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Permanent Mission of Bosnia and Herzegovina to the United Nations Office
at Vienna, OSCE and other International Organizations, V I E N N A*

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NOTE VERBALE

The Permanent Mission of Bosnia and Herzegovina to the OSCE, United Nations and other International Organizations in Vienna presents its compliments to the Permanent Missions and Delegations of all participating States to the OSCE in Vienna and to the Conflict Prevention Centre, and in accordance with the decisions 4/03 and 2/09 of the Forum for Security Co-operation, has the honor to transmit herewith the reply of the Bosnia and Herzegovina 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 Office at Vienna and other International Organizations in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations of the participating States to the OSCE and to the Conflict Prevention Center, the assurances of its highest consideration.

Vienna, 18 May 2011



To:

- Permanent missions and Delegations of all participating States to the OSCE
- Conflict Prevention Center

FSC.EMI/146/11
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BOSNIA AND HERZEGOVINA

ENGLISH only

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

Sarajevo, April 2011

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

Section I: Inter-State elements

The enlargement of the EU and NATO are the most important international processes for Bosnia and Herzegovina. By the same token, rapprochement and the eventual accession are also among the most important national and security objectives of Bosnia and Herzegovina. Bosnia and Herzegovina shares and fully upholds the values and objectives on which the EU and NATO are based.

Membership in the EU and NATO will provide a unique historical opportunity for safeguarding and strengthening democracy, protecting independence, establishing a fully secure environment, as well as unlimited potentials for economic progress.

The United Nations General Assembly elected Bosnia and Herzegovina as one of the five new non-permanent members of UN Security Council for the 2010-2011 term. The non permanent UNSC membership is recognized as one of the B&H greatest foreign policy achievements since it has gained independence in 1992.

Bosnia and Herzegovina presided over the work of UNSC in January 2011 with theme entitled "Post-conflict Peacebuilding: Institution Building and has received numerous appraisals for its work, with a general conclusion that BH presidency was extremely successful.

1. Account of measures to prevent and combat terrorism

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

Bosnia and Herzegovina is a party to universal international treaties, conventions, agreements, arrangements and resolutions that attempt to efficiently regulate prevention and combating of terrorism, terrorism financing and prevention of the weapons of mass destruction proliferation.

Political documents:

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

UN anti-terrorism conventions:

B&H has signed and ratified a series of UN conventions and protocols on the fight against terrorism as well as committed to implementing various Security Council Resolutions (view Annex 1); it actively cooperates with the Counter Terrorism

Committee of the SC, particularly with regard to the implementation plan of Resolution 1373, and with the Monitoring Team of the UN SC with regard to the implementation of sanctions against Al Qaida and the Taliban (R1267 and R1617).

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

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

Council of Europe instruments

Bosnia and Herzegovina is a member of the Council of Europe and signatory to the conventions pertaining to the fight against terrorism ([view Annex 1](#)). Also, B&H 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).

NATO

At the NATO Summit in Riga, held on November 29 2007, Bosnia and Herzegovina was invited to the NATO's Partnership for Peace Program and to the Euro Atlantic Partnership Council. Furthermore, at the Summit held in April 2008 NATO passed a decision in order to enhance the cooperation level with B&H to intensive dialogue.

In December 2009 NATO Foreign Ministers decided that Bosnia and Herzegovina will join the Membership action plan (MAP) once it achieves the necessary progress in its reform efforts. Since then, B&H has made significant progress on reform. On 22 April 2010 in Talinn, NATO Foreign Ministers welcomed the country's decision on the destruction of surplus ammunition, and its new ISAF contribution.

Furthermore, they authorized the North Atlantic Council in Permanent Session to accept B&H first Annual National Programme only when all immovable defense properties identified as necessary for the future defense purposes have been officially registered as the state property of B&H, for use by B&H Ministry of Defense.

EU

On June 16, 2008 Bosnia and Herzegovina signed the Stabilization and Association Agreement with the European Union. The Agreement is currently undergoing the ratification procedure. Bosnia and Herzegovina is committed to cooperating with the EU to prevent and combat terrorism. Action is being taken in order to harmonize relevant national legislation with EU standards, to enhance institutional capabilities and coordinate operative activities with EU countries.

On November 08, 2010 European Parliament adopted the MEP report on visa liberalization for Bosnia and Herzegovina. The Decision entered into force on December 15, 2010.

Regional multilateral treaties:

- Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Charter of Organisation and Operation of the South-East European Cooperative Initiative Regional Centre SECI for Combating Trans-border Crime, 16 May 1999.
- OSCE Document on SALW (Vienna, 24.11.2001)
- OSCE Charter on Preventing and Combating Terrorism (Porto, December, 2002)
- OSCE Document on Stockpiles of Conventional Ammunition

Strategic agreement between the Council of Ministers of BiH and the Office of the European Police (EUROPOL), signed on 26 January 2007, ratified and published in Official Gazette no 10/07;

Agreement between the Council of Ministers of BiH and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007 ratified and published in Official Gazette no 10/07;

BiH signed the Agreement on the Exchange of Security Data with the European Union (Agreement signed in 2004, published in "Official Gazette of B&H", no. 2/06).

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

1. Agreement between the Council of Ministers of BiH and Government of the Republic of Hungary on cooperation on the issues of the combat against terrorism, trade of narcotics and organized crime, signed in Budapest, Hungary on 21 April 1996 entered into force on 26 February 2007;
2. Agreement on cooperation in the combat against international terrorism, illegal trade of narcotics and psychotropic substances, and organized crime between the Council of Ministers of BiH and the Government of the Republic of Turkey, signed in Ankara, Turkey on 21 June 2000 (ratified by the BiH Presidency on 05 April 2002).
3. Agreement on cooperation between the Council of Ministers of BiH and the Government of the Republic of Italy in the field of the combat against organized crime, developed and signed in 2002, entered into force on 26 October 2007.
4. Contract between the Council of Ministers of BiH and the Government of the Republic of Croatia on cooperation in the combat against terrorism, smuggling and abuse of drugs, and combat against organized crime, developed and signed in 2002;
5. Co-operation Agreement between the Ministry of Security of BiH and the Ministry of Internal Affairs of the Russian Federation, signed in September 2004;
6. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Greece, signed in March 2006.

7. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Austria, signed on 5 May 2006, entered into force on 01 September 2007.
8. Agreement on Police cooperation between the Council of Ministers of BiH and the Islamic Republic of Iran, signed in 2005.
9. Agreement on Police cooperation between the Council of Ministers of BiH and Switzerland, signed 25 April 2007.
10. Agreement on Police cooperation between the Council of Ministers of BiH and the Republic of Slovakia, initiated in 2006.
11. 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
12. Strategic agreement between the Council of Ministers of BiH and the Office of the European Police (EUROPOL), signed on 26 January 2007;
13. Agreement between the Council of Ministers of BiH and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;
14. Agreement between the Council of Ministers of BiH and the Government of the Republic of Croatia on Co-operation and Monitoring of the State Border (signed on 29 March 2007);
15. Agreement between the Council of Ministers of BiH and the Government of the Republic of Romania on Police Co-operation in Bucharest, signed 04 June 2007;
16. Protocol on Implementation between the BiH Ministry of Security and the Government of the Republic of Romania Ministry of Internal Affairs and Administrative Reform, signed in Bucharest on 06 July, 2007;
17. Agreement between the BiH Council of Ministers and the Government of the Republic of Romania on readmission of their citizens and foreigners, signed in Bucharest on 10 October 2005;
18. Agreement between the Council of Ministers of BiH and the Government of the Republic of Bulgaria on Police Co-operation in Pleven, signed on 20 September 2007;
19. Agreement between the Council of Ministers of BiH and the Government of Montenegro on Police Co-operation in Becici, signed on 07 September 2007;
20. Agreement between the Council of Ministers of BiH and the European Union on Readmission; Agreement ratified and entered into force on 01 January 2008;

21. Agreement between the BiH Council of Ministers and the European Union on Benefits for Visas; Agreement ratified and entered into force on 01 January 2008;
22. Agreement on police cooperation with the Republic of Macedonia, signed on 24.03.2009, Official Gazette no 7/09
23. Protocol on joint border patrols along the state border with the Republic of Serbia, signed on 6 March 2009, Official Gazette, no 08/09
24. Memorandum on fight against terrorism, organized crime and illegal drug trade between Bosnia and Herzegovina and Belgium, negotiations conducted during 2009; in the procedure
25. 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
26. Agreement on cooperation in fight against organized crime, terrorism and illegal drug trade between Bosnia and Herzegovina and Ukraine, in procedure
27. 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.

Protocols were created according to Agreement on State Border Surveillance Cooperation and signed between BiH Council of Ministers and Government of Republic Croatia, as follows:

- Protocol between Ministry of Security of BiH - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Conducting Joint patrols along Common Border;
- Protocol between Ministry of Security of BiH - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Forming Joint Groups for Fighting Crime;
- Protocol between Ministry of Security of BiH - Border Police and Ministry of Interior of Republic Croatia – Police Directorate, on Assigning Liaison Officers;
- Protocol between Ministry of Security of BiH - 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:

- a) With 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.
- b) 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 Republic Serbia have been agreed upon, and currently, appropriate actions are being taken in the field.

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

Measures for prevention and combating terrorism

The Strategy for prevention and fight against terrorism, for the period 2010-2013, (hereinafter: the Strategy) establishes a general framework for Bosnia and Herzegovina's actions in its fight against terrorism and offers guidelines for improving the existing and developing new measures and instruments for the prevention and suppression of terrorism. Protection against terrorism is a state competence, a part of its fundamental function to establish conditions allowing for peaceful and safe life of all its citizens, free from violence and fear, democratic, creative and prosperous, respectful of law and order. Any form of terrorism directed against Bosnia and Herzegovina would be 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, Bosnia and Herzegovina's priority is to develop comprehensive measures, national and international, for the prevention of and protection from all forms of terrorism, measures which should produce, along with direct benefits, a strong deterrent effect against any terrorist act targeting Bosnia and Herzegovina.

A stable security environment in B&H means also that the country must keep the upper hand in dealing with terrorism and other crimes connected with terrorism, as it is one of the key requirements for B&H's accession to the EU and NATO. Whether problems in this field will be solved quickly does not hinge on the security situation alone but also on the country's general progress, especially in the context of the EU and NATO enlargement. The present Strategy is therefore very important for B&H as a means for initiating changes which should provide for a long-term framework of the antiterrorist fight; at the same time, the Strategy is a vehicle for the transfer and application of European antiterrorist standards and regulations into the constitutional and legal system of Bosnia and Herzegovina. The document was drafted on the basis of an analysis of the achievements of the previous Strategy (for the period 2006-2009), and as an attempt to answer the following question: 'Which improvements

must be done and activities initiated in order to find an effective solution to the issue of preventing and fighting terrorism in B&H?' For all the above reasons, this document describes the current situation in the field of prevention and fight against terrorism, considers problems, and suggests objectives to be achieved, starting from the highest relevant institutional level.

General objectives of the Strategy; Taking into account the existing security structure, as well as its development in the past period, the present Strategy defines objectives in the prevention of all forms of terrorism and crimes related to it, as well as in the prevention of all their negative effects.

1. To conduct continued activities with the aim of deterring any support to terrorism, terrorist activities or radical movements through public awareness² activities directed at positive communication;
2. To implement the Strategy in such a way as to prevent violations of fundamental human rights and freedoms guaranteed by international conventions and regulations
3. To improve interagency coordination and cooperation and develop capabilities in those institutions or agencies that lack them;
4. To ensure monitoring and supervision of the Strategy's implementing documents.

The Ministry of Security is the main institution responsible for the implementation of the Strategy. At the proposal of the BiH Ministry of Security, a Supervisory body for the implementation of the Strategy and Action Plans of the institutions and agencies, envisaged by the Strategy, was established in December 2010. This body is appointed by the decision of the BiH Council of Ministers and comprises representatives of the BiH Ministry of Security, State Investigation and Protection Agency, BiH Border Police, Ministry of Internal Affairs of Republika Srpska, Federation Ministry of Internal Affairs and Brčko District Police. The Supervisory body will submit its First Report on the implementation of the Strategy and Action Plans to the Council of Ministers of Bosnia and Herzegovina by the end of April 2011.

LEGAL FRAMEWORK

Criminal Code

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

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

² Article 201 of the CCB&H on the Terrorism states:

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

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

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

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

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

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

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

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

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

⁴ Criminal Code of the Federation and Criminal Code of Republika Srpska.

⁵ Criminal Code of Brčko District B&H.

Article 200 - Misuse of telecommunication signals, Article 212 - Illicit trade, Article 213 - Illicit manufacturing⁶.

The following articles of the Criminal Code of B&H should also be emphasized: Article 26 - Attempt, Article 29 - Accomplices, Article 30 - Incitement, Article 31 - Accessory, Article 247 - Conspiracy to perpetrate a criminal offence, Article 248 - Associating for the purpose of perpetrating criminal offences, Article 32 - Limitations in responsibility and punishment of collaborators, Article 35 - Intent and Article 36 - Negligence⁷.

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

Bosnia and Herzegovina ratified the Council of Europe Convention on the Prevention of Terrorism (ETS 196) on 11th January 2008. The ratification process of the UN Convention for the Suppression of Acts of Nuclear Terrorism is ongoing. Aiming more efficient implementation of these instruments, new amendments to the Criminal Code of B&H were suggested and adopted.

So, for the purpose of full harmonization of the BiH Criminal Code with the Counter Terrorism international instruments and standards, the Council of Ministers of BiH formed the working group tasked to develop the draft amendments to the BiH Criminal Code in the part referring to terrorism. The Working Group completed the task in the fall of 2007 and, through the BiH Ministry of Security, submitted the Draft Amendments to the BiH Criminal Code to the BiH Ministry of Justice. The BiH Ministry of Justice submitted the Draft Amendments for the adoption procedure. The Parliament of Bosnia and Herzegovina adopted and published abovementioned amendments in Official Gazette of Bosnia and Herzegovina no 8/10. We would like to note that the aforementioned proposals were developed in cooperation with the experts from the UN Office on Drugs and Crime Terrorism Prevention Branch (UNODC-TPB) and the Council of Europe.

So, the new adopted articles to the CC B&H, related to terrorism are: Article 202a Public Incitement to Terrorist Activities, Article 202b Recruitment for Terrorist Activities, Article 202c Training for Terrorist Activities and Article 202d

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

⁶Available at: www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Fight_against_terrorism/4_Theme_Files/Country_Profiles_B&H_-_Legislation

⁷ Ibidem 6

The area of court jurisdiction

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

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

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

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

Forfeiture of objects acquired by a criminal offence

As a security measure, forfeiture of objects¹² is established by the Criminal Code of B&H and concerns any object in connection with a criminal offence which was either used or destined for use in the perpetration of a criminal offence. This security measure also applies when there is a danger that those objects will be used again for the perpetration of a criminal offence or when necessary to protect the public safety or for moral reasons. Objects may be forfeited even if not owned by the perpetrator when public safety considerations or moral reasons so require, but such forfeiture does not affect the rights of third parties to obtain damages from the perpetrator.

