generation of biometric passports**. European Commission Decision No. 5499 defines that it is necessary to introduce a new generation of chip protection no later than 31-DEC-2014. At the international ICAO conference held in June 2014 in Madrid, the assessment has shown that Bosnia and Herzegovina was ready for the beginning of issuance of the third generation of biometric travel documents no later than 01-OCT-2014, two months before the deadline set for the EU member states. Accordingly, in October 2014, the process of personalization SAC (Supplemental access control) passports, whose main characteristics are a safer method of entry and protection of data on the chip and better protection of data page has begun. Unlike passports issued so far, the new data page is made of polycarbonate, personal data, ghost image, and machine readable zone are laser-engraved in one of the layers of a polycarbonate page. Color photography of the passport holder is embedded in the second polycarbonate layer and it is highly protected preventing any possible misuse. Additionally, the Border Police of Bosnia and Herzegovina has carried out standardization of travel document readers and

implemented usage of 198 new readers - all of which have the ability to read biometric documents.

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

- Access (special official entrance or access control of official entrance)
- Video surveillance (counter space, a space allowed for clients, entry for officials, rooms for data acquisition, storing video recordings for 6 months minimum, etc).
- Intrusion Detection System
- Physical security of computer systems (physically secured place of communication, access only for the officials of the competent authority, the existence of devices for user identification, etc.)
- Processing of requests (performed by at least two officers, a citizen must be in the visual range of officers during the request processing, etc.)
- Presence of an authorized employee of the competent authority in charge of physical security
- Obligatory existence of the security vaults at the locations
- Verification of data based on which travel documents are issued.
- Verification of data contained in the travel document - this recommendation refers to the work of the authorities carrying out the issuance of travel documents.
- Biometric checks - checking fingerprints and photographs is made during the process of issuing biometric travel documents, or it is checked whether a person with certain biometric data has another document with different identity.
- Authorities can request additional evidence through the administrative procedure in regards to a person's identity
- All international border-crossing points are equipped with basic equipment for document detection, including device with three different sources of light (retro-check) and mobile magnifiers for up to 10 times magnification.
- Some, due to their geographical position and traffic frequency, where it's realizable, are also equipped with stereo microscopes, cold light sources
- International Airport Sarajevo possesses two stereo microscopes, one of which is with an integrated camera and independent source of cold light.
- The Training Centre also possesses 5 stereo microscopes primarily used for staff training. Three Field Offices have mobile devices for document analysis
- Border Police has access to INTERPOL database of stolen travel documents, through MIND system available at 39 international border-crossing points and in all BP units.

Additionally, the Law on Identity Cards of Citizens of Bosnia and Herzegovina stipulates that citizens of Bosnia and Herzegovina can use their ID card for crossing state limits in certain circumstances and subject to the conditions laid down by international agreement between B&H and other countries. A phase of improving the safety of the system of personal documents (commitments adopted by Bosnia and Herzegovina adopted in the process of negotiations for visa liberalization) was the introduction of biometric identity cards. The ID card contains an electronic memory element (chip) which stores cryptographically protected data, as well as lists a label for type of document, so it can be used for travel outside of Bosnia and Herzegovina – ultimately resulting in the fact that the ID card can also function as travel document. Other protective elements that are on the Identity Cards are fully compliant with

EU recommendations. The process of ID card issuance itself involves the implementation of recommendations and standards applied in the process of issuing passports, which is listed above. Thanks to the technology of producing these electronic identity cards, there will be an additional reduction of risk of document falsification.

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

The Indirect Taxation Authority of Bosnia and Herzegovina<sup>7</sup>, as the leading agency on this matter, has the tasks and assignments of control of all goods coming in or leaving Bosnia and Herzegovina; control of prohibition and limitation of traffic of goods endangering public policy, public morality, public safety, health of people, animals and plants, industry/commercial property – poisons, drugs, terrorist materials, arms, ammunition, waste substances etc. The Border Police of BiH cooperates with BiH Indirect Taxation Authority in conducting control of goods the transport of which are not allowed, especially in detecting prohibited goods, such as explosives, weapons, including weapons of mass destruction, as well as narcotics. Goods are weighed during their clearance procedure, while partial or detailed control is conducted, depending on the nature of the goods. In 2014, The People's Republic of China donated a number scanners to the Indirect Taxation Authority of Bosnia and Herzegovina, for their use during control procedures. Additionally, those scanners are mobile, further enhancing their usability and operability.

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

The establishment of the State Regulatory Agency for Radiation and Nuclear Safety (SRARNS)<sup>8</sup> and strengthening of its capacities has created conditions for the implementation of treaties in the field of radioactive and nuclear material security, to which Bosnia and Herzegovina is a signatory. SRARNS is in charge of implementing these treaties under the Law on Radiation and Nuclear Safety in Bosnia and Herzegovina. Bosnia and Herzegovina has ratified treaties which are listed in Annex 1 of this document.

As the government partner to IAEA and the responsible authority for the implementation of international agreements in this field, the SRARNS closely cooperates with IAEA Department of Safeguards, whose inspector conducted an inspection of nuclear material in Bosnia and Herzegovina in December 2014. During the conduct of inspection, the inspector was given full support from the SRARNS staff tasked with the monitoring of situation in the field of control of nuclear material in Bosnia and Herzegovina. The inspector conducted his inspection on the base of Bosnia and Herzegovina's regular reports submitted to the IAEA Safeguards Department in 2014. These reports are related to Bosnia and Herzegovina obligations under the Safeguards Agreement between Bosnia and Herzegovina and International Atomic Energy Agency in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Continuous control of nuclear and radioactive material in Bosnia and Herzegovina is conducted by the state inspectors for radiation and nuclear safety. In 2014 there was 273 inspection controls at the locations of the ionizing radiation sources. The inspection controls include both safety and security aspect of the use and possession of the ionizing radiation sources. During 2014 the new „Regulation on Security of Nuclear Material and Radioactive

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<sup>7</sup> <http://www.uino.gov.ba/>

<sup>8</sup> <http://darns.gov.ba/en/EnglishDARNS/Index>

Sources” is implemented. The regulation was adopted at the end of 2013 with the purpose of establishing norms to ensure security of the radioactive and nuclear material in Bosnia and Herzegovina. Under the Regulation, authorization holders are requested to apply security measures for its radiation sources and nuclear material during their use, possession and transport. SRARNS has mandate to control activities of authorization holders in implementation of security measures.

At the beginning of 2014 an initial draft of Integrated Nuclear Security Support Plan for Bosnia and Herzegovina (INSSP) was prepared by the SRARNS, using the established IAEA template. This document is of great importance for Bosnia and Herzegovina nuclear security regime because it provides in one place a summary level of information regarding activities undertaken or planned to be undertaken by a Bosnia and Herzegovina with the specific objective of enhancing nuclear security. The INSSP was officially approved by Council of Ministers of Bosnia and Herzegovina on 01-OCT-2014.

Further enhancing its ability to prevent and combat terrorist threats, which include smuggling of radioactive materials across state borders, the Border Police of Bosnia and Herzegovina has procured sets and pagers for detection of radiation.

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

As persons linked with terrorism increasingly use the internet as a means of communication and for exchange of information, as well as to spread certain ideas, doctrines, etc., relevant intelligence and law enforcement agencies in Bosnia and Herzegovina, within their regular activities, monitor contents of web sites that might be of security interest 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 are undertaken in accordance with the law. There have also been, in previous years, amendments of the criminal code at the state and lower levels of government in regards to use of the internet and other information networks for terrorist purposes.

In 2014, progress in strengthening the capacity of intelligence and security sector to fight against all forms of cyber-crime was recorded and, within the relevant intelligence security structures, departments to combat high-tech crimes or cybercrime/terrorism have been further strengthened. Progress has also been achieved towards the establishment of the BiH CERT (Body for preparedness and response to computer incidents). An Inter-ministerial Group that prepared a set of documents necessary for the establishment and operation of concerned body was established after the adoption of the Strategy for the establishment of this body.

Since the internet may be used by terrorists for communication, recruiting, radicalization, financing, cyber-attacks and similar actions, there are also plans to improve this area in many segments: training of staff in more efficient usage of Internet for the purpose of collection of intelligence and conducting investigative and special investigative techniques, improvement of technical capacities and international cooperation, planning initiatives to amend BiH criminal codes in relation to application of investigative and special investigative techniques on the internet. Moreover, intelligence officials and investigators dealing with fight against terrorism and trafficking in ABC weapons cooperate daily and intensively with police officials of the Joint Operational Anti-Terrorism Task Force with the purpose of supervising internet web sites used by extremist groups; as another example, the RS Ministry of Interior



maintains a specialized Department for Combating Cyber Crime, and a new chapter was added to the RS Criminal Code titled “Criminal offences against the security of computer data” Also, the FBiH Police Directorate established in 2015 a specialized Counter Cyber-Crime Department.