Procedural rules

The Criminal Procedure Code of B&H (CCPB&H)¹³ does not provide for special ways of prosecuting criminal acts related to terrorism - there is no difference in the prosecution of a criminal terrorist activity and other criminal activities. Thus, all procedural actions shall be implemented in accordance with the Criminal Procedure

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

⁹ Chapter XVI, Criminal Code of B&H.

¹⁰ Paragraph 1, Items a), c) and d), Article 12, Chapter II - General Provisions, Criminal Code of B&H.

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

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

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

Code of B&H, with respect for the human rights and freedoms arising from numerous international documents, particularly the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) which was ratified by Bosnia and Herzegovina and entirely integrated in its Constitution.

It is important to stress that the Law on Amendments to the Law on Criminal Proceedings of the Federation of BiH (Official Gazette of the Federation of BiH, no. 9/09) amended Article 153 stipulating also that a police body may arrest a person on the grounds of reasonable suspicion that such person committed a criminal offence and for any other reason foreseen by Article 146 of the Law, but such person is to be either brought before a prosecutor or released within 24 hours. However, for criminal offences of terrorism, this deadline is extended to 72 hours. Thanks to this significant amendment, a time period during which persons may remain deprived of liberty for criminal offences of terrorism is extended.

Investigative methods

Special investigative measures¹⁴ defined by the Criminal Procedure Code of B&H may be applied in an investigation; they may include certain temporary restrictions of fundamental rights and freedoms in the process of obtaining the data and evidence necessary to carry out a criminal proceeding. These are: surveillance and technical recording of telecommunications, access to computer systems and computerised data processing, surveillance and technical recording of premises, covert following and technical recording of individuals and objects, use of undercover investigators and informants, simulated purchase of objects and simulated bribery, supervised transport and delivery of objects of criminal offence.^{15 16}

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

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

- the aspiration of Bosnia and Herzegovina to enhance the fight against the most complex types of crimes, including terrorism;
- the commitment of the state to fight growing crimes which endanger not only public safety but also the whole democratic system;
- an obligation arising from numerous international documents; and
- the general opinion that the specificities of modern organised crime and terrorism call for the introduction of special measures and action in detecting and proving the commission of such criminal offences.

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

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

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

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

Other relevant laws

There are also "lex specialis" laws dealing with the issues of the combat against terrorism and funding of terrorist activities, as follows:

1. Law on Protection of Witnesses under Threat and Vulnerable Witnesses
2. Law on Witness Protection Programme
3. Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures.
4. Law on Classified Data Protection of B&H
5. Law on the Protection and Rescue of People and Property in the Event of Natural or Other Disasters
6. Law on Prevention of Money Laundering and Financing of Terrorist Activities (BiH Official Gazette, number 53/09) - **view 1.4 for details**;
7. Law on Border Control published in „Official Gazette of BiH“, No. 53/09-**view 1.4 for details**

Protection of witnesses

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

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

B&H has not adopted a law on the assistance and compensation of victims of terrorist activities, but psycho-social and similar assistance is provided for in the Law on Protection of Witnesses under Threat and Vulnerable Witnesses. Thus, Article 6 of this Law stipulates that "during the investigation, the Prosecutor, and after the

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

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

indictment has been issued, the Court, shall ensure that the body responsible for issues of social care is aware of the involvement of the vulnerable witness in the proceedings and shall enable the assistance provided by this body as well as psychological support to the witness, including the presence of appropriate professionals during examinations or hearings".

Application of international restrictive measures

The international restrictive measures are applying by the Law on applying certain temporary measures for the efficient enforcement of the mandate of International Crime Court for ex Yugoslavia and other international restrictive measures¹⁹.

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

International restrictive measures includes: arms embargo, completely or partly restrictions of export or import, travel ban, financial restrictions and other measures in line with international law. Ministry of Security manages data base on persons who are object of these restrictive measures.

The Law on Classified Data Protection of B&H (Official Gazette of B&H no. 54/05, 12/09) regulates common bases of a unique system of determining, access, use, safekeeping and protection of classified data from an unauthorized disclosure, destruction and misuse, within the competence of Bosnia and Herzegovina, entities and other levels of state structure of Bosnia and Herzegovina related to public security, defense, foreign affairs or intelligence and security activities, cessation of secrecy of such data, as well as procedure of security vetting and issuance of security permit for the access to classified data.

The Framework Law on the Protection and Rescue of People and Property in the Event of Natural or Other Disasters; Getting closer to the Euro-Atlantic integrations implies creation of the new legal and institutional frame for the protection and rescue, and its integration into contemporary EU and NATO concepts.

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

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

- a) Implementation of the international obligations and cooperation in the implementation of protection and rescue, i.e. civil-protection;

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

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

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

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

Since January 2010 the Centre -112 is operative on basis 24/7. The Coordination Body is established by the Council of Ministers Decision (Official Gazette no 56/09).

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 Court of Bosnia and Herzegovina is competent for the criminal offences stipulated by the Criminal Code of Bosnia and Herzegovina as well as for criminal offences of the entity courts, when those criminal offences: a) endanger sovereignty, territorial integrity, political independence, national security and international subjectivity of Bosnia and Herzegovina; b) may have negative repercussions and damaging consequences for Bosnia and Herzegovina or may cause serious economic damage or other harmful consequences outside of the territory of the entities and district.

Also, within the competence of the Court of B&H is to decide on issues relating to implementation of international and inter-entity criminal provisions, including relations with Interpol and other international police authorities, such as a transfer of a convicted person, extradition and delivery of persons, requested by any foreign authority in the territory of Bosnia and Herzegovina, or international court or tribunal.

The Prosecutor's Office of B&H²⁰ is responsible for the investigation and prosecution of criminal acts pursuant to the Criminal Procedure Code of B&H.

The Intelligence and Security Agency of B&H²¹ is responsible for collecting and analysing intelligence data related to threats to the security of B&H, both within the country and from abroad, including terrorism and international terrorism.

As defined by the Law on Intelligence and Security Agency of Bosnia and Herzegovina, Agency is responsible for information gathering being related to the threats posed to BiH security, as well as their analysis and dissemination to authorized BiH officials and institutions, where terrorism, as one of the important current threats posed both to global and BiH security, is one of them.

The Agency's organizational structure itself requires significant number of human and technical resources to be aimed at gathering and analyzing of intelligence, with purpose of prevention and suppression of terrorist threats. It was for this purpose that in 2009, an important reorganization within Agency was carried out, including intensified education of its members in the field of fight against terrorism.

It was exactly in this field that Agency developed not only constructive cooperation with BiH agencies and institutions, being legally relevant elements for that security threat, but it developed various intensive and dynamic international cooperation, as defined by the Law on Intelligence and Security Agency of BiH. Apart of established partner relationships with numerous European, and some intelligence services out of Europe, Agency is a member of two European Intelligence Services' associations.

The Ministry of Security of B&H²² as main security institution in B&H, is responsible for: protection of international borders, prevention and tracing of perpetrators of criminal offences of terrorism, drug trafficking, counterfeiting of domestic and foreign currencies and trafficking in persons, and of other criminal offences with an international or inter-Entity element, international co-operation in all areas within the remit of the Ministry, protection of persons and facilities, collection and use of data relevant for security of B&H, organization and harmonization of the activities of the Entity Ministries of Internal Affairs and of the District of Brcko of B&H in accomplishing the tasks of security in the interest of B&H, meeting of international obligations and co-operation in carrying out of civil defense, coordination of activities of the Entity civil defense services in B&H and harmonization of their plans in the event of natural or other disasters afflicting B&H, and adoption of protection and rescue plans and programmes, implementing B&H immigration and asylum policy and regulating procedures concerning movement and stay of foreigner in B&H.

Part of the Ministry of Security is the **Department for the Fight against Terrorism** which monitors the implementation of international conventions; is responsible for international co-operation; drafts new legal regulations on fighting terrorism; supervises the timely and effective implementation of laws and regulations relating to the suppression of terrorism, the suppression of the activities of groups smuggling weapons for terrorist groups and nuclear, chemical and biological weapons, the fi-

²⁰ www.tuzilastvobih.gov.ba

²¹ www.osa-oba.gov.ba

²² www.msb.gov.ba

ancing of terrorism or groups supporting it, in particular of those suspected of being connected with other types of organised crime. In this respect, the Department co-operates with the Agencies within the Ministry of Security, other institutions and relevant international organisations.

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

The State Investigation and Protection Agency²³ (SIPA) is agency within Ministry of Security. SIPA has police power and it's responsible for fighting terrorism, organised crime and other criminal offences which are under responsibility of Court of B&H. The mission of the **Section for Combating Terrorism and Trafficking in Nuclear, Biological and Chemical Weapons** in preventing and combating terrorism is based on the Strategic Plan and the mission of our Agency, which is "efficient suppression, detection and investigation of criminal offences of terrorism with the aim of providing protection to all the citizens of B&H and enhancing their sense of security and trust in the system of security, as well as the active participation in international inter-agency cooperation in combating global terrorism". **Financial Intelligence Department (FID)**, as a part of the SIPA, receives, collects, investigates and analyses information and data and forwards them to the B&H Prosecutor's Office in accordance with the Law on Preventing Money Laundering and Financing of Terrorist Activities. It is responsible for international co-operation on issues relating to the fight against the financing of terrorism, and offers expert assistance to the Prosecutor's Office in this area. The FID has been a member of the EGMONT group since 29 June 2005; exchanges of information on money laundering and the financing of terrorism are ongoing amongst the members of the group. With the aim of improving the exchange of data and information relating to the fight against the financing of terrorism, the FID has signed Memorandums of Understanding with several countries in the region. The Agency, through its Financial-Intelligence Department, carries out the following concrete activities on prevention and combating terrorism funding:

- in compliance with the obligations of our country stemming from a non-permanent UN membership, and in cooperation with other competent institutions in our country, we continually collect data and information in relation to persons and organisations designated on the lists established under the United Nations Security Council's Resolutions and apply measures against them prescribed by these resolutions
- within the operational actions implemented by the Agency against persons and legal entities interesting from the aspect of terrorism funding, we collect information and data for the purpose of preventing, detecting and investigating linkage of these persons and entities with possible financing of terrorist activities

²³ www.sipa.gov.ba

The Crime Investigation Department offers operational assistance to the FID, detects and investigates criminal terrorist activities, identifies and extradites the perpetrators of such criminal offences to the Prosecutor's Office, collects notifications and data on criminal offences, and monitors and analyses the security situation. **The Witness Protection Department** provides protection to witnesses in accordance with the laws and other regulations of B&H on witness protection. The Unit for Special Support offers its support to FID and other departments, ensuring additional police tactics, equipment and human resources when stronger security measures are needed. The Unit also performs the most demanding and the most complex technical, operational and tactical police actions.

The Border Police²⁴ is responsible for the surveillance and control of state borders; implements the Law on Movement and Stay of Foreign Persons and Asylum; detects, investigates and suppresses offences prescribed by the Criminal Code of B&H, particularly those directed at the security of B&H and the security of state borders. The Central Investigation Office and Specialised Units are entities within the State Border Service.

In accordance with legal authorization, BiH Border Police conducts activities on state border protection, airport security, traffic control at BCPs, approves of legal crossings of the state border, i.e. prevents illegal entries to BiH, ensures for consistent enforcement of legal provisions regulating control of crossings and security of the state border and international airports.

Following policy of international community and EU Member States, BiH BP, in cooperation with other competent authorities in BiH, strives to adopt in its work best European normative for monitoring and preventing all forms of illegal migration, cross-border crime and terrorism. In regard to this, measures have been taken to put border and migration management within framework of Schengen standards.

The Service for Foreigners²⁵ is responsible for: Administrative work regarding move and stay of foreigners in Bosnia and Herzegovina as it is stipulated by the Law on Move and Stay of Foreigners and Asylum (includes tasks as cancellation of visas, issuing of identification and travel documents to alien, revocation of issued identification and travel documents to alien, registration of place of residence or change of residence place of foreign citizens, notarization of guarantee letters and affidavit of support). Then: a) approval of temporary or permanent stay in BiH, extension of temporary stay, revocation of temporary or permanent stay, measures of aliens' supervision and expulsion, making conclusions on execution of a decision on alien expulsion. The Service also controls implementation of the Law on Move and Stay of foreigners and Asylum and deals with statistical and analytical work refers to foreigners.

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

²⁴ www.granpol.gov.ba

²⁵ www.sps.gov.ba

The persons who have appropriate permission and passed security checks may have access to classified data in the security area.

The Agreement with NATO has been signed and Sector is certified by the NOS NATO to exchange data up to the level secret. The procedure is ongoing for signing of the Agreement on exchange of the classified data with the NATO member states and other states, as well. Thus, BiH has developed procedures and standards for protection of the classified data in the line with NATO standards.

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

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

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

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

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

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

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

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

For the Armed Forces of BiH, the fight against terrorism presents a component of the mission of the Armed Forces, which stipulates "... participation in operations of collective security, peace support operations and self-defence...". The defense policy of BiH specifies terrorism as one of the main challenges and risks for the safety of the state of BiH.

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

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

A Military-Intelligence Branch exists within the Armed Forces of BiH that is tasked to work on a timely detection of terrorist activities as well as developing preventive measures in coordination with complementary services. In its structure there are no special units that could conduct counter-terrorism activities, but they can be engaged by order of the BiH Presidency for conducting activities to combat terrorism more intensively.

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

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

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

The Counter-Terrorism Division of the Administration of Federal Police²⁶ is, within its scope of work, in charge of detection and prevention of criminal acts of international and domestic terrorism, that are, in accordance with the provisions of the Law on Interior Affairs of the Federation of Bosnia and Herzegovina, under the

²⁶ www.fmup.gov.ba

competence of the Federation Ministry of Interior Affairs –Administration of Federal Police. Through preventive and repressive actions, this Division prevents certain extremist organisations and groups to commit any terrorist act against domestic or international institutions on the territory of the Federation of BiH. It has established cooperation with all law-enforcement agencies at the state and entity levels, and significant cooperation with many European countries and the US on prevention of international terrorism.

Anti-terrorist structure of the Government of the Federation of Bosnia and Herzegovina comprises the Directorate of Federal Police which includes the Sector of Criminal Police with its Anti-Terrorism Department.

Operative activities in combating terrorism are carried out by the Directorate of Federal Police through its Anti-Terrorism Department, i.e. by the police. The segment of military and intelligence structures is outside the scope of work of police structures.

Legal measures used in combating terrorism are prescribed by the Criminal Codes of BiH, entities and Brčko District. International co-operation in these areas is conducted via Interpol and Europol.

In the fight against terrorism, the Directorate of Federal Police acts in line with the strategy for the fight against terrorism adopted at the BiH state level.

In 2010, the Directorate of Federal Police was involved in the following cases: "explosion in the Police Station Bugojno of 27 June 2010"; the case "Fis Vitez" for which the main hearing for the criminal act of terrorism is ongoing at the Court of BiH; the case "Rustempašić Rijad et al" processed at the order of the Office of the Prosecutor of BiH for which the hearing is ongoing at the Court of BiH; the case "Gornja Maoča" examination and expert analysis of seized items based on the orders of the Office of the Prosecutor.

In 2010, the Directorate of Federal Police, Anti-Terrorism Department, temporarily seized several handguns, handgun magazines, ammunition of various calibres, knives, bayonets, sword, military uniforms, military equipment, different documents, manuals, books, grenade M-57, other types of grenades, tank mines TMA-2, tromblones, etc.

The Ministry of Interior of the RS²⁷ with the following departments: Counter Terrorism Department, the Special Investigative Department, the Department for Crime-intelligence Analysis and the Department for Anti-diversion Protection within the Crime Police Administration. The role and mission of the Police, i.e. of the Ministry of Interior of Republika Srpska, in fighting terrorism are regulated by Article 5 of the Law on Internal Affairs ("Official Gazette of the Republika Srpska", number 48/03), and by the Articles 30 and 39 of the Rulebook on the Internal Organization and Systematization of Work Posts in RS Mol, no.K/B-870-1/08 from 15.05.2008.

Specifically, the RS Mol role and mission in fighting terrorism reflects in the following: detection and prevention of terrorism, financing terrorism, taking hostages, illicit traffic and manufacture in arms and explosives, criminal organizations, environmental pollution by waste and poisonous materials, as well as prevention of terrorism by

²⁷ www.mup.vladars.net

acting directly with the aim of eliminating terroristic groups and breaking down organized terrorist networks, resolving the hostage situation by releasing the hostages.

As regards the fight against the financing of terrorism at the Entity level, the following institutions are responsible: **the Banking Agency of the FB&H²⁸ and the Banking Agency of RS^{29,30}**. These institutions actively co-operate with the Financial Intelligence Department (FID-SIPA).

In the Criminal Code of **Brcko District BIH**, chapter 18 defines criminal acts of terrorism as follows:

- Article 197. Taking hostages
- Article 198. Terrorism
- Article 199. Financing of terrorist activities

The mentioned criminal acts present grounds for undertaking extensive police investigation activities of proactive and repressive nature in the fight against terrorism.

In the organization of the Police of Brcko District BIH terrorism shall be investigated within the Sector for Crime Intelligence Support and preventing and revealing terrorism, located in the Crime Police Unit.

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:**

Issues pertaining to the prevention and suppression of the financing of terrorism are regulated by the Law on Prevention of Money Laundering and Funding of Terrorist Activities (Official Gazette 53/09).

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

Realising the importance and complexity of combating terrorism, the Council of Ministers adopted the **new Strategy for Preventing and Combating Terrorism** (116.session 10.03.2010). The Strategy for Combating Terrorism has an aim to

²⁸ www.fba.ba

²⁹ www.abrs.ba

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

review the current situation in B&H and to set priority tasks whose realisation shall establish a unified system of combating terrorism in B&H.

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

Also, the Council of Ministers adopted the **Strategy and Action Plan for suppression of money laundering and financing of terrorist activities** (100. session, 30.09.2009).

The Council of Ministers of Bosnia and Herzegovina established the Working Group which participated in the development of the Draft Law on the Prevention of Money Laundering and Financing of Terrorist Activities ("Official Gazette" 53/09) and the Strategy for the Prevention of Money Laundering and Financing of Terrorist Activities, adopted in 2009.

Moreover, the Council of Ministers of B&H established the Task Force for Combating Terrorism and Strengthening Capacities for Anti-Terrorism Struggle, operating under the leadership of the Prosecutor's Office of Bosnia and Herzegovina.

Investigations related to the financing of terrorism are conducted by the Financial Intelligence Department (FID) within the State Investigation and Protection Agency.²⁵ Pursuant to the Law on Prevention of Money Laundering and Funding of Terrorist Activities, the FID also has the competence to freeze funds (issue an order to suspend any suspicious transactions) suspected of being used to fund terrorist activities.

Following details are significant when considering measures taken in combating financing of terrorist activities:

- Criminal offence of Financing Criminal Activities has been incriminated in the amendments of the B&H Criminal Code dated 21.01.2010 under the Article 202 of the Criminal Code.
- The Law on Prevention of Money Laundering and Financing of Terrorist Activities (Official Gazette of B&H no. 53/09) has established a system for suppression of terrorism financing which defines the following roles of obligors referred to in the Article 4 (participants to financial and non-financial markets in B&H):
 - a. development of risk assessment to establish a risk level of a group of clients or individual clients, business relation, transaction and products with regard to possible abuse for the purpose of funding terrorist activities

- b. undertaking customer due diligence
- c. prevent opening, issuing or possessing secret accounts or other products allowing a client to hide his/her identity directly or indirectly
- d. providing to the FID the information about:
 - i. any attempted or performed transaction, client or person if there is a suspicion of funding terrorist activities;
 - ii. cash transaction of 30 000 KM or more;
 - iii. connected cash transactions which together amount to 30.000 KM or more.

Preventive measures to detect and suppress the financing of terrorism are taken in accordance with this Law by: banks (in accordance with the Law on Banks), post offices, investment and pension funds, stock-exchanges and stock-exchange agencies, insurance and re-insurance companies, casinos, gambling houses and organisers of other lotteries, pawnshops, attorneys and notaries public, accountants and auditors, real estate agencies, humanitarian organisations, and other similar institutions. According to the Law, the above-mentioned institutions are obliged to identify clients and transactions and notify the FID about any suspicious transactions, any transactions exceeding 30,000KM and any interconnected transactions in cash exceeding 30,000KM (1Eur=2KM).

In accordance with the Law, the Agency through its FID, undertakes the following measures in combating terrorism funding:

- receives, collects, records, investigates and analyses received data
- informs the competent prosecutor's offices if there is an established grounded suspicion of committing the criminal offence of terrorism funding in connection with a transaction or a person
- obtains information, data and documentation about ownership and bank deposits of persons and legal entities, in case there is a suspicion of funding terrorist activities
- issues a written order to obligors (referred to in the Article 4 of the Law on Prevention and Financing Terrorist Activities) temporarily suspending a transaction or transactions for 5 working days at most, if there is a suspicion of funding terrorist activities
- issues a written order to obligors (referred to in the Article 4 of the Law on Prevention and Financing Terrorist Activities) for continuous monitoring of financial transactions if there are reasons for suspicion of funding terrorist activities
- demands from authorities of Bosnia and Herzegovina, the Federation, the RS and the District and from other organizations with public authorization, information, data and documentation about terrorism funding.

SIPA's Criminal Investigation Department respectively SIPA's Regional Office officials, in addition to the actions performed by the Financial-Intelligence Department, collect information relevant for preventing and combating terrorism financing within their regular activities on collecting and analysing criminal intelligence and the field operational work.

ISA activities in prevention and suppression of terrorist financing

Being completely conscious of transitional challenges, particularly in the field of economy which makes fertile ground for various illicit activities, Agency's special focus, while gathering and analyzing intelligence, is on uncovering possible activities which might have to do with financing of terrorism in any of its phases. Thus, Agency pays special attention on investigating possible covert activities of organizations and individuals who, for various reasons and intentions, have been previously suspected of being linked with terrorist financing, as well as criminal groups which might also serve as financial sources for terrorist activities.

Agency has so far no available information which might indicate, or confirm that some organizations or criminal groups in BiH participate in financing of terrorist activities.

Intelligence and Security Agency of Bosnia and Herzegovina took active share in drafting of "BiH Strategy for prevention and fight against terrorism" for the period from 2009 until 2013, which was adopted on 9 March 2003.

Key Agency's contribution is in its experts' participation, together with representatives of other local police bodies, in working group which drafted mentioned Strategy. The assessment of current security situation, and the level of terrorist threats in and out of BiH, being part of the Strategy, is dominantly based on Agency's intelligence.

In the context of this Strategy implementation, Agency issued on 14 January 2011 an "Action plan of BiH Intelligence and Security Agency for implementation of BiH strategy on prevention and fight against terrorism", which is to cover the period from 2010 until 2013. The Action plan has been submitted to BiH Ministry of Security.

Giving the indicators of terrorism presence and the danger it implies, as well as significance of the fight against this problem and Agency's role in prevention and fight against terrorism, Action plan defines Agency's general and specific objectives in this Strategy implementation, measures and activities by which established plans are to be achieved, individuals involved in the activities, action deadlines and implementation indicators.

Beside mentioned, in the beginning of each year an internal plan, on Agency's level, is brought and is related to intelligence-security functioning in the field of prevention and suppression of terrorism, which is later concretized on lower executive levels of the Agency, and if necessary upgraded during the year in case new intelligence emerge.

According to Agency's available information, no preparations for any act of international terrorism are being currently conducted in BiH territory, either in or toward BiH, or some other international subject / objects out, or on the territory of Bosnia and Herzegovina.

In 2010 terrorist act was executed (on 27 June 2010, an explosive device of immense destructive power was activated in front of Bugojno Police station) which resulted in human casualties and material damage. This act had negative impact, particularly during and after its execution, on overall security situation in BiH, espe-

cially in the area of its execution. However, it has not created any long-term consequences on current security situation in our country.

Under particular circumstances including discontent with personal status, attempts of citizens' discontent misuse, which might face further aggravation of socio-economic situation in BiH due to global economic crisis consequences, complicating political situation in BiH and the region...., one of the potential threats is seen in a number of foreign citizens residing in BiH, originated from Afro-Asian countries, who were before in contact with individuals suspected of being linked with international terrorism, and whose status in BiH has not been regulated yet. The threat is namely possibility of their contacts' reactivation, as well as establishing security interesting activities which might end up in supporting or participating in terrorist acts.

Based on available information, it has been assessed that even in the forthcoming period of time, the threat posed to BiH security and its prosperity are nationally and/or religiously motivated violent acts, which might be conducted by certain BiH based extreme individuals or groups from legal organizations and associations with national and/or religious connotations.

Surely, the intensity of possible violent activities of such groups directed toward other nationalities, religions, political bodies, organizations or representatives, will significantly depend on the level of socio-economic discontent, which can be easily used for various politically motivated expressions of intolerance and hatred toward "other and different ones".

SALW

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

In BiH there is no state level legislation regulating civilian procurement, possession and carrying of SALW. This area is regulated by entity legislation and in Federation of BiH by additional canton legislation (laws on weapons and criminal codes). After the decision made by the BiH Council of Ministers on necessity to harmonise legal arrangements, activities were initiated with the assistance of the UNDP to harmonise legal arrangements in accordance with the EU directives.

With the aim of fulfilling requirements for the accession to NATO and EU, BiH has passed the Law on Production of Weapons and Military equipment, the Law on Movement Control of Armaments and Military Equipment, and the Law on Foreign Trade in Goods and Services of Strategic Importance for Security in BiH, as well as appropriate by-laws entered into force. The passed laws are being applied

The National Strategy and Action Plan have been adopted in accordance with the UN Programme of Fight against Illicit Arms and the EU Strategy. Updated Strategy for

the period 2008-2012 is upgrade of national efforts, formalised through SALW Co-ordination Board, particularly directed towards strengthening BiH capacities for destruction of surplus equipment, legal regulation of SALW control, raising awareness of citizens on danger related to SALW and possible impact of increased SALW destruction on health of people and environment. It is obvious that with fewer SALW in circulation, and tighter controls over their use, there are lower rates of violent death.

— **Border controls:**

On 10th June 2009, BiH Parliamentary Assembly has adopted Law on border control. This law regulates border control and crossing of state border of BiH, border crossing points, border line, protected area, control of weapons and ammunition transfer across the State Border, international police cooperation, data collection and keeping, and other issues relating to border control. This law includes the international border and police cooperation, the activities of foreign police services within the territory of Bosnia and Herzegovina, and activity of BiH Border Police in a foreign territory, and cooperation with foreign security services and the exchange of police liaison officers in accordance with international treaty and an agreement on cooperation. Twelve bylaws of the Law on border control have been adopted, and the other two are in the process of adoption. DCAF has also contributed to the harmonization of this law with EU legislation.

Law on Border Control was published in „Official Gazette of BiH“, No. 53/09, followed by creation of implementation regulations that enabled full implementation of all provisions of the Law, and the mentioned Protocols and Agreements. So far, the following have entered into force:

1. Rulebook on Conditions and Methods of Determining and Deciding on BCP Area („Official Gazette of BiH“, No. 92/09),
2. Rulebook on Manner of Border Checks Conducting and Data Entry into Travel Documents („Official Gazette of BiH“, No. 3/10),
3. Rulebook on Border Control in International Transit Traffic („Official Gazette of BiH“, No. 3/10),
4. Rulebook on Border Authorization Issuance („Official Gazette of BiH“, No. 3/10),
5. Decision on Conditions and Manner of Authorization Issuance to Foreign Ship Crew Members for Movement in the Area of Ship's Hold („Official Gazette of BiH“, No. 3/10),
6. Rulebook on Installment and Use of Technical Aids, Photographing, Filming and Video Surveillance at BCPs by the State Border („Official Gazette of BiH“, No. 05/10),
7. Rulebook on Conduct and Costs of Border Checks Other Places in Justified Reason Cases („Official Gazette of BiH“, No. 05/10),
8. Rulebook on Procedure of Temporary BCP Designation („Official Gazette of BiH“, No. 06/10),
9. Rulebook on Procedure of Identifying and Resolving of Border Incidents and other State Border Violations („Official Gazette of BiH“, No. 06/10),

10. Rulebook on Standards and Conditions of BCPs Development and Equipment („Official Gazette of BiH“, No. 06/10),
11. Rulebook on Form and Content of Marks and Signaling Indicating BCP and its Area, and on Manner of their Setup („Official Gazette of BiH“, No. 17/10),

Law on Control of Arms and Military Equipment Movement („Official Gazette of BiH“, No. 53/09), regulates conditions for arms and military equipment movement in BiH, movement of arms and military equipment related to crossing the state border for import, export or transit purpose, actions of certain authorities reference authorization issuance for movement, submission of request as well as arms and equipment movement surveillance and control. Sublegal acts enacted in order of successful implementation of this Law are:

1. Decision on Determining IBCPs for Traffic of Arms and Military Equipment, Dangerous Explosive and Radioactive Materials and Dual-Purpose Means („Official Gazette of BiH“, No. 89/06), as well as changes and amendments to this Decision („Official Gazette of BiH“, No. 48/08),
2. Rulebook on Manner of Conducting Control of Arms and Ammunition Transfer Across the State Border („Official Gazette of BiH“, No. 32/10),
3. Instruction on Manner and Procedure of Regulating Temporary Import, Export and Transit of Sporting and Hunting Weapons and Ammunition („Official Gazette of BiH“, No. 19/10),
4. Instruction on Special Security Measures during Arms and Military Equipment Movement (Signed by BiH Minister of Security, in November 2010).