As part of their regular activities, SIPA intelligence officials and investigators engaged in combating terrorism and proliferation of atomic, biological, and chemical (ABC) weapons, conduct oversight over internet web sites used by extremist groups and they accordingly undertake other investigative activities in cooperation with the Prosecutor's Office of BiH.

The Intelligence and Security Agency of Bosnia and Herzegovina has an established organizational unit to deal only with the misuse of various forms of cyber technology, with special emphasis on their extremist and possible terrorist misuse. Their information indicates that the overall security surrounding in BiH is ever more directly and indirectly influenced by the intentions of some identified security relevant elements (individuals, groups, organizations, associations, etc.) from BiH, region and wider, that operate from certain radical-extreme positions (national, religious, ideological, etc.), that they very intensively use communication systems, in other words IT technologies (primarily internet portals, social networks (i.e., Facebook), Twitter, Skype, Viber, cell phones, including other global mass media, e.g. printed and electronic documents, fliers, books, audio/video materials, etc.) for spreading, indoctrinating and distributing extreme/radical ideology. Common characteristic of the aforementioned security relevant subjects in BiH and the world is that some social networks are, besides for communication and propagating radical ideology, ever more used for gathering and sharing information about fundraising, recruiting, mobilization and training of new members, as well as mutual networking and connecting. It has been noticed that extreme-radical structures in BiH have fully recognized huge potential, advantage and usefulness of the sophisticated IT technologies, because they offer maximal result with minimal costs, with small technical knowledge and no big use of personal resources. Fully aware of possible IT technologies misuse, even for terrorist purposes, the Agency made possible, through its everyday activities, information gathering from Internet communication via cyber space, with the aim of increasing capacities in preventing and fighting against cyber-terrorism, so its currently has relatively adequate abilities (in personnel, expert and technical sense) for monitoring misuse of cyber technologies for extremist and possible terrorist purposes.

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

In proceedings of providing international legal assistance, requested State, based on the multilateral or bilateral treaties or reciprocity, provides legal assistance to the competent authorities of the requesting State. International legal assistance includes providing legal assistance in civil and criminal matters. The most important aspects of legal assistance in criminal matters are extradition, transfer of the sentenced person, examination of witnesses, expert witnesses, suspects, accused or convicted persons.

The matter of the extradition of suspects, accused and convicted persons is among the most complex procedures in the field of providing international legal assistance. The matter of extradition is regulated by domestic legislation and international, bilateral and multilateral treaties. The most important domestic legislation that regulates this issue is the Law on International Legal Assistance in Criminal Matters and The Criminal Procedure Code of Bosnia and Herzegovina which in specific details regulate the issue of extradition and specifies the competencies of individual authorities in carrying out that procedure.

The most important international multilateral treaty which regulates the issue of extradition is European Convention on Extradition of 1957, the Additional Protocol of 1975 and the Second Additional Protocol of 1978. The European Convention on Extradition, with its additional protocols, is one of the Conventions that were adopted by the largest number of Council of Europe's member states.

The other most important international multilateral agreements which constitute the legal basis for mutual legal assistance in criminal matters are the European Convention on Mutual Assistance in Criminal Matters of 1959, with Additional Protocol of 1978 and the Second Additional Protocol of 2001, then, European Convention on the transfer of sentenced persons of 1983 and the European Convention on the transfer of proceedings in criminal matters of 1972.

The issues of international legal assistance and extradition are also regulated by certain bilateral treaties binding for Bosnia and Herzegovina. It is important to point out that the agreements on legal assistance in criminal matters, including extradition, are concluded with all countries of the former Yugoslavia. In this respect, a significant progress was made in improving bilateral relations regarding extradition procedures. Namely, the Treaty on Extradition was signed with the Republic of Croatia, Republic of Serbia, Montenegro and Republic of Macedonia that, under certain conditions, allow extradition of own nationals in the cases of serious criminal offenses (organized crime, money laundering and corruption).

Moreover, concluding bilateral agreements with neighboring countries, mutual cooperation on issues of taking over enforcement of sentences of convicted nationals of requested state, or persons who are resident in the requested State, is much better. On this way is disabled that persons convicted in one country (requesting state) by fleeing to another state (requested state), avoiding the execution of the prison sentence imposed in the requesting state. These contracts were concluded in the past with the Republic of Croatia, Republic of Serbia, Montenegro and the Republic of Macedonia and are considerably easier international legal assistance in criminal matters in this field.

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

Through intensive criminal-intelligence investigations, i.e. collection and analysis of criminal intelligence related to extremist persons and groups, SIPA and other relevant agencies acquire information whether some locations or groups are used for hiding terrorists or potential terrorists. Activities conducted by SIPA as well as other law enforcement agencies in BiH contribute to the fact that BiH is not a safe place and shelter for terrorists and terrorist organizations. This is confirmed by findings of the Intelligence and Security Agency of Bosnia and Herzegovina, which, while gathering and processing data in regard to prevention and counterterrorism, has not gathered any intelligence indicating the existence of safe shelters and refuges for terrorist and terrorist organizations in Bosnia and Herzegovina.

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

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

The peace-keeping operations of the United Nations Organization represent expression of permanent commitment to peace and general security. These operations are 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 civilians on the territory of the state where peace had been violated. Bosnia and Herzegovina has been actively committed to participation of police officers in 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 228 police officers (of which are 33 female, or 14.47 %) from Bosnia and Herzegovina participated in peace operations in Liberia, Sudan / South 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 vulnerable 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 47 police officers (of which are 10 female, or 21.27%) deployed in peace-keeping mission of the United Nations in Liberia, South Sudan and Cyprus. The extension of mandates for already deployed police officers depends on UN Mission's needs. Usually all of the B&H police officers gets one or two extensions. Participation of B&H 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 exporting 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 B&H 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 and the Rules of Procedures for deployment of police officers of Bosnia and Herzegovina to peacekeeping operations, and other activities abroad, trainings, rights, obligations and responsibilities, procedures of police services and their members during peacekeeping operations, their rights, obligations and responsibilities of the contingent commander.

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

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

- 45 strong infantry unit,

- 8 staff officers,
- 2 staff NCOs,

Five AFBiH officers ( 14th rotation) have been deployed to serve on the UN mission in Congo (MONUSCO -5 observes - staff officers). The rotation will last 12 months. The AFBiH are considering possible participation in other UN missions, and the decision has been made to participate in the UN mission in Mali (MINUSMA -5 observes - staff officers).

There was second rotation of two AFBiH staff officers sent to MINUSMA in September 2015.

Upon accession of B&H to the NATO Partnership for Peace Program (PfP), negotiations between BiH and NATO concerning the Agreement on the Status of Armed Forces (SOFA) began (signed and ratified). BiH Council of Ministers 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 B&H Presidency brought a Decision on the accession.

The Intelligence-Security Agency of Bosnia and Herzegovina regularly submits information to the Ministry of Defense of BiH<sup>9</sup> on developments of security concern, i.e. security incidents in countries where the BiH Armed Forces are deployed as a part of international peacekeeping forces. The purpose of the information is to objectively analyze and assess security situation in peacekeeping mission areas in order to determine the threat level for the peacekeepers in general, including members of the BiH Armed Forces participating in the missions, but also possible indirect reflections of the BiH Armed Forces participation in those missions on BiH.

### **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.**

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

Continuing efforts of Bosnia and Herzegovina's "Strategy for the control of small arms and light weapons in Bosnia and Herzegovina", as well as the decision establishing a Coordination Board for the Control of small arms and light weapons in Bosnia and Herzegovina, the

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<sup>9</sup> <http://mod.gov.ba/default.aspx?pageIndex=1>

Ministry of Security has since late 2013, assumed the role of contact point for SALW issues, and became the institution for providing support to the work of SALW Coordination board. Also we mention that, in late 2014, Coordination board for SALW control sent Report on the work for 2014 to the government, and its adoption is pending.

The Strategy for the control of SALW in Bosnia and Herzegovina has four main objectives: Improvement of legal framework and implementation of SALW legislation; reducing the presence of illegal SALW; control of SALW in the possession of relevant institutions and agencies in Bosnia and Herzegovina; international and regional cooperation with NGOs in regards to small arms and light weapons. In relation to SALW, and as a component of regional security, various activities continually organized within SIPRI (Stockholm International Peace Research Institute), the RACVIAC Center for Security Cooperation, SEESAC (South Eastern and Eastern Europe Clearinghouse for the Control of SALW), SECI (Southeast European Cooperative Initiative), BAFA (Budget and Financial Analysis Branch). Bosnia and Herzegovina cooperates with the countries within the framework of international multilateral agreements as well as international bilateral agreements, but also send reports and other forms of exchange of information with the UN, OSCE, SEESAC, and RACVIAC (seminars, analytical documents, etc.).