Based upon BiH Strategy for Prevention and Fight against Terrorism (2010-2013), Border Police of BiH adopted **Action Plan for Prevention and Fight against Terrorism** (for the period 2010-2013). The Mentioned Action Plan defines priorities/goals, as follows:

1. Enhanced BiH Border Police capacities for prevention and reduction of cross-border crime and illegal migration. Including the following specific objectives:
 - 1a. To improve border control conducting in accordance with EU standards;
 - 1b. To improve cross-border crime and illegal migration investigations;
 - 1c. To develop criminal intelligence for efficient fight against cross-border crime and illegal migration;
2. Timely data exchange and improvement of technical capabilities for more successful data exchange (coordination between all agencies/ institutions in BiH and at international level);
3. Participation in organizing and work of teams for managing cases with characteristics of terrorism, fully respecting principles of legitimacy and efficiency in work, and in the manner that enables them to respond to all prosecution requests for that particular case.
4. Collection of data on critical infrastructure in case of natural and other disasters;
5. Development of system for control of persons, enabling certain rights to persons on consolidated list of UN Security Council (UNSC), as well as to persons in op-

erational and criminal records in BiH in relation to terrorism, and are opposite to UNSC Resolutions;

6. Creation of analysis of all material and technical needs for fight against terrorism, which is to be submitted to all police agencies at request of Monitoring Body for Implementation of BiH Strategy for Prevention and Fight against Terrorism;
7. Creation of plan for permanent staff training for prevention and fight against terrorism, with a special view of new forms of terrorism phenomenon.

In relation to border management Integrated Border Management System (IBM) was established, which should improve the operational efficiency of agencies operating at the border by ensuring their mutual connection. As a mechanism for coordination was established the State Commission for Integrated Border Management, and an agreement on cooperation between all agencies for integrated border management was signed.

Bosnia and Herzegovina is also the only country in the region to establish the Joint Center for a common risk analysis.

Ministry of Security of Bosnia and Herzegovina signed with FRONTEX the Operating agreement on establishment of operational cooperation between the Ministry of Security of Bosnia and Herzegovina and European agency for Management of operational cooperation at the external borders of EU Member states. This agreement allows the Border Police of Bosnia and Herzegovina and other law enforcement agencies to be included in work of this important European agency and to actively participate in strengthening European security and fight against all forms of crime.

In accordance with the Law on Border Police and the Law on Supervision and Control of the state borderline, the Border Police, as an administrative organization in composition of the Ministry of Security of Bosnia and Herzegovina with operational independency, is in charge of tasks of supervision and control of the state border crossings.

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

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

Within improvement of technical conditions for more successful surveillance and control of crossing the state border, activities have been taken to establish integrated border control system at border crossing points. Document "Early Specification of Software Demands – Information System for Overall Management of Control of

Persons at Border” has been created. This document presents an early specification of software demands for implementation of BiH Border Police information system for overall management of crossing of the state border control.

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

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

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

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

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

- On 07/10/2010, the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro signed the Agreement on Border Crossings for International Traffic;
- On 07/10/2010, the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro signed the Agreement on Border Crossings for Border Traffic;
- In 2010, activities were initiated on the revision of bilateral international agreements between Bosnia and Herzegovina and the Republic of Croatia which regulate the status of border crossings;
- Activities have been launched concerning the issuance of border documents for the purposes of implementation of the Agreement on Border Traffic and Cooperation between Bosnia and Herzegovina and the Republic of Croatia;
- Expert teams of Bosnia and Herzegovina and Montenegro, on the basis of a Study on prevention of places for illegal border crossing, have agreed on locations that will be strengthened by BiH and by Montenegro;

- Initiated the review procedure of the Strategy and Action Plan on Integrated Border Management;
- In September 2010, Twinning Agreement was signed between the Delegation of the European Union and the Agency for European Integration and Economic Development of the Republic of Austria under the title "Support to the Implementation of the Strategy and Action Plan on Integrated Border Management", whose beneficiary is the Ministry of Security;
- There are ongoing activities on the establishment of joint control on the border crossings with Montenegro, namely "Zupci - Sitnica," Hum - Šćepan Polje "and" Klobuk - Ilino Brdo.
- With technical assistance provided by the UNDP, there have been activities on integration of the database for the Center for Risk Analysis.

As part of planned activities within BiH Border Police competences, and through Integrated Border Management Strategy, and Action Plan of the Strategy, agreements were drafted and signed with other agencies involved in activities of state border protection at the level of Bosnia and Herzegovina.

A new Agreement was concluded on cooperation between institutions involved in integrated border management process in BiH, and a joint working body was formed to work on Agreement implementation and monitoring of implementation. The Agreement signatories are representatives of BiH Ministry of Security, BiH Border Police, Indirect Taxation Authority, Veterinary Office, BiH Service for Foreigners Affairs, Plant Health Administration in BiH and entity inspection administrations, as well as those in Brčko District.

Agreement was signed on establishment of Joint Border-Related Risk Analysis Center, which became operational in March 2009. In accordance with the Agreement, the Center is located at BiH Border Police, and officers of BiH Border Police, Indirect Taxation Authority, Veterinary Office, BiH Service for Foreigners Affairs and Plant Health Administration in BiH participate in its work. At the same time, local risk analysis centers were established in all involved agencies and services.

BP representatives actively participate in work of formed commissions: State Commission for Borders and State Commission for Integrated Border Management.

Border Police, with other police authorities from neighboring countries (Serbia, Montenegro and Croatia), and in accordance with signed protocols and agreements, regularly conducts joint patrols in the whole area of the state border. With regard to this, joint working plans were developed at regional and local levels, and staff trainings were conducted.

Provisions of Law on Secret Data Protection, reference access level and issuance of permission for secret data access, are implemented. Security questionnaires for all BiH Border Police were filled out, according to access level, and submitted to further authority and check procedure.

During 2010, Border Police made significant efforts on building information system and networking BCPs. That was one of the requirements of Roadmap of Visa Regime Liberalization for BiH Citizens with European Union. As part of Border Police communication capacities improvement, for state border surveillance and control, activities are continuously conducted on communication connection of all BCPs, using SDH radio-relay network capacities, and SPIN wireless communication network. Information system for migration (ISM) has been fully operational and functional since 29 September 2009. Border Police of BiH provided all necessary infrastructure

conditions (networking – SPIN and SDH networks) for establishment of ISM system at 46 IBCPs. These activities will continue in the following period.

Border Police of BiH – organizational unit Field Office for Airports has, within its obligations deriving from international and national regulations for this area, related, and could relate, to BiH Strategy for Fight against Terrorism realization, conducted series of activities on fulfillment of certain obligations in Border Police competence.

As part of training for processing crime scene of a terrorist act and collecting evidence, certain number of BiH BP officers attended training where knowledge was achieved on manner of conducting inspection and manner of collecting evidence at the crime scene of a terrorist act.

As part of obligations deriving from airport security segment, BiH BP actively participated in preparation and conduction of joint exercises, with other security subjects, at international airports and other subjects (fire brigade services, army, and police authorities). In accordance with this, and based upon annual plans, joint exercises are planned at international airports, during which situations of endangering security of civil aircraft will be simulated.

BiH BP actively participated in adoption of Civil Aircraft Security Program in BiH, and following adoption, individual Security Programs for international airports in BiH and procedures deriving from Airport Security Programs were adopted. New Airport Security Programs were adopted at all international airports, as well as large number of procedures deriving from them. Within this, „emergency“ and „contingency“ plans were created and updated for acting at all international airports in BiH.

There is regular cooperation and data exchange with other agencies in BiH reference control and crossing the state border by persons registered as interesting for security reasons. In accordance with established procedures, requested measures are conducted against all persons registered as interesting for security reasons, and the data on crossings of state border and measures taken are submitted to all interested agencies through established channels.

Border Police has foreseen, in its Working Plan 2010, many activities concerning implementation of goals and objectives set up in the Strategy of Bosnia and Herzegovina for Fight against Terrorism and Action Plans for implementation of the Strategy. BP representatives participate in work of Impact Group for fighting terrorism. In that regard, activities are foreseen on implementation of Action Plan for Fight Against Terrorism through data exchange with other agencies, continuous training of police officers and drafting joint plans of civil-military cooperation in case of responding to terrorist attacks.

Beside the above mentioned, establishment of system for information exchange demanding urgent action, enhancement of border control through cooperation with border police of neighboring countries, and creation of joint plans of agencies included in Integrated Border Management Strategy for acting in exceptional situations, are foreseen.

During 2010, Border Police continuously improved its investigation and intelligence capacities for fighting all forms of cross-border crime, by providing material and technical means and training for work with them. In that regard, implementation regulations were enacted for improvement of investigative components, i.e. for conducting special investigation actions in accordance with Law on Criminal Procedure in BiH.

The above mentioned regulations regulate the manner of communication with prosecutions and courts in BiH, in conducting special investigation actions stipulated by Law on Criminal Procedure in BiH, as well as the manner of documenting taken measures and actions, reporting and keeping compulsory registers.

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

— **Travel document security;**

The Law on Travel Documents of Bosnia and Herzegovina ("Official Gazette of BiH" No. 4/97, 1/99, 9/99, 27/00, 32/00, 19/01, 47/04, 53/07, 15/08, 33/08, 39/08) regulates the type and form of travel documents of BiH, authorities responsible for issuing travel documents, the procedure to issue travel documents, the personalization of travel documents of Bosnia and Herzegovina and central registry. In Bosnia and Herzegovina there is a division of responsibilities in terms of personalization of travel documents, maintaining central registries, the process of issuing documents and direct communication with citizens. The competent authorities have adopted the design of travel documents and selection of materials used for the production. These elements are essential in reducing the possibility of falsification or modification to a minimum. However, the authorities issuing travel documents (MCP, MFA, ministries of interior and the Public Registry of the Brcko District) are the central authorities to verify that the person who owns a travel document is a true bearer.

Accordingly, the jurisdiction to issue travel documents should be clearly distinguished from the personalization process, maintaining the central registers and management of technical segment of the system as specified by the BiH legal system. Crucial and essential for BiH is the fact that MCP, MFA, ministries of interior and the Public Registry of the Brcko District have direct access to the documentation submitted by the person who wants BiH documents, and the officials of those authorities hold a conversation with the person and perform assessment if the person has the right to a BiH travel document, or make the final decision. All other aspects related to computer technical support and personalization are technical issues.

The personalization of the travel documents in BiH has been done in one place. The central registries are maintained in one place and enabled for online access. The personalization building and locations of the central registries are under video surveillance, as well as physical security and a system of access control is established.

The security of travel documents is 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 the above standards, the security of travel documents is provided on a multi-faceted basis. The security aspects 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

The safety aspects also include:

- Verification of data based on which travel documents are issued. In accordance with the BiH legislation, a person who obtains a travel document must be registered in the citizenship register, and the status of the birth register must be checked as well.
- 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. Before sending the order to personalize travel documents, the competent authority has the option to obtain the information if there is doubt about the "double" identity of any person. If there is doubt, the competent authority requires additional evidence through the administrative procedure and makes the final decision.

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

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

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

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

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

Sector for Citizenship and Travel Documents appreciates that the security aspects regarding the forms themselves are at high level and therefore they are difficult to forge. Any unwanted manipulations are possible in the process of their personalization and production, particularly in the authorities which are requested for the issuance of passports. Security checks of personnel are the responsibility of these authorities.

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

Currently available equipment for detection of forged documents

All international border crossing points are equipped with basic equipment for document detection, including device with three different sources of light (retro-check) and mobile magnifiers for up to 10 times magnification. Some BiH BPU, due to their geographical position and traffic frequency, where it's realizable are also equipped with stereo microscopes, cold light sources, while International Airport Sarajevo possesses two stereo microscopes, one of which is with an integrated camera and independent source of cold light. Training Centre also possesses 5 stereo microscopes primarily used for staff training. Three Field Offices have mobile devices for document analysis, of the following brands: doc-box "Dragon" (manufacturer "Projectina") and VSC-4 (manufacturer Foster-Freeman).

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

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

Staff qualification for detection of forged documents and investigation of crimes

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

The system of issuing travel documents has been made in accordance with the European standards in this field. The Central Register of travel documents is located in Banja Luka and that register is electronically linked to locations for the issuance of travel documents and to registries.

This method allows for faster, more efficient and safer issuance of travel documents.

By introducing biometric passports on October 15th 2009, the security of travel documents is increased. A travel document booklet contains an electronic memory chip, which is another element of the security of biometric passports. Border Police of Bosnia and Herzegovina is trained for reading biometric passports at the border crossings.

Border Police of BiH regularly creates and updates electronic collection of specimen and forged documents presentations, regularly delivered to all organizational units as warning of newly detected forms of forged documents.

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. In 2008, Memorandum of Understanding was signed between Republic Albania, BiH, Republic Croatia, Republic Macedonia, Montenegro and Republic Serbia, specifying in Article 8 information exchange on false travel documents, visa stickers and residence permits. Moreover, based upon this Memorandum, in cooperation with FRONTEX, Border Police submits immigration statistical data once a month (MSI – reports) to the signatory countries via website - www/circa.europa.eu where FRONTEX set up special page WB-RAN (West Balkan-Risk Analysis Network).

Border Police constantly makes efforts on modernizing equipment used for detection of forged travel and other documents. Beside travel document scanners, BP is in possession of: retro-checks, mobile magnifiers, stereo microscopes, doc-box „Dragon“(made by „Projectina“), and a VSC-4 device (made by “Foster-Freeman”). Within BiH BP Head Office building there is a laboratory in function for document analysis, equipped by a Foster-Freeman device type „VSC5000“, a stereo microscope with integrated camera and independent cold light source, two sophisticated color printers, one high-resolution scanner, retro-check and hand magnifiers with and without light source.

There is continuous training of staff for profiling and detection of forged documents, and for work with modern technical means.

— **Container and supply chain security;**

BiH Indirect Taxation Authority (ITA) as the leading agency has the control Tasks and assignments of control of all goods coming in or leaving BiH; 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., are within competence of. Border Police of BiH has the obligation to cooperate with BiH ITA in conducting control of goods the transport of which is not allowed, especially in detecting prohibited goods: explosives, weapons, including mass destruction weapons and narcotics.

— **Security of radioactive sources;**

Licensing of agencies to deal with radioactive material is carried out by Ministry of Foreign Trade and Economic Relations of BiH, while control is conducted by Indirect Taxation Authority of BiH, being the leading agency for control of goods during import/export. Beside BiH Indirect Taxation Authority, transport control of radioactive

sources is conducted by Border Police of BiH, Veterinary Office of BiH, Phytosanitary Inspection, Market Inspection and Sanitary Inspection, whereby each agency acts according to its authority regulations.

Besides that, of special significance is adoption of Law on Radiation and Nuclear Safety, according to which State Regulatory Agency for Radiation and Nuclear Safety was established. Competences of this Agency include (among others):

- Policy defining
- Regulations and instructions creation
- Notification, authorization and inspection
- Cooperation with other agencies, especially with International Atomic Energy Agency
- Undertaking measures for safety of radioactive and nuclear material
- Giving recommendations for accession to international conventions, etc.

The Agency is in function and has already enacted several rulebooks for this area.

Categorization of radioactive sources and safety and security of radioactive sources are the legal requirements specified in the Regulation on the notification and authorization of activities with sources of ionizing radiation (BiH Official Gazette no. 66/10).

Radioactive sources of category 1, 2 and 3, in accordance with the categorization of radioactive sources of the International Atomic Energy Agency, are under the full control of the State Regulatory Agency for Radiation and Nuclear Safety. State Regulatory Agency for Radiation and Nuclear Safety has very good cooperation with institution from the United States - GTRI, the Department of Energy, regarding improvement of the security of radioactive sources of category 1 and 2.

In accordance with Article 5 of the Convention on Physical Protection of Nuclear Material, Bosnia and Herzegovina has appointed Focal Point, Mr. Mehidin Sirbubalo for all matters related to the Convention application.

Furthermore, the Agency is preparing the specific Regulation on the security of radioactive sources which are under enhanced security measures, and it is planned to put it on a public debate in the near future.

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

It has been observed that persons linked with terrorism more and more use the internet as a means of communication and for exchange of information, as well as to spread certain ideas, doctrines, etc (e.g. how it is religiously justified to conduct suicidal bomb attack against the enemy)

The relevant intelligence and law enforcement Agencies, within its regular activities, monitors contents of web sites, which might be of security interest for the aspect of combating terrorism. Upon receiving certain findings, security checks are performed,

and based on the results of those checks; other measures and activities in accordance with the law are being conducted.

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

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

As part of regular activities, intelligence and investigation officials, tasked with combating terrorism and trafficking in nuclear, biological and chemical weapons, are monitoring internet web sites used by extremist groups and according to need, they carry out other investigative activities in cooperation with the Prosecutor's Office of B&H.

Due to the fact that Internet can be used by terrorists for the purpose of communication, recruiting, radicalization, financing, cyber attacks and other, some improvements have been planned and implemented in this field in various segments – training of the staff in a more efficient usage of Internet for collecting intelligence and conducting investigative and special investigative measures; launching initiatives for amendments of criminal legislation of B&H in relation to implementation of investigative and special investigative measures on the Internet as well as improvement of technical capacities and international cooperation.

Intelligence and Security Agency of Bosnia and Herzegovina has no information on Internet misuse for classical terrorist purposes, or cyber terrorism on BiH territory.

However, increased misuse of cyber technology is evident, particularly Internet, even in BiH, and is conducted by certain extreme-radical security-interesting elements, being particularly focused on young people.

The analysis of some websites, used by aforementioned elements for intercommunication and propaganda (open calls on violence and revenge, intimidation of various national-religious groups, indoctrination of followers and sympathizers, broadcasting through media agencies behind which are global terrorist organizations), which produce negative atmosphere and potentially build up the basis for security imperiling in BiH and out of it, indicate that they are not only occasional individual initiatives but harmonized activities. It has been also noticed that websites containing material which promote and stimulate intolerance, even hatred, are mostly registered out of BiH in different European countries.

Fully aware of cyber technology exploitation for public promotion of radical-extreme ideologies with national, religious, or political connotations, but in terrorist purposes as well, being relatively new phenomenon which requires urgent and creative response, Agency systemized in late 2009, its organizational unit which would exclusively deal with various kinds of cyber technology misuse, with special accent on its use for extremist and possible terrorist purposes.

Entity level

- A new Chapter has been added to the Republika Srpska Criminal Code titled "Criminal offences against the security of computer data", (Law on Amendments of the Criminal Code of the Republika Srpska – "Official Gazette of the Republika Srpska" no. 73/10).
- High-tech Crime Department has been established within the Republika Srpska Ministry of Interior.

— 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 and suspects.

The subject matter of the extradition of suspects, accused and convicted person 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 Matters³¹ and The Criminal Procedure Code of Bosnia and Herzegovina, which in specific details regulate the issue of extradition, and specifies the competencies of individual authorities in carrying out that procedure. This law regulates the manner and procedure of providing international legal assistance in criminal matters.

The most important international 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. Also, the procedure of extradition is regulated by other international conventions, such as the UN Convention on Corruption.

³¹ "Official Gazette of B&H", 53/09

The issues of international legal assistance³² 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 SFRJ.

In order to take over European and ICO standards for extraditions, ten police officers successfully completed training in Mol of Italy – Police Academy Nettuno, 10 – 19 November 2010.

— Safe havens and shelter to terrorists and terrorist organizations

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

Under the criminal – intelligence investigations that is collection and analysis of criminal intelligence that have been intensified within the last year and focused on persons and groups showing extremism, we put our efforts in obtaining, inter alia, information about whether some locations and groups are used for concealment of terrorists or potential terrorists. We consider that the activities conducted by this Agency and other law enforcement agencies in B&H contribute to Bosnia and Herzegovina being not a secure place and shelter for terrorists and terrorist organisations.

While gathering and analyzing data referring to prevention and countering terrorism, Agency has not so far gathered intelligence indicating that any safe shelters and refuges for terrorist and terrorist organizations exist in BiH, although respectful attention to this issue is to be paid in the future as well.

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

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.

There is an Infantry Unit (45) of the BiH Armed Forces stationed on the territory of Afghanistan, apart from 10 staff officers in NATO operation ISAF in Afghanistan. They are engaged in German (8) and Dutch (2) contingents.

Since November 23rd 2002, there have been 5 officers of the Armed Forces of BiH in the mission in the Democratic Republic of Congo as observers. The mandate of this mission was defined by the UN Security Council Resolutions.

³² Chapter XXX – Procedure to render international legal aid and to enforce international agreements in criminal matters, Criminal Procedure Code of B&H.

Upon accession of BiH to the NATO PfP on 14 December 2006, negotiations between BiH and NATO concerning the Agreement on the Status of Armed Forces (SOFA) began (signed and ratified). BiH Council of Ministers, at its 19th session, defined the proposed basis for the Agreement between the NATO member states and other PfP participating states concerning their powers and additional protocols, and the BiH Presidency brought a Decision on the accession.

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

On the other hand, there are approximately **1.600 members** of EUFOR from **26** countries, out of which **21** are EU member countries and **5** countries are non-EU members, in BiH.

There is a possibility that EUFOR will have additional task: assistance to BiH Armed Forces in capacity building process, with sending MTTs according to shortages of BiH AF in some capabilities. In this context, the AF BiH and EUFOR have defined the program of cooperation for training units on tactical level.

The NATO Headquarters Sarajevo consists of approximately 100 members, with a primary purpose to provide support in the implementation of defense reforms, assistance in arresting persons indicted of war crimes and in combating terrorism.

Intelligence-Security Agency of Bosnia and Herzegovina regularly submits information to BiH Ministry of Defense on security-interesting events, security incidents in those countries in which BiH Military forces are stationed as a part of international peace forces.

The purpose of such information is objective analysis and assessment of security situation in the peace missions, so that the level of threat posed to those missions' members could be fully defined, as well as to BiH Military forces' members engaged in those missions, along with possible indirect reflections of BiH military forces members' deployment in the same missions in BiH.

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

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

In total 120 police officers from Bosnia and Herzegovina have participated in the peace-keeping operations since 2000 until today. They took part in peace operations in Liberia, Sudan, Cyprus, East Timor and Haiti. The UN Mandate is reflected through providing support to the implementation of peace agreements, support to

governments in the implementation of security reforms, protection of civilians (especially the most jeopardized groups of population: displaced persons, returnees, women and children), providing and organizing various trainings for local police officers, as well as preventing renewal of conflict, restoring public peace and security.

Currently, there are 23 police officers deployed in peace-keeping missions of the United Nations (below represented by missions):

Peacekeeping mission in Liberia – UNMIL : since 2004 until today, there have been 53 police officers deployed in total, out of which currently deployed are 13 police officers (2 of currently deployed total are female officers).

Peacekeeping mission in Sudan – UNMIS: since 2006 until today, there have been 12 police officers deployed in total, out of which currently are deployed 7 police officers (3 of currently deployed total are female police officers).

Peacekeeping mission in Cyprus – UNFICYP: since 2004 until today, there have been 12 police officers deployed in total, out of which currently deployed are 3 police officers (currently no female officers deployed).

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

Peacekeeping mission in East Timor – UNMISET: since 2000 until 2005, there had been 31 police officers deployed in total.

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

The deployment of police officers in peacekeeping operations is regulated by the Law on Deployment of Armed Forces of Bosnia and Herzegovina, police officers, civil servants and other employees in peacekeeping operations and other activities in foreign countries („BiH Official Gazette“ number: 14/2005) and the Rules of Procedures for deployment of police officers of Bosnia and Herzegovina to peacekeeping operations, and other activities abroad, trainings, rights, obligations and responsibilities, procedures of police services and their members during peace-keeping operations, their rights, obligations and responsibilities of the contingent commander („BiH Official Gazette“ number: 93/2006).

Representation of female members in peace-keeping forces

Out of 120 police officers who have participated in peace-keeping missions, there have been 16 female members, which represents 13,33 % of female participation.

Currently, we have 5 female members in peace-keeping missions out of 23 deployed police officers in total, which represents 21,74% of female participation.

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

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

BiH, as the first country in the region that introduced the moratorium on the export of SALW in the possession of Armed Forces, fully contributes to the stability in the region by eliminating the risk that the exported equipment could end up in the possession of non-democratic regimes, or regimes that do not respect human rights or international terrorist groups.

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

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

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

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

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

With the delaboration and open combustion method in 2008, approximately **2.000 tons** have been destroyed. In 2009, approximately **1.200 tons** have been destroyed. In 2010, 30.600 pieces of SALW have been destroyed.

At the end of 2007, the BiH Armed Forces Inspection Teams and EUFOR Verification Teams began the project "One Hundred Percent Inspection," aimed to inspect every military armament storage site in BiH. Project "One Hundred Percent Inspection" is

finished in 2008. During 2008 the Ministry of Defence of BiH has begun and ended Control Technical Inspection of all ammunition stockpiles.

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

The revision of document includes the following changes:

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

In June 2009, this Project was signed by the BiH Ministry of Defense and UNDP Office in BiH.

Bosnia and Herzegovina, as a post-conflict society, faces a number of important challenges related to the control of SALW at the present time. These include the abundant availability of illicit SALW, certain difficulties related to inter-agency co-ordination at the state level, inconsistent legislation governing the civilian possession of weapons and ongoing problems with the management of large surplus military stockpiles of weaponry and ammunition.

In line with the conclusions of the Regional Implementation Plan to Combat the Proliferation of SALW, approved by Stability Pact in 2001, and the United Nations Programme on Action to Prevent, Combat, and Eradicate the Illicit Trade in SALW in All Aspects (UN A/CONF.192/15, July 2001, hereafter UN Programme of Action), Bosnia and Herzegovina has established the Coordination Board for the Control of SALW with responsibilities for these activities and have drawn up a Strategy and Action Plan for the Control of SALW in BiH.

The CB for SALW is composed of the representatives of the following institutions: the Ministry of Foreign Affairs BiH, the Ministry of Security BiH (Office for Cooperation with Interpol, State Border Police, State Investigation and Protection Agency), the Ministry of Defense BiH, the Ministry of Foreign Trade and Economic Affairs BiH, the Indirect Taxation Authority BiH, the Ministry of Internal Affairs of Republic of Srpska and Ministry of Internal Affairs of FBiH and Brcko District Police.

The Ministry of Foreign Affairs of BiH is the *focal point on the issue of SALW*.

According to the assessments of the working group the estimated surplus of military is up to 95,000 SALW and between 25,000 to 30,000 tonnes of ammunition. To date, around 6,800 tonnes of ammunition was destroyed and some 65,000 of military rifles.

In 2010, approximately 1,550 tonnes of ammunition were destroyed and 30,081 pieces of M16A1 automatic rifles.

Currently there are additional 4,000 tonnes assigned for destruction.

As a part of regional security, related to the SALW project, various activities are being organised within SIPRI (Stockholm International Peace Research Institute), RACVIAC (Regional Arms Control and Verification Assistance Center of the Stability Pact for SE Europe), 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.).

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

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

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

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 1999. Bosnia and Herzegovina is also state party to the Agreement on Sub-regional

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

Treaty on Open Skies

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

Bosnia and Herzegovina as a member state of this Agreement gives contribution and participates through conducting passive quota and training missions in cooperation with OS member states.

Vienna Document 1999

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

Bosnia and Herzegovina has been completely implementing obligations under this document by receiving and conducting inspection, visits air bases of different participating states and exchanging military information. With regard to Vienna Document 1999, Bosnia and Herzegovina signed the Bilateral Agreement with the Republic of Germany that assists further enhancement of stability and military cooperation among OSCE member states.

Agreement on Sub-regional Arms Control

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

The Agreement is based on the same guidelines and principles as the CFE Treaty. Four countries are involved in its implementation: Bosnia and Herzegovina, Montenegro, the Republic of Croatia and the Republic of Serbia. Thanks to this Agreement, the southern European region has set an example as far as arms control and disarmament in a post conflict situation are concerned. A high level of cooperation was achieved in the area and today the Parties are continuing to work in

a joint effort to further strengthen stability, transparency and confidence. More than 9000 items of heavy weapon have been reduced so far.

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

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

Bosnia and Herzegovina has been fully implementing obligations under this document by receiving and conducting inspection as well as exchanging military information. The implementation of the Agreement has been overseen by Sub-regional Consultative Commission.

We emphasize, that the implementation of these documents, is in charge of the Ministry of Defence of Bosnia and Herzegovina and Armed Forces of Bosnia and Herzegovina (Verification Centre) and has proved itself as an effective mechanism for building and strengthening confidence, as well as for promoting military cooperation among OSCE member States.

Law on Control of foreign trade and services of strategic importance for the security of Bosnia and Herzegovina (BiH Official Gazette No. 103/09) prescribes that in the process of obtaining permits for foreign goods and services, the Ministry of Security of Bosnia and Herzegovina issued the consent, in accordance with the security policy of Bosnia and Herzegovina.

Prior to approval of import and export of weapon and military equipment and dual use products, Ministry of Security of Bosnia and Herzegovina consults various state, entity and cantonal institutions and agencies about their knowledge regarding concerned import and export of weapons and military equipment and dual use products.

It is important to emphasize that the law on controlling the movement of weapons and military equipment ("Official Gazette" No. 53/09) was enacted.

Ministry of Security of Bosnia and Herzegovina supervises the implementation of this law. Also, the Ministry of Security of Bosnia and Herzegovina, in the process of conducting surveillance, may authorize the competent ministries of Interior and Police of Brcko District to carry out supervision and control over the movement of weapons.

In accordance with this law, the Ministry of Security of Bosnia and Herzegovina prescribes the manner and scope of surveillance and control of movement of arms.

Also, representatives of the Ministry of Security of Bosnia and Herzegovina in cooperation with the Entity Ministries of Interior, representatives of the Police of Brcko District and the representatives of EUFOR brought three implementing regulations deriving from the Law on Control of movement of weapons and military equipment.

Article 9 Paragraph 7 of the Law on Control of Weapons and Military Equipment ("Official Gazette" No. 53/09) stipulates that the Ministry of Security of Bosnia and Herzegovina, at the proposal of the Ministry of Interior and Police of Brcko District of Bosnia and Herzegovina decides on special security measures during moving arms. In this regard, the Instruction on Special Measures for Security during the Movement of Weapons and Military Equipment was issued ("Official Gazette" No. 11/02).