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

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

The Agreement on Sub-Regional Arms Control rebuilt peace and stability in the region. The agreement is now a multilateral agreement between four countries (Bosnia and Herzegovina, Republic of Croatia, Montenegro, and the Republic of Serbia). These four countries are the negotiating and contracting Parties, and they have developed this arms control agreement for enhancing regional co-operation with the possibility of moving towards a future security community within EU structures for all states in the Western Balkans. The OSCE provides assistance and support through the Personal Representative for Article IV of the OSCE Chairperson in Office, the Contact Group Countries and OSCE community. Ownership of the process has been transferred to the four countries through the removal of the role of the Personal Representative for Article IV of the OSCE Chairperson in Office, which was ceremonially agreed at the OSCE Ministerial Conference in Basel, in DEC-2014.

The process of arms control and disarmament has a very important role in the defense policy of Bosnia and Herzegovina. According to the Vienna Document 2011, Bosnia and Herzegovina had an obligation to receive 3 inspection and 1 evaluation visit per year. Bosnia and Herzegovina conducted one specified area inspection in Albania in 2015, and would conduct two specified area inspection in 2016. Also Bosnia and Herzegovina established a bilateral agreement, concerned to arms control and VD 2011 with Germany. According to this bilateral agreement, from 2006 until 2015, Germany conducted eight evaluation visits in



Bosnia and Herzegovina. According to Sub-regional Control Agreement Bosnia and Herzegovina had an obligation to receive 4 inspections and to conduct 3 inspections in State Parties.

## 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?

Competencies of the Parliamentary Assembly of Bosnia and Herzegovina (PA)<sup>10</sup> are stipulated by Article 10 of the Law on Defense of Bosnia and Herzegovina. With respect to the defense sector, the Law stipulates the following competencies of the Parliamentary Assembly:

- The PA exercises democratic parliamentary control over Armed Forces and all defense institutions at the level of Bosnia and Herzegovina;
- Adopts laws related to the organization, financing, recruitment, training, equipment, deployment and engagement of the Armed Forces;
- Confirms appointment of the Chief and Deputy Chief of Staff in the Joint Headquarters of Armed Forces, Commander and deputies of Armed Forces Operative Command, Commanders and deputies of Armed Forces Support Command and all officers with the rank of general in the Armed Forces;
- Conducts oversight and investigations of all issues related to organization, financing, recruitment, training, equipment, deployment and engagement of the Armed Forces

The following are competencies of the Joint Committee for Defense and Security of Bosnia and Herzegovina:

- considers and monitors the implementation of Security and Defense Policy of B&H;
- monitors the work and considers reports submitted by B&H Ministry of Defense, B&H Ministry of Security and other executive bodies dealing with defense and security issues, reports thereof to the B&H PA, with particular focus on the reports, short-term and long-term plans related to the structure of the Armed Forces of B&H, personnel policy and recruitment, salaries and wages, education and training of B&H Armed Forces staff, 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 defense institutions on commercial basis, combat readiness, military exercises and operations including enforcement of international obligations and international peace support operations;
- considers laws and amendments to laws within the competencies of Joint Committee;

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<sup>10</sup> <https://www.parliament.ba/default.aspx?langTag=en-US&pril=b>

- considers and submits opinions and recommendations, amendments and changes to the defense budget proposal;
- considers reports on defense budget execution as well as audit reports of the institutions in the domain of B&H defense and security policy;
- considers the issues of cooperation of Bosnia and Herzegovina with the United Nations, OSCE in Europe, NATO, and other organizations and countries in the domain of defense and security
- considers activities of permanent and ad hoc delegations of Bosnia and Herzegovina in international and inter-parliamentary institutions in the domain of security and defense;
- considers and submits opinion of B&H PA on ratification and implementation of international treaties in the domain of security and defense;
- establishes cooperation with competent parliamentary committees of B&H entities, other countries as well as with international organizations and other bodies in the domain of defense;
- Joint Committee considers all other issues in the domain of B&H security.
- In 2009, the Ministry of Defense of Bosnia and Herzegovina began activities on realization of the Defense Review, whose general objectives are:
  - defining the required capabilities of the Armed Forces of B&H in accordance with the estimated risks and threats,
  - missions and tasks of the Armed Forces - defining the basis of long-term vision and plan for the development of the Armed Forces of B&H (2010-2020),
  - enabling the further process of Euro-Atlantic integration (NATO, EU).

We expect it to be completed and submitted to relevant authorities for approval during 2016.

The complete process of planning, programming, budgeting and implementing the budget is continuously improved and transparent. The Ministry of Defense initiates a process of developing the defense budget. The Parliamentary Assembly reviews and adopts the total budget through the regular parliamentary procedure. One of the aims of the defense reform, the implementation of which is in progress, is to achieve sustainable level of the defense expenditures, consistent with the economic capacity of Bosnia and Herzegovina.

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

With the goal of lasting peace, security, and stable democratic state development, as well as to include Bosnia and Herzegovina in modern European, political, economic and security integration, Bosnia and Herzegovina set accession to Euro-Atlantic integration processes as one of its foreign policy priorities. By accession to the NATO Partnership for Peace (PfP) programme, B&H demonstrated its commitment to reach full interoperability as soon as possible in all segments with all NATO member states. B&H will continue with the NATO Partnership for Peace Planning and Review Process (PARP), in order to meet preconditions for Membership Action Plan (MAP) as well as eventual full-fledged NATO membership.

In addition to NATO membership, one of the main foreign policy objectives of B&H is full membership in the European Union. On that path, Bosnia and Herzegovina has foreseen several crucial activities. First of all, B&H is working intensively on improving its internal coordination system in terms of EU integration process. Every other year B&H receives a 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 B&H institutions are involved in the process of development of a program of B&H 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 B&H to inform the public and raise its awareness in terms of importance of EU integration process. B&H continues to strengthen human resources that will be capable of implementing all the tasks deriving from the SAA. B&H intends to establish and continually improve functional coordination mechanisms between the institutions at all levels in Bosnia and Herzegovina, within political, legislative, and technical framework.

Continuous improvement of cooperation with neighboring countries (Republic of Croatia, Republic of Serbia, and Montenegro), based on common interests and principles of equality, mutual respect, respect of sovereignty and territorial integrity, is a corner stone and permanent priority of B&H foreign policy. In this regard, B&H continues to initiate series of activities to intensify cooperation in all areas and will actively participate in resolution of bilateral issues of mutual interest. We will actively work on improving economic, cultural, and political and security cooperation, and resolving issues to define international borders with neighboring countries. B&H will constructively act in order to resolve some specific issues with neighbors and will actively contribute to further continuation of mutual contractual regulation of relations. Special attention will be paid to resolution of the issues on identification of border line with the neighboring countries, resolution of pending property issues, border cooperation with the neighboring countries with regard to prevention of illegal border crossing, in particular with the Republic of Croatia, and cooperation in the area of reaching EU standards at international border crossings with the neighboring countries.

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

Democratic control over the AF B&H is conducted by the Presidency of Bosnia and Herzegovina and the B&H Minister of Defense. The role of the Presidency of Bosnia and Herzegovina in the oversight of the AF B&H is conducted in accordance with Article 12 of the B&H Law on Defense. According to the B&H Law on Defense, the B&H Minister of Defense is a civilian in charge of the B&H Ministry of Defense and conducts his function in the area of administrative, organizational, and command authority as well as control and inspection of the B&H AF.

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

Ministries and police agencies at the lower levels of government also have constitutionally established procedures ensuring the effective, democratic control over their activities. Legislation in this regard is listed under Annex I.

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

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

The parliamentary control over the AF B&H shall be performed by the B&H Parliamentary Assembly, directly through the Joint Committee for Defense and Security, by defining necessary laws and the process of creating the budget, and supervision over its implementation and execution. The Parliamentary Assembly has the executive authority to adopt laws relevant to the organization, funding, appointment, training, mobilization, equipping, and use of the B&H 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 B&H or parts of B&H, 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 B&H, Commanders and Deputy Commanders of the AF B&H Operational Command, Commander and Deputy Commander of the Support/Logistics Command and all officers in the rank of General in the AF B&H. 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.

The Joint Committee for Defense and Security Policy manages parliamentary supervision over following B&H institutions: the Ministry of Defense, the Ministry of Security, the Border Police (BP), the State Investigation and Protection Agency (SIPA), the National

Office of Interpol, the Mine Action Centre – BHMACH. Besides 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 B&H Ministry of Defense, the B&H 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 B&H Armed Forces, personnel policy and recruitments, salaries and compensations, education and training of the B&H 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.

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

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

The mission of the Armed Forces of Bosnia and Herzegovina is to:

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

Engagement of the AF B&H is conducted upon the proposal of the Minister of Defense of Bosnia and Herzegovina, and based on a decision of the Presidency of Bosnia and Herzegovina, which (in case of announcement of a state of emergency, state of war or deployment of AF of B&H units to peace keeping missions) is confirmed by the Parliament of B&H.