- Article 15 of the Law on Control of Weapons and Military Equipment stipulates that the monitoring over the Law implementation is conducted by the Ministry of Security of Bosnia and Herzegovina.

In order to effectively implement the Law on Control of Weapons and Military Equipment and the Law on Control of International Transfer of Goods and Services of Strategic Importance for the Security of Bosnia and Herzegovina, and in accordance with the security policy of Bosnia and Herzegovina, there are periodical controls and monitoring over commercial entities, which are registered for import and export of weapons and foreign goods and services of strategic importance for Bosnia and Herzegovina.

In that respect, the minister of security in accordance with the Law on Control of Weapons and Military Equipment and the Book of Rules on the Method and Procedure of Supervision and Control over the implementation of the Law on Control of Weapons and Military Equipment ("Official Gazette" No. 93/09) issued the Annual Plan for monitoring and control of commercial entities which are registered for import and export of weapons and international transfer of goods and services of strategic importance for Bosnia and Herzegovina. Employees of the Ministry of Security, together with representatives of the entity and cantonal ministries of interior, as well as with representatives of the Federal Administration for Inspection Affairs performed 7 controls and monitoring over commercial entities engaged in the above-mentioned activities in the year 2010.

-Pursuant to Article 6 (2) of the Law on Control of International Transfer of Goods and Services of Strategic Importance for the Security of Bosnia and Herzegovina, Ministry of Security of Bosnia and Herzegovina adopted the Regulation on the manner and procedure for processing requests for documents for the transit of goods listed in the checklist.

-It is also important to emphasize that meetings were held in Bosnia and Herzegovina in 2009 on the topic of control of movement of weapons and military equipment, transport and transport of explosive materials and control over them, as well as the Law on Procurement, Possession and Carrying of Weapons attended by representatives of the Ministry of Security, the Federal Ministry of Internal Affairs, the Federal Administration for Inspection, EUFOR and representatives of Canton where the meetings took place.

-With the technical assistance provided by the UNDP, there have been activities on the establishment of the Central Registry for the control of movement of weapons and military equipment. Mentioned register will affiliate all cantonal and entity Ministries of Interior, which participate in the implementation of the Law on Control of Weapons and Military Equipment.

Memorandum of Understanding was signed on 19th November 2009, between the European Forces in Bosnia and Herzegovina (EUFOR), Ministry of Security of Bosnia and Herzegovina, National Regulatory Agency for Radiation and Nuclear Safety, Federation Ministry of Interior, Republika Srpska Ministry of Interior, Cantonal Ministries of Interior and Police of Brcko District on handover of control over the movement of weapons and military equipment.

Section II: Intra-State elements

1. National planning and decision-making process

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

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

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

As of 2010 fiscal year, all activities involved in preparing, adopting, implementing, accounting, reporting and supervising the budget for the Ministry of Defence and Armed Forces are conducted in accordance with the Law on Funding the Institutions of BiH (Official Gazette of BiH, number 17/08).

The approved budget for 2010 was 334.6 million BAM, which is about 1,21% of projected GDP.

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

Competencies of the Parliamentary Assembly of Bosnia and Herzegovina are stipulated by Article 10 of the Law on Defense of BiH

With respect to defense sector, the Law stipulates the following competencies of the Parliamentary Assembly:

- 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

Article 54 of Rules of Procedure of the House of Representatives of the parliamentary Assembly of Bosnia and Herzegovina and Article 48 of the Rules of Procedure of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina stipulate **the following competencies of the Joint Committee for Defense and Security of BiH:**

- a) considers and monitors the implementation of Security and Defense Policy of BiH;
- b) monitors the work and considers reports submitted by Standing Committee for Military Issues, BiH Ministry of Defense, BiH Ministry of Security and other executive bodies dealing with defense and security issues, reports thereof to the BiH PA, with particular focus on
 - the reports, short-term and long-term plans related to the structure of the Armed Forces of BiH, personnel policy and recruitment, salaries and wages, education and training of BiH 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;
- c) considers laws and amendments to laws within the competencies of Joint Committee;
- d) considers and submits opinions and recommendations, amendments and changes to the defense budget proposal;
- e) considers reports on defense budget execution as well as audit reports of the institutions in the domain of BiH defense and security policy;
- f) considers the issues of cooperation of Bosnia and Herzegovina with the United Nations, OSCE in Europe, NATO, Stability Pact of South East Europe and other organizations and countries in the domain of defense and security
- g) considers activities of permanent and ad hoc delegations of Bosnia and Herzegovina in international and inter-parliamentary institutions in the domain of security and defense;
- h) considers and submits opinion of BiH PA on ratification and implementation of international treaties in the domain of security and defense;

- i) establishes cooperation with competent parliamentary committees of BiH entities, other countries as well as with international organizations and other bodies in the domain of defense;
- j) Joint Committee considers all other issues in the domain of BiH security.

In 2009 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 BiH 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 BiH (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 2011.

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

Starting from the need to preserve lasting peace, security and stable democratic and overall state development, as well as to include Bosnia and Herzegovina (BiH) in modern European, political, economic and security integration, BiH set accession to Euro-Atlantic integration processes as one of foreign policy priorities. By accession to NATO Partnership for Peace (PfP) programme, BiH demonstrated its commitment to reach full interoperability as soon as possible in all segments with all NATO member states.

BiH will continue with PARP, actively participate in consultations with NATO through modalities of the "Intensified Dialogue" co-operation, implement IPAP provisions and accession to the Membership Action Plan (MAP) as well as eventual fully-fledged NATO membership.

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

necessary that BiH continues to individually and responsibly create its own policies and decision-making.

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

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

- Members of BiH Joint Committee for Defense and Security greatly contributed last year to monitoring implementation of BiH security and defense policy through numerous activities; trainings realized with the representatives of BiH institutions were especially useful. The activities for preparation of a document called "Defense Review" are in their due course; the members of Joint Committee and the Parliamentary Assembly actively participate in these activities the objective of which is to give an overall review of everything that had been done and to define strategic guidelines for future period.
- In 2010, Committee for citizens complaints on the work of policemen in police bodies of BiH and Independent Board as an independent body of BiH police structure intensified their activities. At the beginning of 2010, the members of the Independent Body appointed the head officials in the Agency for Investigations and Protection (SIPA), Boarder Police of BiH and Directorate for police bodies coordination.
- We made a step forward in monitoring human rights in the Armed Forces through activities of the Parliamentary Military Commissioner of the Parliamentary Assembly of Bosnia and Herzegovina.
- Oversight over the work of police agencies which are under BiH Ministry of Security/ State Agency for Investigations and Protection, BiH Border Police, NCB Interpol, Service for Foreigners' Affairs/ has been implemented in accor-

dance with the law and Joint Committee's Annual Work Plan. Significant improvement was made in organizational strengthening of mentioned police agencies. Members of the Joint Committee made great efforts to help agency managements with material and human resources improvement. Oversight over field-work and visit to regional offices of police agencies proved to be efficient and functional. Members of Joint Committee regularly informed both Houses of BiH PA on Security Sector situation. They also proposed conclusions for improvements and solutions for current problems and informed BiH Council of Ministers about their observations.

- Members of the Joint Committee visited a number of Commands and Units of BiH Armed Forces. They talked to soldiers and responsible chiefs, attended exercises, seminars and workshops, and found out that the situation regarding parliamentary oversight is relatively good. Professional attitude towards the execution of tasks was visible as well as growing transparency in the area that is the subject of public interest. The members of Joint Committee made special efforts to solve the issues related to the transition of personnel and release about 2700 members from active service in the Armed Forces of BiH.
- Armed Forces are increasingly open to public and the intentions for realization of commenced programs with NATO and other international organizations are unquestionable. Members of BiH Armed Forces show high respect for the representatives of legislative authorities and are quite open for discussion and presentation of the problems they face with in their work.
- Significant progress has been made in communication and realization of planned tasks with BiH Ministry of Defense and its structures. The representatives of the Ministry of Defense are regularly present at the sessions of Joint Committee for Defense and Security, and their interest for settlement of current problems is evident.
- Joint Committee for Defense and Security is directly involved in monitoring the items related to Defense and Security Sector budget. We believe that proposal preparation of Defense and Security Sector budget and monitoring of its utilization is fully transparent. The most responsible representatives, ministers and directors of police agencies with their associates accept the invitations, actively participate in the workshops and parliamentary hearings referred to the budget; significant progress has been made in this area since the process of budget drafting and monitoring has been continuously improved. During current year, Joint Committee will make efforts to get involved in budget preparation process from its very beginning, i.e. immediately upon budget requests are submitted by its users. In this manner, parliamentary oversight and control shall be upgraded since Joint Committee will be in position to give its proposals with respect to budget requests and act before formal budget adoption.
- Defense and Security Sector institutions regularly inform Joint Committee for Defense and Security of BiH and the Parliamentary Assembly of BiH on realization of short-term and long-term plans in relation to the structure, professional conducts and ethic standards for civil and military staff, combating

readiness, military exercises and operations including fulfillment of international liabilities and international peace support operations.

- The issue of cooperation between Bosnia and Herzegovina and international organizations and institutions in domain of defense and security has been discussed on regular basis, as well as the activities of BiH permanent and ad hoc delegations with international and inter-parliamentarian organizations and other bodies in the domain of defense.
- In December 2009, Bosnia and Herzegovina submitted the Application for Membership Action Plan to NATO Alliance (MAP). In December 2009, NATO decided that Bosnia and Herzegovina was to join the MAP once it achieves necessary progress in its reform efforts. In April 2010 (22nd April 2010), NATO foreign ministers agreed to launch the Membership Action Plan (MAP) for Bosnia and Herzegovina - a penultimate step for joining the Military Alliance. Membership Action Plan brings about conditions (destruction of surplus ammunition and arms as well as its new contributions to the International Security Assistance Force in Afghanistan including unresolved defense property issue).
- According to Joint Committee, the situation on BiH borders is good. Competent services and police agencies do their job correctly in spite of many problems related to inadequate infrastructure on border crossing points.
- BiH Joint Committee for Defense and Security has paid special attention to the issues of destruction of ammunition surplus and military equipment which are one of the major security challenges for Bosnia and Herzegovina, settlement of the issue of movable and the immovable military property, as well as implementation of BiH demining strategy, while through different activities insisting and lobbying for increased demining funds. It was stated that much more could be done with regard to destruction of ammunition surplus

2. Existing structures and processes

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

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

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

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

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

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

Foreign management and supervision of Intelligence-Security Agency of BiH, as well as internal management and control is regulated by the Law on Intelligence and Security Agency of Bosnia and Herzegovina.

In the III Section of this Law, "Foreign Management and Monitoring of the Agency", rights and liabilities of the subjects of legislative and executive authority regarding OSA BiH are clearly defined, such as:

- a) BiH Presidency's rights and liabilities (Act. 7.)
- b) Ministry of Council's rights and liabilities (Act.8.)
- c) Chairman of the Council of Ministers' rights and liabilities (Act. 9-11)
- d) Executive Intelligence Board (Act. 12-17)
- e) Parliamentary supervision (Act. 18-23)

The Agency is directly subordinated to the Council of Ministers, Executive Intelligence Board, and the most directly to the Chairman of the Council of Ministers. The control of Agency work legitimacy is done by OSA Commission for supervision of the Agency, established by BiH Parliament.

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

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

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

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

The procedures for ensuring democratic political control over the work of the Police of Brcko District BIH are defined in the following laws:

- Statute of Brcko District BIH,
- Law on Police of Brcko District BIH.

Inspection supervision over the work of agencies for security of persons and property as well as private detective agencies is carried out in accordance with the:

- Law on agencies for securing persons and property and private detective agencies.

The procedure for rendering new laws is ongoing: Law on agencies and internal services for the protection of persons and property and Law on detective agencies.

Statute of Brcko District BIH

In article 22 paragraph (2) in the part which describes the competencies of the Assembly, it is defined that the Assembly is in charge for the evaluation of the work of the Chief of Police of Brcko District BIH.

In article 64 paragraph (2) defines that the Mayor appoints, following the consent of the Assembly of Brcko District BIH, and based on the criteria of expertise and obligatory recommendation of the Independent Board for the selection of candidates, established in accordance with the law.

Law on Police of Brcko District BIH

Article 6 (informing and reporting to the Mayor and Assembly of Brcko District BIH) it defines that the Chief of Police submits to the Mayor and the Assembly of Brcko District:

- a) annual written report on the work of the Police and
- b) information of significance for the safety in the district every six months or more frequent if the Chief of Police and the Mayor deem it necessary.

Article 21 (managing the Police) defines that the Chief of Police is responsible for his work to the Assembly of Brcko District BiH and that he is implementing the operational aspects of the politic of the district related to public safety which was passed by the Mayor following the consent of the Assembly of Brcko District BiH.

Article 27 (Independent Board) defines that the Independent Board is a constant body of the District Assembly and that it:

- a) publishes the public vacancy announcement for the position of the Chief of Police and Deputy,
- b) proposes to the Mayor
 - 1. the candidates for the Chief of Police and Deputy
 - 2. the removal of the Chief of Police and Deputy
- c) considers the proposal:
 - 1. for the removal of the Chief of Police and Deputy before the expiry of the mandate
 - 2. of the Chief of Police for the removal of the Deputy.
- d) evaluates the work of the Chief of Police.

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

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

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

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

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

The Parliamentary Assembly confirms the appointment of the Chief and Deputy Chief of Joint Staff of the AF BiH, Commanders and Deputy Commanders of the AF BiH Operational Command, Commander and Deputy Commander of the Support/Logistics Command and all officers in the rank of General in the AF BiH.

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

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

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

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

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

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

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 BiH Ministry of Defense, the BiH Ministry of Security and other executive bodies dealing with security and defense matters reporting on the subject the Parliamentary Assembly of Bosnia and Herzegovina.

With regard to the reports, a special focus is being given to short-term and long-term activities concerning structure of the BiH Armed Forces, personnel policy and recruitments, salaries and compensations, education and training of the BiH Armed Forces members, professional conduct and ethical standards for civil and military staff, provision of military equipment, work of the military industry, acquisition of assets and export/import of arms and military equipment, material assistance and contracts signed with foreign companies providing commercial services for defense institutions, combat preparedness, drills and operations which include fulfillment of international obligations and international peace support operations. Further, the Committee considers laws and amendments to the laws within its competence;

considers and gives opinions and recommendations, makes changes and amendments to the defense budget proposal; considers reports on defense budget execution, and reports on revision of institutions dealing with the defense and security policy of Bosnia and Herzegovina, as well as the other issues that concern security of Bosnia and Herzegovina.

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

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

The same as in many other European countries, BiH Parliamentary supervision also presents an important security element enabling democratic-political control of the Agency.

The House of Representatives and House of People of BiH Parliamentary assembly together establish Security-intelligence commission for supervision of the Agency. Commission is contained of 12 members, 6 from each House. Commission holds meetings at least twice a year. Beside other obligations, Security-intelligence commission is responsible for supervision of Agency's work, investigations of Agency's activities in case of reasonable suspicion on illicit Agency's activities, in accordance to relevant legal regulations (Act. 20 of the Law on OSA BiH) and analysis of Agency's budget distribution, including opinion which commission gives on Agency's budget drafts.