The new personnel structure of the Armed Forces of Bosnia and Herzegovina was adopted by the Presidency of Bosnia and Herzegovina (The Decision on regarding size, structure and locations of the Armed Forces of Bosnia and Herzegovina from 05.07.2006 year, with last changes dated from 18.04.2012. year). This decision has specified the total size, structure and locations of the Armed Forces of Bosnia and Herzegovina.



According to the new structure of the Armed Forces of Bosnia and Herzegovina the authorized number in personnel in Armed Forces of Bosnia and Herzegovina totals 16 000. Out of that 10 000 professional military personnel, 1.000 civilian personnel. The reserve component strength is 5.000 military personnel. The reserve component is not manned yet.

The Armed Forces of Bosnia and Herzegovina consist of: Joint Staff, Commands and Units.

The Joint Staff and the Commands of the Armed Forces of Bosnia and Herzegovina are:

- Joint Staff of the Armed Forces of Bosnia and Herzegovina,
- Operational Command of the Armed Forces of Bosnia and Herzegovina,
- Support Command of the Armed Forces of Bosnia and Herzegovina

The Units of Armed Forces of Bosnia and Herzegovina are:

- 4th Infantry Brigade,
- 5th Infantry Brigade,
- 6th Infantry Brigade,
- Air Force and Air Defense Brigade,
- Tactical Support Brigade

Under the Support Command there are:

- Personnel Management Command,
- Training and Doctrine Command,
- Logistics Command

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

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

The training of members of security agencies for protection of persons and property, as well as the training of private detectives, establishment of such agencies and control over their activities is under the auspices of and executed by, in cooperation, between the Agency for Education and Professional Training (AEPTM) at the state level and lower government level ministries and police agencies.

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

- President of the Republic of Srpska (Law on the Internal Affairs of the Republic of Srpska);

- National Assembly of the Republic of Srpska (Law on the Internal Affairs of the Republic of Srpska, Law on Parliamentary Oversight of the Defense and Security Sector, Law on Amendments of The Law on Parliamentary Oversight of the Defense and Security Sector);
- Security Board;
- Independent Board for selection and appointment of the Police Director and Deputy Police Director;
- Government of the Republic of Srpska (Law on the Internal Affairs of the Republic of Srpska);
- Constitutional Court of the Republic of Srpska ( Law on the Internal Affairs of the Republic of Srpska);
- Ordinary Courts of Law of the Republic of Srpska (Law on the Internal Affairs of the Republic of Srpska);
- Citizens of the Republic of Srpska (Law on the Internal Affairs of the Republic of Srpska);

In addition, 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

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

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

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

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

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

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

There is no compulsory military service in Bosnia and Herzegovina. Bosnia and Herzegovina has only professional Armed Forces. Criteria for removal from professional military service are not envisaged under the provisions of the Law on Service in the Armed Forces of Bosnia and Herzegovina (“BiH Official Gazette”, No. 88/05-42/12). Entry into military service is voluntary with full respect for principles of transparency, equity and equal opportunity (Article 28 of the Law). Entry conditions laid down by Article 9 of this Law include citizenship, medical fitness, no criminal record, no pending criminal or disciplinary proceedings, relevant qualifications and age.

#### **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 B&H is regulated by the Law on Defense of B&H, the Law on Service in the AF of B&H, the Law on participation of the members of AF of B&H, police officers, civil servants and other employees in peace support missions and other activities abroad, and the Law on the Parliamentary Military Commissioner of Bosnia and Herzegovina. Accession to AF of B&H is performed in accordance with legal provisions exclusively, regulated by the mentioned Laws.

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

Armed Forces personnel consist of military professionals, reserve personnel, and civilians employed in the AF B&H. Military professionals exercise their rights and obligations in accordance with the Law on Service in the AF B&H, which regulates: the service in the AF B&H, 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 B&H and the Law on Labor in the institutions of B&H.

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

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

In performing parliamentary oversight of the work and other issues in the area of the protection of human rights and freedoms related to military personnel and cadets in the Armed Forces of B&H and the B&H Ministry of Defense, the Military Commissioner has the following competencies:

- Investigation of specific issues under the directions of the B&H Parliamentary Assembly and B&H Joint Committee on Defense and Security. The directions may be issued only in case that the issue is not already considered by the Joint Committee, and the Military Commissioner may request the Joint Committee to issue the directions for investigation of specific issues;
- Activities performed based on his/her personal assessment, following information received by the members of the B&H Parliamentary Assembly, or consideration of

complaints by military personnel and cadets, or in any other circumstances indicating a violation of human rights and freedoms of military personnel and cadets.

Rights of military forces personnel are regulated by the Law on professional military service B&H and by the Law on Parliamentary military Commissioner B&H as well as subordinate legislation such as bylaws – for example, about promotion, disciplinary process, about food requirements, and other spheres of soldiers life and work. When it comes to limitation and restrictions on rights, it is important to emphasize that soldiers do not have a right to strike, neither to syndicate nor politics gathering. As mentioned above, soldiers do not have any kind of service personnel representatives or labor unions. That is the best reason that the establishment and growing of the PMC institution is necessary and that the role of PMC is to be „a lawyer of the citizens in uniform“.

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

Areas that have been treated in complaints received in 2015 are diverse, as it was the case in the previous reporting period. Areas have been equally aimed at all segments of life and work of Armed Forces of B&H, respectively at exercise of rights and performance of obligations of cadets and professionally military personnel.

Thus, in 2015 the Parliamentary military commissioner acted in 72 cases, out of which 53 were procedures upon complaints, 14 were procedures upon requests for legal assistance, and five proceedings initiated by the Parliamentary military commissioner on the basis of knowledge or anonymous reports in situation when there was a reasonable suspicion that human rights of particular group of professional military personal have been violated, as well as restriction of freedom.

In reporting period, complaints procedures have been completed in 41 cases, the requests for legal assistance have been completed in all the procedures, a total of 14 cases, and all procedures initiated by the Parliamentary Military Commissioner have also been completed, which is five cases in total.

In 2015 the complaints that have been the subject of the procedures, and that due to its weight and seriousness highlighted during the investigations activities, can be classified as:

1. Complaints relating to Internal announcement for recruitment of candidates in professional military service in initial rank of non-commissioned officers of the Armed Forces of B&H
2. Complaints relating to status of professional military personal engaged on jobs of repairing and maintaining of ammunition in Dobož TROM
3. Complaints relating to the appointment of professional military personnel
4. Complaints of Members of Demining battalion
5. Complaints relating to the status of professional military personal engaged for the purpose of search and rescue

6. Complaints concerning the transparency of the process of sending professionals military personal in peace support missions aboard
7. The complaints relating to irregularities in the conduct of disciplinary procedure
8. Other questions – specific individual cases

The following laws define the rights of the RS Ministry of Interior employees:

- Law on the Internal Affairs (“Official Gazette of the Republic of Srpska”, No. 04/12 and 33/14);
- Law on Police Officers);
- Labor Law,
- Law on Civil Servants,;
- Law on Salaries of Employees of the Ministry of the Interior, Correctional Institutions and Court Police,
- General collective contract;
- Special collective contract;

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

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

Bosnia and Herzegovina ensures that the Armed Forces of B&H (AF B&H) are equipped, trained, and managed in accordance with the provisions of International Humanitarian Law through the implementation of the Security and Defense Policy as well as the military Doctrine.

The training curriculum of basic and advance courses for NCOs and officers of the Armed Forces includes studying of International Humanitarian Law and conventions, which must be applied in armed conflicts, as well as relevant state legislation. The rules of engagement of AF B&H in peace support operations are identified in accordance with the provisions of International Humanitarian Law. Training on the application of International Humanitarian Law provisions in the Armed Forces of Bosnia and Herzegovina is conducted as a part of regular individual and collective training.

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

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

With regard to sanctioning members of the Armed Forces of Bosnia and Herzegovina for not complying with international humanitarian law, the following rules and provisions apply:

- The Rome Statute of the International Criminal Court (“BiH Official Gazette”, No. 84/09),



- Criminal Code of Bosnia and Herzegovina, Chapter 17 (Crimes Against Humanity and Values Protected by International Law), i.e. Articles 171 through 203 of this Law,
- Article 17, paragraph 1 of the Law on Service in the Armed Forces of Bosnia and Herzegovina releases military personnel from the duty of carrying out orders that have characteristics of a criminal offence,
- Article 30, in conjunction with Article 161, paragraph 30, point dd) of the Law on Service in the Armed Forces of Bosnia and Herzegovina prescribes the possibility of criminal, as well as disciplinary sanctions to be levelled against a military person-perpetrator of a criminal offence from this area.

Through the training of military professionals, prescribed in the “Leader’s Development” manual, mandatory courses have been defined at the Center for Professional Development for the AFB&H officers and NCOs as: Command and Staff Course; Basic Officer Course; Basic NCO Course; Advanced Officer Course; Advanced NCO Course; Staff Officer Courses and Staff NCO Courses at Peace Support Operations Training Center B&H.