Educational gatherings and seminars of OSA BiH employees and Security-intelligence commission members are held on regular basis, being related to the importance of Parliamentary supervision of Agency's work, often with support of specialized programs of OSCE Mission in BiH, as well as participation of public representatives (various political structures, media, NGOs, educational institutions, etc.) Such gatherings presented significant contribution to maintaining and development of constructive relationship between OSA BiH and Security-intelligence commission, and introducing public with positions and work (responsibilities and rights) of Security-intelligence commission, as supervision factor, and OSA BiH, as an object of supervision, which purpose is to include public in democratic supervision of OSA BiH activities.

In accordance with institutional division of competences in Bosnia and Herzegovina, Entity Parliaments of Republika Srpska and BiH Federation also have their committees for parliamentary supervision. These defense and security committees (two in the Federal Parliament with two Houses, and one in People's Assembly of RS) initially performed democratic political control over entity Ministries of Defense (that were closed on December 31st, 2005, pursuant to the Law on Defense of BiH). On January 1st, 2006, when the transfer of defense responsibilities was completed, the Entity Parliamentary Committees remained responsible for supervision of entity Ministries of Internal Affairs and subordinated police forces.

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

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

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

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

In order to achieve better results in terms of prevention and resolution rate of criminal offences of terrorism and identification of perpetrators of such criminal offences and

their processing by competent authorities, the Directorate of Federal Police adopted a new Rulebook on Internal Organisation and Work Posts of the Directorate of Federal Police of the Federation of BiH Ministry of Interior in March 2011, with the objective of creating the adequate work conditions and primarily with the objective of strengthening the Sector of Criminal Police, and thereby the Anti-Terrorism Department. In the forthcoming period, activities of the Directorate of Federal Police will be focused on implementation of the operational activity plan of the Directorate of Federal Police and its organisational units for 2011 in performing the legal competences and obligations, and in terms of organisational, structural, human resources and material aspects.

An effective democratic control over the work of the Police of Brcko District BiH is achieved by the Mayor, Assembly of Brcko District BiH and its bodies (Independent Board for the selection and evaluation of the work of the Chief of Police, Commission for public safety and supervision over the work of the Police, Commission for human rights etc.).

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

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

The mission of the Armed Forces of BiH is to:

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

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

The Armed Forces of BiH (AF BiH), according to the decision of the BiH Presidency from 07 July 2006, can have 10 000 professional soldiers, 1 000 civil employees (including employees of the Ministry of Defence) and 5 000 members of active reserve.

The AF BiH cannot be used for political purposes or activities of political parties. Armed Forces members, including generals, are neutral in political matters and shall

not be engaged in any kind of political activity of political parties or be selected or appointed to public functions.

These provisions shall not prevent members of the AF BiH to be registered for voting or to candidate for elections in accordance with the provisions of the Elections Law of BiH. Members of reserve units selected or appointed to public functions is not obliged to resign from the position if mobilized to regular training.

Interior affairs under the authority of the Federation Ministry of Interior are:

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

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

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

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

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

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

- Constitution of Bosnia and Herzegovina, Article 3, Item 3;
- Constitution of Republika Srpska, Articles 68 and 3;
- Law on Republika Srpska Government, " Official Gazette of Republika Srpska", no. 03/97, 03/98, and 118/08;

- Law on Republic Administration, "Official Gazette of Republika Srpska", no. 118/08, and 11/09;
- Law on the Internal Affairs of Republika Srpska, "Official Gazette of Republika Srpska", no.48/03;
- Law on Parliamentary Oversight of the Defense and Security Sector, "Official Gazette of Republika Srpska", no. 25/05 and Law on Amendments of the Law on Parliamentary Oversight of the Defense and Security Sector 63/07;
- The Law on Agencies for Protection of Persons and Property and on Private Detective Activities, "Official Gazette of Republika Srpska", no. 50/02, 92/05, and 91/06;

Democratic control and supervision over the activities of Republika Srpska Ministry of Interior is conducted by the following authorities/institutions (at the same time this is the answer to the question 2.2, i.e. Which institutions are responsible for carrying out these procedures):

- President of Republika Srpska (Law on the Internal Affairs of the Republic of Srpska);
- National Assembly of Republika 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
- Government of Republika Srpska (Law on the Internal Affairs of the Republic of Srpska);
- Constitutional Court of Republika Srpska (Law on the Internal Affairs of the Republic of Srpska);
- Ordinary Courts of Law of Republika Srpska (Law on the Internal Affairs of the Republika Srpska);
- Citizens of Republika 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 (The Law on Agencies for Protection of Persons and Property and on Private Detective Activities).

In accordance with the Law on agencies for the security of persons and property and private detective agencies, 9 agencies were established which are employing 123 persons. The inspection over the work of these agencies is carried out by the Police of Brcko District BIH in accordance with the provisions from article 51 of the same law.

3. Procedures related to different forces personnel

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

The compulsory military service which was regulated by entity laws was abolished in BiH on 1st January 2006. The Law on Defence of BiH prescribes the existence of active reserve. There is no specifically designed reserve component of the AF BiH, but an active reserve is envisaged in the peacetime structure

Ministry of Defence used to advertise free positions in Armed Forces and, through prescribed procedures select appropriate number candidates for training in center for Professional Development.

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

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

There is no compulsory military service in BiH.

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

The issue of recruiting staff for the purposes of Armed Forces of BiH is regulated by the following:

1. Law on Defence of BiH (Official Gazette of BiH, number 88/05);
2. Law on Service in the AF of BiH (Official Gazette of BiH, number 88/05);
3. Law on participation of the members of AF of BiH, police officers, civil servants and other employees in peace support missions and other activities abroad (Official Gazette of BiH, number 14/05)
4. The Law on Parliamentary Military Commissionaire BiH (Official Gazette of BiH, number 49/09)

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

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

Armed Forces personnel consists of military professionals, reserve personnel and civilians employed in the AF BiH.

Military professionals exercise their rights and obligations in accordance with the Law on Service in the AF BiH, which regulates: the service in the AF BiH, composition of the Armed Forces, admission into service, rights and obligations of the personnel serving in the Armed Forces, status during service, personnel classifying system, evaluations, promotions, personnel record and carrier management, ranks and insignia in the Armed Forces, standards of conduct and other status issues of the personnel serving in the Armed Forces.

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

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

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

- Law on the Internal Affairs;
- Labor Law, "Official Gazette of Republika Srpska", no.22/07 and 55/07;
- Law on Labor Relations in State Bodies, "Official Gazette of Republika Srpska", no. 11/94, 06/97 and 96/03;
- Law on civil servants, "Official Gazette of Republika Srpska", no.118/08;
- Law on salaries of employees of the Ministry of Interior, Correctional Institutions and Court police, "Official Gazette of Republika Srpska", no. 118/07.
- General collective contracts;
- Special collective contracts.

The procedures for the protection of the employees of the Police of Brcko District BiH are defined in the Law on Police, Law on Police officials, Law on state service in the administrative bodies of Brcko District BiH and Law on work of Brcko District BiH.

Regarding the data on private security companies, we inform you of the following:

FEDERATION OF BiH

The Law on Agencies and Internal Services for Protection of People and Property (Official Gazette of the Federation of BiH, no. 78/08) governs the following: conditions for establishment of agencies for protection of people and property, their activities, requirements of certification, mandatory organization of security services, internal security services, and other issues relevant for organization and work of agencies and internal services for protection of persons and property on the territory

of the Federation of BiH. These agencies cannot have police or judiciary authorities. In order to establish a security agency, it is necessary to obtain a work permit issued by a responsible cantonal body of interior affairs, and then submit a request for registration in the Court Register.

Activities of physical protection of safety vaults, escort, protection of transport of money, securities and valuables, protection of legal entities in which the Federation of BiH has share in ownership, legal entities that produce, use and store radio-active substances, explosives, nuclear fuel and waste, as well as other substances dangerous and harmful for people and environment may be performed by the agencies or internal security services, which, in addition to a regular work permit also possess a special approval issued by the Federation Ministry of Interior. So far, the Federation Ministry of Interior has issued 142 permits for the needs of 77 agencies and internal security services.

An agency performing physical protection is permitted to possess short-barreled firearms for at most half of its staff, which is to be used by guards for self-defence, and this permit is issued by a cantonal body of interior affairs, on the basis of an approval issued by the Federation Ministry of Interior. The permit is issued for long-barreled weapons, provided it is foreseen by cantonal regulations. The Federation Ministry of Interior issued 244 approvals for 111 agencies, i.e. internal security agencies, for purchase and re-registration of 934 pieces of short-barreled firearms.

Supervision of implementation of this Law in agencies and internal services for protection of persons and property is conducted by the Federation Ministry of Interior and cantonal ministries of interior, in accordance with their responsibilities stipulated by this law.

REPUBLIKA SRPSKA

The control and supervision over the activities of the Agency for Protection of Persons and Property and over private detective agencies are done by the Ministry of Interior of the RS (Law on Agencies for Protection of Persons and Property and on Private Detective Activities), while the same over the activities of the Republic of Srpska Ministry of Interior is performed by the Security Board (Law on Parliamentary Oversight of the Defense and Security Sector and Law on Amendments of the Law on Parliamentary Oversight of the Defense and Security Sector).

In Republika Srpska there are 21 agencies for protection of persons and property, one branch office of an agency from the Federation of BiH and two private detective agencies. The overall number of employees in the mentioned agencies is 1289, and they all own 415 pieces of short-barreled firearms that have been properly registered.

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

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

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

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

The rules of engagement of AF BiH in peace support operations are identified in accordance with the provisions of the IHL.

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

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

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

The attendance of these courses is mandatory for each AFBiH officer and NCO. Programs of instructions for all above-mentioned courses contain lessons, which address in details the IHL and Law on War. Also, at the level of all AFBiH units, the mentioned topics are mandatory and they are being planned on a regular basis and conducted through unit training. All unit members attend this training.

The newly recruited soldiers that are being trained through TRADOC Basic Training Center attend classes in accordance with the approved programs of instructions on the Law on War, Geneva and Hague Conventions.

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

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

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

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

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

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

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

The Article 5 of the BiH Defense Law (Official Gazette of BiH, number 88/05) defined that the BiH Armed Forces can not be used for political purposes or for political party activities.

The AF members are allowed to register for voting as well to participate in voting, and can candidate themselves for the elections in accordance with the Election Law. The same article defined political engagement of the reserve members in a way that if the reserve member is elected or appointed on a public position, he/she is not obliged to resign if he/she is engaged in a regular training, but during the time in the AFBiH, he/she can not perform activities from the party point of view.

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

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

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

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

Section III: Public access and contact information

1. Public access

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

The public was informed about all strategic documents, laws, policies and strategies related to the OSCE's Code of Conduct, under competence of Ministry of Security through the official web-site of the Ministry of Security (www.msb.gov.ba), which states as follows:

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

Bosnia and Herzegovina is one of the co-signatory and participating countries in this process.

The Police of Brcko District BiH published the Code of Conduct in military political aspects of safety on its web page: policijabdbih.gov.ba. It can be found as well in hard copy on the info desks in the building of the Police of Brcko District BiH.

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

No information is available on the subject.

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

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

This principle implies the implementation of the following objectives:

1. Mutual exchange of information with reference to the planning of defence activities, engagement of assets and their origin and on the location of the military units and facilities;
2. Transparency of the budget and foreign military assistance;
3. Transparency of co-operation with the armed forces of other states;
4. Full access to and oversight of all defence activities by civilian authorities exercising command and control of the defence structures in BiH;

5. Co-operation with appropriate government and non-governmental organisations dealing with security and defence issues;
6. Openness to the media and continued informing of the public about defence activities.

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

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

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

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

The Ministry of Defence of BiH has established a Public Relations Office in order to inform the public on the Ministry's activities in accordance with Defense Policy adopted in November 2008, and to inform the public on all important issues related to the work and activities of the Ministry of Defence of BiH.

2. Contact information

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

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

Ministry of Foreign Affairs:

Ms. Anesa Kundurovic, Minister-Counsellor, Head of OSCE Department
Tel: +387 33 281 246, Fax: +387 33 227 156; e-mail: anesa.kundurovic@mvp.gov.ba

Mr. Bojan Kostic, Third Secretary, Tel: +387 33 281 159, Fax: +387 33 227 156; e-mail: bojan.kostic@mvp.gov.ba

Ministry of Defense:

Mr. Denis Selimovic, Senior Expert for information exchange in Department for International Cooperation, Tel: + 387 33 285 627;
e-mail: denis.selimovic@mod.gov.ba

Ministry of Security:

Mr. Mario Janecek, Expert Adviser for counter-terrorism issues,

Tel: +387 33 492 717; e-mail: Mario.Janecek@msb.gov.ba

Ms. Halida Tihic, tel: +387 33 492 757; e-mail: halida.tihic@msb.gov.ba

Border police:

Mr. Sasa Corsovic, tel: +387 33 755 126; e-mail: sasa.corsovic@granpol.gov.ba

Mr. Nedo Vujicic, tel: +387 33 755 163; e-mail: nedjo.vujicic@granpol.gov.ba

Mr. Naim Pido, tel: +387 33 755 254; e-mail: naim.pido@granpol.gov.ba

Ministry for Human Rights and Refugees:

Mr. Goran Garic, Expert Adviser for legal affairs, tel: +387 33 703 937;

e-mail: garic_goran@hotmail.com and

Ms. Samra Filipovic-Hadzibadic, Director of the Agency for Gender Equality,

tel: +387 33 209 761

Ministry of Civil Affairs:

Ms. Rejhana Merdan, tel: +387 33 492 563; e-mail: rejhana.merdan@mcp.gov.ba

Ministry of Justice:

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

Parliamentary Assembly (Joint Commission for Defense and Security):

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

Intelligence-Security Agency of Bosnia and Herzegovina

Alen Kristić, Fax: +387 33 664 906;

State Information and Protection Agency

Ms. Natasa Tesanovic-Sojic, tel: +387 57 316 100; fax: +387 57 316 105; e-mail:

ntesanovic@sipa.gov.ba

Indirect Taxation Authority

Mr. Hajrudin Alispahic, tel: +387 51 335 232; e-mail: hajrudin.alispahic@uino.gov.ba

State Regulatory Agency for Radiation and Nuclear Safety

Mr. Nihad Bajramovic, tel: +387 33 726 315; e-mail: nihad.bajramovic@darns.gov.ba

Mr. Sanjin Pandzic, tel: +387 33 726 308; e-mail: sanjin.pandzic@darns.gov.ba

Ministry of Interior of Federation of Bosnia and Herzegovina:

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

Mr. Ekrem Suljevic, e-mail: ematerije@fup.gov.ba

Mr. Ceskic Damir, e-mail: jps@fup.gov.ba

Ministry of Interior of Republika Srpska:

Mr. Ranko Vukovic, Inspector in Police Department, tel: +387 51 334 347;

e-mail: stazov@gmail.com

Police of Brcko District:

Mr. Fahrudin Selimovic – Deputy Chief of Police; tel/fax: +387 49 217 113;
e-mail: fahrudin.selimovic@policijabdbih.gov.ba

Additional:

Information on Gender Equality in Bosnia and Herzegovina

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

The Institutional Gender Mainstreaming Mechanisms (IGMMs)

The IGMMs were established as a part of an overall endeavor for the improvement of the equality of women and men in Bosnia and Herzegovina. This action took place at a time when gender issues were not easily recognized as a development priority.