The attendance of these courses is mandatory for each AFB&H 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 AFB&H units, the mentioned topics are mandatory and they are being planned on a regular basis and conducted through unit training. All unit members attend this training. Newly recruited soldiers that are being trained through TRADOC Basic Training Center attend classes in accordance with the approved programs of instructions on the Law on War, Geneva and Hague Conventions. The AFB&H 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?**

Bosnia and Herzegovina ensures that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights based on the provisions of the Constitution, the Defense Law of the Armed Forces, as well as other legislative acts regulating this particular matter. Article 4 of the Defense Law of BiH defines the missions of the Armed Forces. According to this article, the Armed Forces of Bosnia and Herzegovina cannot be used to limit human and civil rights. The Law of Defense regulates state institutions’ competencies in the defense sector (civil and democratic control over the defense sector for the AF BiH). The civil and democratic control additionally ensures that Armed Forces of BiH cannot be used to limit the peaceful and lawful exercise of human and civil rights by persons in Bosnia and Herzegovina. This type of training is delivered by the Office of the Inspector General of the Ministry of Defence of Bosnia and Herzegovina and inspectors in the headquarters and units of the Armed Forces of Bosnia and Herzegovina as part of the pre-deployment training for individuals and units planned for deployment to peace support operations.

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

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

The alignment of defense policy and doctrine with international law has been ensured by incorporating provisions of international law into domestic legislation. Additionally, open public debate, the requirement for parliamentary approval for the Armed Forces budget and major acquisitions, as well as operations, and the requirement of a UN Security Council mandate or an OSCE mandate for peace support operations help ensure that defense policy and doctrine are in accordance with international law. This is reinforced by a policy of neutrality and a practice of restraint regarding participation in operations outside Bosnia and Herzegovina. State legislation, including defense policy and doctrine documents, are consistent with international law as a result of their regular and thorough review with regard to domestic constitutional and legal arrangements as well as their compliance with international legal obligations of the Bosnia and Herzegovina.

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

**1. Public access**

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

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

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

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

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

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

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

Public access to information related to the Armed Forces of B&H is in accordance with the Law on Free Access to Information in BiH. Also, representatives of media are invited on a regular basis to attend all significant events taking place at defense institutions and in the Armed Forces of B&H.

## **2. Contact information**

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

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

## **Information regarding implementation of UNSCR 1325**

### **Prevention**

Measures for raising awareness among the military staff about special requirements for women in conflict situations.

Implementation of strategic measures through Action plan for implementation of UNSCR 1325 has lead to creating favorable conditions for enhancing participation of women in police and military forces, even though it is still noticeable mostly on lower positions. If continuous actions persist, further growth in participation of women is expected, as well as their influence within these institutions.

Data about participation of military personnel in different training sessions suggests very low participation of female participants what is conditioned by prerequisites expected out of potential candidates (rank, level of knowledge of foreign languages, etc.). In 2015 it is noted that number of female participants of the training is growing, as well as the progress when it comes to removing barriers for participation of women in courses (i.e. learning and conditioning foreign languages etc.), but much more effort is needed to adapt requirements for participation in trainings for the needs of both genders.

Special trainings in cooperation with Peace Support Operations Training Centre (PSOTC) about the significance of gender issues in peace operations are still being held. Training is accredited by UN and NATO and is provided for military, police and public servants from B/H and west Balkan.

Within the pre-mission training for engaging police forces from B&H in peace support operations, there are following topics related to protection of human rights:

International humanitarian right applicable to UN missions;

Protection of human rights in UN peace missions;

Protection of civilians in UN peace missions;

Gender in peace missions;

Protection of children in peace missions;

Human rights standards at arrest and detention

Under the patronage of US Embassy and Maryland National Guard, there was a seminar “Equal opportunities and Program of prevention of sexual violence in the defense system”. That was an opportunity for presenting American model of approach to equal opportunities and to program of prevention of sexual violence in the defense system (EO and SHARP). Also, it instructed B&H Ministry of defense and B&H Armed forces to face any potential challenges in this area.

Measures for processing violations of rights of women and girls in compliance with international standards.

During 2015 B&H Armed forces appointed work group for making Manual for gender equality trainers in Ministry of defense and B&H AF. Purpose of the manual was preparation and processing specific topics for instructors who will lead trainings for different target groups (strategic, tactical and operative level), and establishing and broadening network of gender equality trainers. There was also a proposition of a handout that will be distributed as a promotional material during the course of training.

### **II. Participation**

Measures for increasing the number of women on general and decision-making positions in armed forces and Ministry of defense.

B&H organizes public promotion of military calling in order to eliminate prejudice based on idea of inferiority or superiority of any gender and to contribute to strengthening and empowerment of women to apply for military duty, as well as promotion of activities implemented by female personnel within the mandate of the peace missions. During 2015, Ministry of defense and B&H Armed forces continued to publish bulletins and brochures promoting military calling, press releases and on Ministry's of Defense web page candidates can get information about requirements, specificities and dangers of military calling. Women are still encouraged to join military by quoting provision from Law on gender equality that calls for 40% of lesser represented gender.

Based on public competition published in 2014, during the 2015 testing for admittance to B&H Armed forces candidates with soldier ranks, 139 candidates from total of 1546 were called back (8,99% from total tested), while 12 women successfully passed all the tests and were admitted to Armed forces by the end of 2015. On the last public competition in 2015, there was 243 female candidates from total of 2693 (9,02%). From total of candidates tested, 20 women (10%) successfully passed all the tests.

On the last public competition for admittance of officers, there were 76 female candidates (total of 369) or 20,6% of total number of candidates. 3 women successfully completed all the tests and are at the training at the Center for basic training, Command training and doctrine of B&H Armed forces.

When it comes to women representation in B&H Armed forces in 2015 (civilian and professional military personnel, there is 6, 7% of women which is very small progress from 2012. Enhancement of number of civilian women in B&H Armed forces was a result of admittance of 5 female psychologists. When it comes to officers, there is 3, 3% of female officers, 4% female NCOs and 7, 4% female soldiers. Most of female army professionals are soldiers, what is connected with rejuvenation of the B&H Armed forces. Small number of female army professionals are officers.

Ministries of defense and B&H Armed forces have Open door days on the Day of BH Armed forces and on the Day of regiments. Alongside that, there are student visitations, cooperation with local communities. Open door days are organized in military buildings. Female members of Armed forces are included in planning, presenting and executing specific tasks during these visits. All these activities were an opportunity for promotion of importance of role and participation of women in defense and security sectors.

In cooperation with spokespeople of Ministry of security and law enforcement agencies in B&H, there were media presentations (written and electronic media) of policewomen that participated in peace missions in order to present to public their work and tasks in specific missions and animate other policewomen to apply for deployment to peace missions. All activities of Ministry of security related to peace missions, including aforementioned special trainings that raise topics from UNSCR 1325 and related resolutions are published on the web page of Ministry of security.

Measures to enhance number of women in peace missions

Information about participation of women in peace missions show trend of continuous interest and participation of women in peace missions. That percent is still greater than standard in EU and NATO members, primarily thanks to understanding and support of all the agencies for law



enforcement in B&H that provide initial consent for nominating own policewomen and policemen before deploying to specific peace mission. That could be the result of affirmative measures that diminished required years of experience from 8 to 5.

In peace support missions, mandate of UN police assumes providing aid in implementation of peace agreements, aiding governments in conducting security reforms, protecting civilians (especially vulnerable groups of people: displaced persons, returnees, women and children), protecting gender equality, providing and organizing trainings for local police, as well as preventing new combat and maintaining peace and public order.

At the time, there are 33 policewomen/policemen deployed to UN peace missions in: Liberia (2 men, 0 women), South Sudan (22 total, 6 women or 27, 2%) and on Cyprus (9 total, 2 women or 22, 2%).

Extension of the mandate of deployed policemen depends exclusively on the needs of UN. It is customary for B&H personnel to get up to two mandate extensions.

In December 2015, there was a send-off of Infantry unit from 5th Infantry brigade of B&H Armed forces to the peace support mission dubbed "Decisive support" in Afganistan. That was fourth rotation from the mentioned brigade that has total of 45 well trained soldiers, 4 of them female.

From total number of members of B&H Armed forces that participated in peace missions in 2015, 8% were female. Mostly, they are soldiers and NCO, and one female officer participated in a peace mission in 2015.

When it comes to maintaining the degree of representation of women in peace missions, problem is insufficient number of female soldiers that speak English. During 2014 and 2015 there was diminished number of women interested in English language testing, what is the first phase in competition for election of candidates for participation in pre-mission trainings which are a requirement for deployment to peace missions. Ministry of security B&H therefore for some years now suggests to the law enforcement agencies in B&H to provide English language trainings in order to animate and enhance number of women that have fulfilled at least one requirement for deployment to peace missions.

Based on Agreement about cooperation in the field of education, Ministry of security and Ministry of defense started an initiative about learning English language in Armed forces centers for learning foreign languages in Sarajevo, Banjaluka, Capljina and Tuzla. Law enforcement agencies, however, showed little interest for exploiting this possibility because training in mentioned facilities take place during the working hours which presumes long term absence from work. Considering all that, Ministry of security asked Ministry of defense and B&H Armed forces to draft program for learning foreign languages only for the needs of Ministry and B&H law enforcement agencies.

In standardized monthly reports delivered to Ministry of security by contingent commanders from each individual mission, there is a part that reports about inclusion of B&H contingent members in implementation of UNSCR 1325 and other relevant resolutions within the implementation of the mission mandate. Ministry of security B&H appointed female and male focal points in every mission that represent contact people for gender equality issues.

### III. Protection

Enhanced access to the courts for women whose rights have been violated

General inspectorate of B&H Ministry of defense and B&H AF inspectors have regular contact with members of B&H Armed forces, get trained on ethics and professionalism, are familiarized with code of conduct, and regularly encourage everybody to report irregularities, including explanation of basic principles of work of inspectors and how to communicate with them.

According to data Parliamentary military commissioner of Bosnia and Herzegovina (military commissioner), during 2015 there was a complaint by candidate in training against her immediate commanding officer and she asked for help and intervention by military commissioner.

After extensive investigation and evidence presented it has been stated that behavior of professional military person that was direct commander to the female candidate in training was not in the frame of strictly professional relation and as such is contrary to provisions of Standard operative procedures for acceptance, life and work of candidates in basic training from 2012.

Military commissioner concludes that case in question represents unwanted behavior that can be classified as harassment from article 5, Law on gender equality in B&H (Official B&H Gazette, 32/10) that states:

“(1) Harassment is any unwanted gender based behavior that aims to hurt the dignity of person or group of people and creates intimidating, unfriendly, degrading, demining or insulting atmosphere that creates similar effect”.

Person that filed this complaint has been transferred to the different location based on the recommendation of military commissioner.

#### IV. Other information

Information about making, implementation and evaluation of National plan for implementation of UNSCR 1325.

As it was stated in Information about gender equality in B&H in accordance to the special Decision of OSCE Forum for security cooperation (FSC) for 2014, Council of Ministers of B&H has adopted a Decision about appointing members of Coordination board for monitoring the implementation of activities from Action plan for implementation of UNSCR 1325 in B&H 2014-2017 (Coordination board), and signed Memorandum of cooperation between Coordination group of seven NGOs that implement UNSCR 1325 on one and Coordination board from the other side.

Ministry for human rights and refugees of Bosnia and Herzegovina, based on information from institutions represented in Coordination board, made Report on implementation of Action plan for implementation of UNSCR 1325 in B&H from 31.07.2014-31.07.2015. On the 40th session held on January 20 2015, Council of ministers B&H has adopted this Report and obligated all relevant institutions to continue activities on implementation of Action plan 1325 in B&H. In comparison to previous report, there is some progress in implementation of activities directed towards achieving gender equality in security and defense sectors in B&H.

Plan for monitoring and evaluation of Action plan for implementation of UNSCR 1325 “Women, peace and security” in B&H was composed with expert support of Institute for inclusive security in Washington. Representatives from all the institutions included in Coordination board took part in making of the plan. This was process of learning and building capacities of institutions for monitoring progress and effects of Action plan by defining as realistic and measurable indicators as possible. Alongside indicators, Plan contains initial guidelines (if there are any), defines the way for data collection and reporting, deadlines and relevant stakeholders. Appliance of this system of monitoring and evaluation should improve quality of implementation of activity and overcoming challenges and presents ground work for independent mid-term and final evaluation

of progress in implementation of Action plan. In the beginning of 2015 annual operative plans containing already defined indicators were composed in coordination with institutions.

Humane security concept that was introduced in Action plan for implementation of UNSCR 1325 in B&H for the period 2014-2017, gives possibility for work in local communities so several municipalities in B&H have local action plans for implementation of UNSCR 1325.

#### Information about best practices and lessons learned

BH practice in way of making, implementing, coordinating and monitoring of Action plan was recognized on regional and global level. It is necessary to accent exceptional cooperation with the region with clear aim of contributing to the stability in the region that was exposed to conflict in recent history. Commitment, proactivity and cooperation of institutions are examples of very good practice of assuming institutional responsibility for introducing gender equality in security and defense sectors.

Washington Institute for inclusive security team led by former US ambassador Ms Swanee Hunt, visited B&H in April 2015. During that visit Memorandum of cooperation between the Institute and BH Agency for Gender Equality was signed. There also was a regional meeting, donors' conference and numerous bilateral meetings significant for promoting the role and contributions of women in achieving and keeping peace and security. Joint planning and cooperation with the Institute continued through out 2015 in evaluation of implementation and promotion of Action plan 1325 on global and regional level. Institute is largely responsible for inclusion of best practices from B&H in Global study on implementation of UNSCR 1325 that was published in 2015.

#### Other relevant information

From February 18-21 2015, expert team working on Global study on implementation of UNSCR 1325, led by Ms Radhika Coomaraswamy visited Bosnia and Herzegovina. Main author of the Study, Ms Coomaraswamy had string of meetings with representatives of legislative, judicial and executive power in B&H, UN team in BH, development partners, explorers, and organizations of civil society that deal with survivors of sexual violence in conflict situations, with associations that represent survivors of sexual violence during the war.

Global study has been published and positive practices from Bosnia and Herzegovina have been included in several chapters.

Two day work shop that served as an opportunity for regional launch of Global study on implementation of UNSCR 1325 was held in Istanbul. Representatives of government and civil sector from Europe and middle Asia exchanged experiences about women, peace and security 15 years after UNSCR 1325 was adopted. Director of Agency for gender equality Ministry for human rights and refugees of Bosnia and Herzegovina also took part in the work shop. Among other things, there were discussions about ensuring equal participation of women, especially with new regional threats.

From December 8-10 2015, regional meeting dubbed "UNSCR 1325 Women, peace and security: globally – regionally – locally" was held in Banjaluka. Meeting was attended by representatives of gender institutional mechanisms, local communities and NGO from B&H and the region and team from Institute for inclusive security from Washington. There were meetings about regional-local approach to implementation of UNSCR 1325 "Women, peace and security" and national action plans as a platform for regional cooperation and networking of local actions.

Third Regional meeting of gender equality trainers from the defense ministries of west Balkan countries, where there were participants from B&H, was organized as a part of regional project “Strengthening regional cooperation in the integration of a gender perspective in the security sector reform in the Western Balkans”. As a part of project, there were two regional courses “Gender Train the Trainers” (GtoT), one in Sarajevo, other in Belgrade, that resulted in regional network of accredited trainers for gender issues in the defense ministries, or armed forces of west Balkan countries. They are responsible for organizing and conducting gender equality trainings within their institutions. Aim of regional meetings of gender equality trainers is to present the activities that raise awareness about the importance of including equality in defense system, as well to determine existing challenges in conducting the training and ways to bypass those problems.

In November 2015 there was training for gender responsive budgeting and implementation of UNSCR 1325 “Women, peace and security”. Training, originally for personnel dealing with making plans and programs, policies and budgets, was attended by 30 representatives of institutions and agencies included in implementation of Action plan. Mentorship that was a result of that training aimed to provide additional opportunity for investigation of progress achieved on integration of gender issues in scope of security sector institutions and to identify problems that require additional attention. Training and mentorship in Ministry of security of B&H resulted with conduction of first gender analysis of budget of Department for international cooperation and European integrations for 2014 and represents continuance of work on further integration of gender perspective in the scope of all the sectors of Ministry of security of B&H.

Recognition of significance of advancement of gender equality in security sector is affirmed by Acknowledgement awarded to Agency for gender equality of Bosnia and Herzegovina, Ministry for human rights and refugees during the celebration of 15 years of participation of B&H Armed forces in international peace missions. Ministry of security has organized public presentation of publication “Supporting peace” that has a special chapter dedicated to contribution of women to peace and stability and also to rebuilding post-conflict societies.

The Agency for Education and Professional Training (AEPTM) is an administrative organization acting as part of the Ministry of Security of BiH, operationally independent, established pursuant to the Law on the Directorate for Coordination of Police Bodies of BiH and Police Support Agencies of BiH (Official Gazette *Službeni glasnik BiH no. 36/08*).

Pursuant to Article 19 of the Law, the Agency is responsible for:

- a) Developing, harmonizing and proposing curriculum plans and training programs in accordance with the needs of the BiH police bodies and other security services and agencies;
- b) Organizing and carrying out the education and professional development and specialist training programmes for members of the BiH police bodies and other security services and agencies (*basic, specialist, on-going and other forms of police trainings*), including:
  - 1) Education of BiH police members at level I to obtain the rank of police officer;
  - 2) Education of BiH police members at level II to obtain the rank of junior inspector;
  - 3) Training for members of agencies providing the services of protection of people and property;
  - 4) **Training for members of detective and security agencies;**
  - 5) Professional training (*courses, seminars etc.*);

- c) Development of research and publishing activities and contribution to the overall improvement and modernization of police work;
- d) Library operations;
- e) Relevant documentation and record keeping.

The Agency for Education and Professional Training is the only institution, under the above law, responsible for education and training of the members of detective and security agencies. Yet, at this moment it is not in a position to pursue its responsibility specified by the law because of the absence of law on detective and security agencies at the state level.

We believe such a law should be adopted as soon as possible so that the Agency could fully carry out its responsibilities assigned to it by the Law on the Directorate for Coordination of Police Bodies and Police Support Agencies of Bosnia and Herzegovina (Official Gazette *Službeni glasnik BiH*, no. 36/08).



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

Bosnia and Herzegovina has 80 agencies for protection of persons and property operating on its territory, as well as two private detective agencies and one private detective.

In the Republic of Srpska, there are 20 agencies for protection of persons and property, two field offices of an agency whose headquarters are on the territory of the Federation of Bosnia and Herzegovina and two private detective agencies and one private detective. The overall number of employees in the mentioned agencies is 1503, and they all possess the total of 602 pieces of short-barreled firearms that have been properly registered

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

A Draft Law on Security Companies and Private Detective Agencies has been submitted to the Parliamentary Assembly of Bosnia and Herzegovina. The parliamentary procedure for this law has not been completed yet, however, and this matter is still in the process of adoption. There is adequate legislation in place, however, at lower levels of government that deal with the establishment, the organization, and the oversight of agencies that primarily deal with activities to protect persons and property.

Registration, licensing and monitoring of agencies for protection of persons and property is handled by the FB&H and RS Ministries of the interior as well as the Brčko District Police, in accordance with legislative acts dealing with this issues (see Annex 1). They maintain oversight and detailed databases of agencies for protection of persons and property and private detective agencies, as well as information about the precise number of employees of those agencies and number of firearms.

Chart provided by Brčko District Police/additional information on private security companies:

Number	NAME OF AGENCY	Number of employees	Quantity of weapons	Number of vehicles
1	„ALPHA SECURITY“ BANJA LUKA Office BRČKO	7	1	-
2	«BIMAL» Brčko	24	8	0
3	«FLEK» Brčko (without offices out of the District)	12	4	1
4	«LUGONJIĆ M.R.» Brčko	2	0	4
5	«MB VELMA» Brčko	2	0	0
6	«S.P.V. POSKOK» Brčko	3	0	3
7	«SANTOVAC» Brčko	21	0	0
8	«SECURITAS“ Sarajevo – Office Brčko	33	8	3
9	«SECTOR SECURITY» Banja Luka – Office Brčko	32	8	3
10	«MAGNET» Brčko	1	0	0
	<b>TOTAL</b>	<b>137</b>	<b>29</b>	<b>14</b>

In accordance with the Law on the Directorate for the Coordination of Police Bodies and Police Support Agencies of Bosnia and Herzegovina, the Agency for Education and Professional Training Mostar<sup>11</sup> is responsible for the training of members of the agencies for protection of people and property, as well as the training of members of the detective agencies, and keeping records of their competency. Training of members of agencies for protection of people and property, as well as the training of members of the detective agencies, as well as keeping records of their competency is also executed by the FB&H and RS Ministries of the Interior, in accordance with legislation listed under Annex 1.

## ANNEX I

### **Political documents:**

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

### **Universal international multilateral treaties:**

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

### **Regional multilateral treaties:**

- Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Charter of Organization and Operation of the South-East European Cooperative Initiative Regional Centre SECI for Combating Trans-border Crime, 16 May 1999.
- OSCE Document on SALW (Vienna, 24.11.2001)
- OSCE Charter on Preventing and Combating Terrorism (Porto, December, 2002)
- OSCE Document on Stockpiles of Conventional Ammunition
- Strategic agreement between the Council of Ministers of B&H and the Office of the European Police (EUROPOL), signed on 26 January 2007;
- Agreement between the Council of Ministers of B&H and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;
- Agreement on the Exchange of Security Data with the European Union, signed in 2004.

### **Bilateral agreements that define of police cooperation between Bosnia and Herzegovina (B&H) and other states:**

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<sup>11</sup> <http://www.aeptm.gov.ba/naslovnica>

- Agreement between the Government of Bosnia and Herzegovina and the Government of the Republic of Hungary on Cooperation on Combating Terrorism, Traffic of Narcotics and Organized Crime, signed in Budapest (Hungary), on 21 April 1996 (ratification in the process of preparation);
- Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Turkey on Cooperation in Combating International Terrorism, Traffic of Narcotic Drugs and Psychotropic Substances and Organized Crime, signed in Ankara (Turkey), on 21 June 2000 (ratified by the Presidency of B&H on 5 April 2002);
- Agreement on cooperation between the Council of Ministers of B&H 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;
- Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia on Cooperation in Combating Terrorism, Smuggling and Abuse of Drugs and Organized Crime, concluded in Sarajevo in 2002;
- Cooperation Agreement between the Ministry of Security of B&H and the Ministry of Internal Affairs of the Russian Federation, signed in September 2004;
- Agreement on Police cooperation between the Council of Ministers of B&H and the Republic of Greece, signed in March 2006.
- Agreement on Police cooperation between the Council of Ministers of B&H and the Republic of Austria, signed on 5 May 2006, entered into force on 01 September 2007.
- Agreement on Police cooperation between the Council of Ministers of B&H and the Islamic Republic of Iran, signed in 2005.
- Agreement on Police cooperation between the Council of Ministers of B&H and Switzerland, signed 25 April 2007.
- Agreement on Police cooperation between the Council of Ministers of B&H and the Republic of Slovakia, initiated in 2006.
- Agreement between the Council of Ministers of Bosnia and Herzegovina and Government of Serbia on cooperation in fight against organized crime, terrorism, drug trade, illegal migration and other criminal acts-in procedure, Presidency of BH agreed to initialize the Agreement on 18.01.2007, awaiting approval from the Serbian side
- Strategic agreement between the Council of Ministers of B&H and the Office of the European Police (EUROPOL), signed on 26 January 2007;
- Agreement between the Council of Ministers of B&H and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;
- Agreement between the Council of Ministers of B&H and the Government of the Republic of Croatia on Cooperation and Monitoring of the State Border (signed on 29 March 2007);
- Agreement between the Council of Ministers of B&H and the Government of the Republic of Romania on Police Cooperation in Bucharest, signed 04 June 2007;
- Protocol on Implementation between the B&H 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;
- Agreement between the B&H 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;
- Agreement between the Council of Ministers of B&H and the Government of the Republic of Bulgaria on Police Cooperation in Pleven, signed on 20 September 2007;
- Agreement between the Council of Ministers of B&H and the Government of Montenegro on Police Cooperation in Becici, signed on 07 September 2007;
- Agreement between the Council of Ministers of B&H and the European Union on Readmission; Agreement ratified and entered into force on 01 January 2008;
- Agreement between the B&H Council of Ministers and the European Union on Benefits for Visas; Agreement ratified and entered into force on 01 January 2008;
- Agreement on police cooperation with the Republic of Macedonia, signed on 24.03.2009, Official Gazette no 7/09
- Protocol on joint border patrols along the state border with the Republic of Serbia, signed on 6 March 2009, Official Gazette, no 08/09
- Memorandum on fight against terrorism, organized crime and illegal drug trade between Bosnia and Herzegovina and Belgium, negotiations conducted during 2009; in the procedure
- Memorandum on understanding on cooperation in fight against crime, terrorism, organized crime and illegal drug trade between Council of Ministers of BH and Government of Germany, in the procedure
- Agreement on cooperation in fight against organized crime, terrorism and illegal drug trade between Bosnia and Herzegovina and Ukraine, in procedure

- Agreement on cooperation in the area of security between Council of Ministers of Bosnia and Herzegovina and Government of the Republic of France, signed on 29.03.2010. Concrete measures and actions are anticipated with special attention devoted to fight against terrorism, organized crime, illegal drug trade, money laundering and human trafficking.
- According to Agreement on State Border Surveillance Cooperation, the following protocols were created and signed between the Council of Ministers of Bosnia and Herzegovina and the Government of Republic Croatia:
  - Protocol between Ministry of Security of B&H - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Conducting Joint patrols along Common Border;
  - Protocol between Ministry of Security of B&H - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Forming Joint Groups for Fighting Crime;
  - Protocol between Ministry of Security of B&H - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Assigning Liaison Officers;
  - Protocol between Ministry of Security of B&H - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Official Transit Across the Other Contracting Party Territory to Act in Own State Area.
- In accordance with Police Cooperation Convention in Southeastern Europe, the following Protocols and Agreements were signed with the Republic of Serbia:
  - Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior of Republic Serbia on Conducting Joint patrols along Common Border;
  - Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior of Republic Serbia on Holding Regular Meetings of Border Police Representatives at National, Regional and Local Levels.
- In accordance with Police Cooperation Convention in Southeastern Europe, the following Protocols and Agreements were signed with Montenegro:
  - Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior and Public Administration of Montenegro on Organizing and Holding Regular Meetings of Border Polices at National, Regional and Local Levels;
  - Protocol between Ministry of Security of Bosnia and Herzegovina and Ministry of Interior and Public Administration of Montenegro on Conducting Joint patrols along Common Border;
  - Agreement between Council of Ministers of Bosnia and Herzegovina and Government of Montenegro on Conducting Border Checks at Joint Border-crossing Points.
- In accordance with signed Protocols on Conducting Joint Patrols, regional Plans for conducting joint patrols with Republic Croatia, Montenegro, and the Republic Serbia have been agreed upon, and currently, appropriate actions are being taken in the field.

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

- Criminal Code of Bosnia and Herzegovina
- Law on Criminal Proceedings of Bosnia and Herzegovina
- Law on State Investigation and Protection Agency
- Law on Police Officials of Bosnia and Herzegovina
- Law on Border Control of Bosnia and Herzegovina, followed by creation of implementation regulations to enable full enforcement of all provisions of the Law and the mentioned Protocols and Agreements. So far, the following have entered into force:
  - Book of rules on the manner of weapons and ammunition transport across the state border
  - Book of rules on layouts, contents, conditions and procedure of issuing and taking away permits for movement and stay of persons at international airports
  - Law on Protection of Witnesses under Threat and Vulnerable Witnesses
  - Law on Witness Protection Program
  - Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for the former Yugoslavia and other international restrictive measures.
- The Law on Classified Data Protection of B&H
- Law on the Protection and Rescue of People and Property in the Event of Natural or Other Disasters
- Law on Prevention of Money Laundering and Financing of Terrorism
- Law on Identity Cards of Citizens of Bosnia and Herzegovina
- Bosnia and Herzegovina has also ratified the following treaties in the field of radioactive and nuclear material security:
  - Treaty on the Non-Proliferation of Nuclear Weapons;

- The New Safeguards Agreement between Bosnia and Herzegovina and International Atomic Energy Agency in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Ratified on 12th December 2012);
- Additional Protocol to the Safeguards Agreement between Bosnia and Herzegovina and International Atomic Energy Agency in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Ratified on 12th December 2012).
- Convention on the Physical Protection of Nuclear Material;
- Amendment to the Convention on the Physical Protection of Nuclear Material.
- Also, Bosnia and Herzegovina has expressed political support to the implementation of the "Code of Conduct on the Safety and Security of Radioactive Sources."
- There are also other legal and secondary legislation (strategies, and similar documents), which regulate different aspects of institutions and agencies in the area of combating and preventing terrorism in Bosnia and Herzegovina.
- Constitution of Bosnia and Herzegovina
- Law on the Parliamentary Military Commissioner of Bosnia and Herzegovina
- Law on Defense of B&H
- Law on Service in the AF of B&H
- Law on participation of the members of AF of B&H, police officers, civil servants and other employees in peace support missions and other activities abroad
- Law on travel documents of B&H
- Law on amendments to the law on travel documents of B&H
- Constitution of Federation of B&H (FB&H)
- Memorandum of Cooperation in the Fight against Terrorism between the Federal Police Administration and Cantonal Ministries of Interior in the FB&H
- Constitution of Republika Srpska (RS)
- Law on the Republic of Srpska Government, ("Official Gazette of the Republic of Srpska", no. 03/97, 03/98, and 118/08);
- Law on Republic Administration, ("Official Gazette of the Republic of Srpska", no. 118/08, 11/09, 74/10, 86/10, 24/12 and 121/12);
- Law on the Internal Affairs of the Republic of Srpska, "Official Gazette of the Republic of Srpska", no. 4/12 and 33/14;
- Law on Parliamentary Oversight of the Defense and Security Sector, ("Official Gazette of the Republic of Srpska", no. 25/05) and Law on Amendments of the Law on Parliamentary Oversight of the Defense and Security Sector ("Official Gazette of the Republic of Srpska", No. 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. 4/12);
- Law on Amendments of the Criminal Code of the RS "Official Gazette of the Republic of Srpska" no. 73/10
- Law on Police Officers ("Official Gazette of the Republic of Srpska", No. 20/14);
- Labor Law, ("Official Gazette of the Republic of Srpska", No.20/07 and 55/07);
- Law on Civil Servants, ("Official Gazette of the Republic of Srpska", No.118/08);
- Law on Salaries of Employees of the Ministry of the Interior, Correctional Institutions and Court Police, ("Official Gazette of the Republic of Srpska", No. 31/14).
- General collective contract ("Official Gazette of the Republic of Srpska", No.40/10);
- Special collective contract ("Official Gazette of the Republic of Srpska", No. 93/14);
- Criminal Code of Brcko District (BD)
- Statute of BD
- Law on Police of BD
- Law on Agencies for Protection of Persons and Property and on Private Detective Activities of BD
- Law on police officers of BD
- Law on civil service in administration of BD
- Labor Law of BD
- Regulation on Security of Nuclear Material and Radioactive Sources

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

- European Convention on Combating Terrorism (ETS 90)
- Additional Protocol (ETS 190)
- European Convention on Extradition (ETS 24)
- First Additional Protocol (ETS 86)
- Second Additional Protocol (ETS 98)
- European Convention on Mutual Assistance in Criminal Matters (ETS 30)



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

**Security Council Resolutions:**

S/RES/1963 (2010)[on extension of the mandate of Counter-Terrorism Committee Executive Directorate (CTED) as special political mission under the policy guidance of Counter-Terrorism Committee (CTC)]

S/RES/1904 (2009)[on threats to international peace and security caused by terrorist acts]

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] requires that the national criminal legislations incriminate incitement to terrorism as a criminal offence and prevent every form of subversive terrorist action via religious and educational organizations.

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] It calls upon all the countries to use Interpol resources and databases for suppression of terrorism

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)]  
the Security Council requests the member states to take intensified measures, particularly financial measures against targeted individuals and entities, that include not only finances, but also undertakings and organizations, including finances obtained from the property owned or controlled, directly or indirectly, by individuals and groups related to Al-Qaida. The countries are requested to prevent such individuals from having benefit, directly or indirectly, from the above mentioned finances. The Resolution strengthens the measures directed towards prevention of movement of the individuals the sanctions are applied to. The Resolution forbids direct or indirect supply, sale or transfer of weapons and military equipment for such individuals and groups. The Resolution establishes the Analytical Support and Sanctions Monitoring Team that will, as an expert body, assist the Security Council Committee in carrying out its tasks.

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] the Security Council adopts the Ministerial Declaration 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 Kikambala, Kenya, and the attempted 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/1390 (2002) on lifting the provisions imposed by the Resolutions 1267 (1999) and 1333 (2000) in relation to forbidding taking off and landing in their territory to Afghan aircrafts, and lifts the provision on closing Ariane Afghan Airlines offices (lifts the air embargo)

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] As a consequence of the terrorist attacks on USA on September 11th, 2001 the UN Security Council on September 28th, 2001 unanimously adopted the resolution 1373 presenting a comprehensive strategy for combating international terrorism. The Resolution establishes the Committee for supervision of the implementation of R-1373. The Resolution requests all the countries to take measures for prevention of terrorism, e.g. freeze the funds of those who commit, prepare to commit or assist terrorist acts, ensure that terrorist acts in domestic legislation are described as severe criminal offences with appropriate punishment, mutually exchange information on terrorist activities, become parties to relevant conventions in combating terrorism, ensure that refugee and asylum status is not misused for the purpose of terrorism.

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] decides that all the countries introduce weapons embargo and military *know-how* on the territory of Afghanistan controlled by the Taliban:  
a) Countries having diplomatic relations with the Taliban are requested to reduce them significantly, including reduction of staff within the Taliban's missions, and limitations and control of movement of the Taliban's representatives (diplomatic sanctions).  
b) All the countries are requested to close offices that represent Taliban's interests, as well as Ariane Afgan Airlines.

S/RES/1269 (1999)[on international cooperation in the fight against terrorism]

S/RES/1267 (1999)[on measures against the Taliban] requests from the Taliban to end the trainings of international terrorists and hand over Osama bin Laden. It prescribes that on November 14th, 1999 all UN member states start applying the following measures:  
- freezing of funds and financial sources originating from the Taliban, except if the Sanctions Committee decides otherwise for humanitarian reasons (financial sanctions).  
- decision on the establishment of the Security Council Committee supervision of the implementation of the mentioned measures

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]