The IGMMs consist today of legislative and executive permanent and ad hoc bodies. Today these include:

- The Gender Equality Agency of BiH (at the state level, established in 2004), established by the Gender Equality Law of BiH (Art. 22) under the Ministry for Human Rights and Refugees of BiH;
- The Gender Centres of FBiH (established by the Decision of the Government of the FBiH in 2000) and RS (established by the Decision of the Government of the RS in 2001).
- The Commission under the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina at the state level;
- The Gender Equality Commissions within the Parliament of Federation of Bosnia and Herzegovina (House of People and House of Representatives of the FBiH Parliament);
- The Board for Equal Opportunities of the National Assembly of Republika Srpska;
- The Gender Equality Agency of BiH of the Ministry for Human Rights and Refugees of BiH;
- The Gender Centre of the Federation of Bosnia and Herzegovina as the expert body for gender equality of the Government of the Federation BiH
- The Gender Centre of Republika Srpska as the expert body for gender equality of the Government of the Republika Srpska
- The commissions in all cantonal assemblies and cantonal governments; and
- The commissions in municipal councils/assemblies and in Mayors' offices.
- The Commission for gender equality of Brcko District of BiH

International Legal obligations and political commitments

BiH is party to a range of human rights conventions, international and European, and has, in addition, made policy commitments towards promoting women's rights.³³

³³ For a more comprehensive list of international conventions signed by BiH related to human rights please visit: <http://www.ohchr.org/english/countries/ratification/13.htm>

These legal and political commitments were incorporated into the development of the GAP³⁴. Here are only the key documents:

UN Convention on the elimination of all forms of discrimination of Women (CEDAW)

Bosnia and Herzegovina ratified CEDAW in 1993, and the Convention became integral part of the BiH Constitution and integral part of national rules. Optional Protocol of the Convention was ratified in 2002. The Convention commits BiH to eliminate discrimination from the legal, political, social and cultural life. CEDAW recognizes that discrimination is the part of everyday life of women and such discrimination violets women's rights and human dignity. By ratification of CEDAW BiH expressed its readiness to eliminate discrimination of women and undertake in that regard all needed measures and activities at all levels. Articles 2 and 3 of the CEDAW stipulate general legislative and political measures to be undertaken and enable BiH to fulfill its obligations. Article 4 of CEDAW is of the most importance as that Article, together with Articles 2 and 3, bind countries acceded to the Convention to put its provisions into practice. Reporting system, every four years, on measures the signatory states have taken to comply with the treaty obligations is the good instrument for actions in different fields. This system encourages signatory states to consider and initiate debate within society as a whole and may give impetus to the political and legal mechanisms in order to promote realization of gender equality and woman human rights. Bosnia and Herzegovina submitted Initial and then the Second and Third (combined) periodical reports to CEDAW Committee in 2005 followed presentation before the Committee in May 2006. After that the UN CEDAW Committee developed its Recommendations for Bosnia and Herzegovina. Recommendations of the UN CEDAW Committee are incorporated into Gender Action Plan of BiH. The Agency for Gender Equality of Bosnia and Herzegovina has developed the Fourth and Fifth period report based on the reports of entity gender centres and the information obtained from relevant institutions, non-governmental and international organizations.

Beijing Declaration and Platform for Action

An important international document in the area of gender equality is the Beijing Declaration and Platform for Action³⁵. From 1995 and Herzegovina is obliged to implement Beijing Declaration and Platform for Action³⁴ (from 1995). This Declaration has not the status of legal binding document but every member state (signatory state of Beijing Declaration and Platform for Action) is obliged to develop National Action Plan to improve the status of women. Bosnia and Herzegovina developed such Plan

³⁴ National Action Plan for improvement of the women's status in Bosnia and Herzegovina was attached to the GAP as an Annex

³⁵ Beijing Platform for Action was enacted by all UN member states in 1995 during the IV International Women Conference (held in 1995) organized by UN. Platform for Action, *inter alia*, treats the issues like women and poverty, women and economy and woman human rights. BiH took part the Conference.

in 2004 and it had important role in development of GAP³⁶. The Gender agency has created the report of B&H on Beijing 15+.

Council of Europe Recommendations

BiH Agency for Gender Equality takes part in the work of the Council of Europe Committee for Gender Equality and contributes with other member states in development of recommendations of the Committee of Ministers. Those recommendations enable establishment of standards in the field of gender equality in all member states of the Council of Europe (47) and make integral part of the policies enacted by Bosnia and Herzegovina. Those Recommendations were important tool used in development of the BiH Law on Gender Equality and Gender Action Plan. The Director of the Agency for Gender Equality of Bosnia and Herzegovina is a member of Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO), which developed the text of the Convention which should be adopted in the mid-2011.

UN Security Council Resolution 1325 (UNSCR 1325)

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

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

- The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict resolution
- Measures that support local women's peace initiatives and indigenous processes for conflict resolution and that involve women in all of the implementation mechanisms of the peace agreements;
- Measures that ensure the protection and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
- It is important to underline that the Security Council called all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and forms of sexual abuse and all other forms of violence in situations of armed conflict.

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³⁶ National Action Plan for improvement of the women's status in Bosnia and Herzegovina was attached to the GAP as an Annex

The Council of Ministers of Bosnia and Herzegovina adopted the Action Plan for the implementation of UNSC Resolution 1325 "Women, Peace and Security" in B&H, on 27th of July 2010. The Action Plan, which is the first action plan for implementation of this Resolution in Southeast Europe, was developed by the members of the Working group, that was consisted of representatives of responsible ministries, such as: Ministry of Security (SIPA and Border Police), Ministry of Defense, Ministry of Foreign Affairs, Ministry of Finance and Treasury, Gender Centre of Federation of Bosnia and Herzegovina, Gender Centre of the Republika Srpska, Federal Ministry of Internal Affairs, Ministry of Internal Affairs of Republika Srpska, Bosnia and Herzegovina Mine Action Centre and non-governmental organizations. The Agency for Gender Equality of B&H was leading institution in this process.

The Action Plan contains eight goals:

- Increasing the number of women at decision-making positions,
- Increasing the number of women in the military and police forces,
- The inclusion of women in peacekeeping missions,
- Demining,
- Combat against trafficking in human beings,
- Assistance to women and girls, who were victims of war,
- Conducting training of civil servants,
- Cooperation between government, NGOs and international organizations.

The key goal of the Action Plan for implementation of UNSCR 1325 in Bosnia and Herzegovina is the empowerment of women civil victims of war and larger participation of women at decision-making positions, including military and police forces and peacekeeping missions.

Development of the Action Plan included numerous consultations with representatives of governmental, nongovernmental and international organizations. The Action Plan, in addition to defined objectives and activities includes:

- List of responsible institutions,
- Financial resources,
- Qualitative and quantitative indicators.

The Council of Ministers of B&H has appointed the Coordinating body for monitoring of implementation of the Action Plan. The Coordination body will be consisted of representatives of all relevant institutions at the state and entity levels who participated in development of the Action Plan. Given that the implementation of UNSCR 1325 in Bosnia and Herzegovina is recognized as a priority, by the relevant institutions, the activities planned for 2011 are included in the Agenda of ministries, and will be implemented with the technical and financial support from the Agency for Gender Equality of Bosnia and Herzegovina (FIGAP Program).

It is important to emphasize that in the process of implementation of the Action Plan was developed a module for training of civil servants from the security sector, members of military and police forces, judiciary and NGOs. Until this point man trainings have been organized, in Banja Luka and in Sarajevo.

Domestic legal framework and policies referring to gender equality in BiH (key documents)

Law on Gender Equality in Bosnia and Herzegovina

Law on Gender Equality in Bosnia and Herzegovina (GEL) is a central document for strengthening gender equality in BiH. GEL was adopted in 2003³⁷ and is an important instrument for increasing gender awareness and introduces a gender perspective in public policies and legislation. The law follows CEDAW in all aspects. It promotes gender equality and guarantees equal opportunities for male and female citizens, in both in the private and public spheres, and prevents their direct or indirect discrimination on the basis of gender or sexual orientation. The Law includes chapters on discrimination and definitions, education, employment, social welfare and health protection, sports, culture, public life, media, prohibition of gender-based violence, statistical records, court protection, obligations of the authorities and measures they should implement, sanctions and etc. The Law on Gender Equality obliges Government and its institutions to develop programs on implementation of the Law in all spheres of life. In compliance with the Law the BiH Agency for Gender Equality was established with competence to develop National Action Plan for the implementation of the gender equality.

Although a good instrument, the Law needs continuous monitoring and revisions. The content of the relevant provisions will be changed for the purpose of a more efficient implementation, better protection of rights which are violated, building of the capacity and defining the institutional responsibility at all levels, and the creation of clear legal procedures and sanctions for breaking the Law.

Implementation of the GEL includes the need to harmonize existing legislation with the GEL provisions. Especially legislation in the following areas:

- Electoral law
- Labour law
- Family law
- Civil law
- Criminal law

Much work has been done by the gender mechanisms to ensure harmonization of legislation with the Law, some of this work has been done in coordination with NGOs, but continuous efforts to ensure harmonization are needed.

General public is not sufficiently informed on the content of the Law on Gender Equality and on implementation of its provisions. One of the fields that cause concerns, as it is the case with other laws in BiH, is the lack of the court protection of the rights contained in the BiH Law on the Gender Equality. Majority of employees within judiciary bodies as well as lawyers do not recognize the Law and its provisions. Implementation of the law provisions at different level across BiH (national, entity, cantonal and municipal) requires permanent monitoring by the state authorities, civil society and academic community.

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

³⁷ GEL, Published in the Official Gazette of BiH no. 16/2003.

Amendments to the Law on Gender Equality in BiH were adopted in November 2009 which redefined the obligations of the institutions for the inclusion of the concept of gender equality. An obligations has been added to establish bodies, or focal points, which would in their area of responsibility act to any issued in relation to the implementation of the Law on Gender Equality in B-H or the Gender Action Plan.

The Gender Action Plan of Bosnia and Herzegovina (GAP)

The Gender Action Plan (GAP) of BiH, as the 5-year strategy for gender mainstreaming in BiH, was adopted by the Council of Ministers of BiH on the 14th of September, 2006. The main goal of the BiH GAP is "to define strategies and realize program objectives to reach equality of women and men in Bosnia and Herzegovina".

The GAP contains 15 areas related to gender inequalities in:

1. European integrations in light of gender equality
2. Cooperation and capacity building
3. Macroeconomic and development strategies
4. Gender sensitive budgets
5. Political life and decision-making
6. Employment and labour market
7. Social inclusion
8. Gender sensitive media
9. Lifelong education
10. Health, prevention and protection
11. Domestic violence, gender-based violence, harassment, sexual harassment and human trafficking
12. The role of men
13. Reconciliation of professional and family life
14. Gender and sustainable environment
15. Information and communication technologies

Joint strategic goals in all fields of work defined in the GAP document:

- "Harmonization of legislation in each field with domestic and international legal standards for gender equity and equality;
- Advancement of databases, research and socio-economic analysis of the gender equality situation in all GAP areas;
- Education and raising awareness of public on the need to introduce gender equality in all fields of life and work; and
- Building capacities and encouraging an active cooperation and participatory approach of all institutional and non-institutional participants in Bosnia and Herzegovina".

Role and participation of women in conflict, conflict prevention, crisis management and rehabilitation

As in other countries which have gone through conflict, women in B-H were during wartime those which created the strongest bond amongst families, provided care for women victim of war, took care of widows and children which took refuge and organized activities to gain income, educate women and taking care of elderly. This experience was a basis for a new role and status of women in B-H society and their

empowerment in the reconstruction and the development of the country so they could become equal partners and actors in this process, and not only victims of war. Nevertheless, the attention of domestic and foreign actors was, due to war and the reconstruction period, directed on the importance of ethnic, regional and religious equality in B-H, leaving the issues of gender equality and women on the margins of public and political interest. The heritage of the economic crisis and the war continues to endanger the participation of women in public life, including politics and economy.

The number of candidates in the 2010 General Elections differs depending on the level of government. From a total of 19 candidates for the B-H Presidency only 2 women were amongst the candidates or 10.52%. Both candidates were from the Federation of B-H.

From the total number of 1.442 candidates for the House of Representative of the Parliament of FbaH 560 where women or 38,83 %. Out of 1.539 candidates for the National Assembly of RS 560 were women or 36,39%. Out of 10 cantons the biggest number of candidates were in canton Bosanskopodrinjski where out of 293 candidates 112 where women or 38,23%.

Until the date of this report the executive was not formed on all levels of government in BaH. The current situation is as follows:

- Presidency BaH, 3 members all man
- President of RS is a man and his deputies are also men
- The RS government out of total 16 ministries has 5 women
- In the House of Representative of the Parliament of FBaH 17,35% are women, and in the National Assembly of RS 21,69% are women.

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

- BiH Armed Forces (m 93,5%, w 4,5%)
- BiH Ministry of Defence (m 66%, w 34%)
- BiH Ministry of Security (48,73% are women out of which 26,47% at the leading positions)
- State Investigation and Protection Agency of BiH (14 % women out of which 0,53% at the leading positions)
- BiH Border Police (11% women out of which 0,19 at the leading positions)
- Services for aliens (34,83 out of which 2,25 at the leading positions)
- Peacekeeping missions of UN (Liberia, Cyprus, Haiti, East Timor)
- in the period 2000 – 2008, 101 police officer from BiH participated in the UN Peacekeeping missions out of which 13 officers were women or 12,87%
- in 2008 that number was 18 in total (3 women or 15,79%)

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

Perception of the defense, police and security as issues that concern only man is widespread, although in the last years we see a rise in projects aiming to increase the number of women in arms and police forces. Ministry of Defense is dedicated to

increase number of women in armed forces, to reach its standard of 10%. Women usually work in the administration. Although equal number of men and women enrolled the Police Academy, women have less chance to be promoted to higher positions at which decisions and research are making.

Because of all said, implementation of above UNSCR 1325 which is promoted and implemented by the BiH institutional mechanisms has great importance for involving of the aspect of gender equality into education of police and military staff and creation of the programs and policies within the security sector of BiH.

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

Financial mechanisms for the implementation of the Gender Action Plan of Bosnia and Herzegovina – FIGAP program

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

In order to ensure future sustainable implementation of GAP, Agency for Gender Equality for BiH, Gender Centre of Federation BiH and Gender Centre of Republika Srpska developed, in the course 2007 and 2008, draft Program for implementation of the Gender Action Plan of BiH (FIGAP Program). Program proposal is the result of the consultative process between gender institutional mechanisms and local actors and donors group interested to financially support this program. Program activities require donors' professional and financial support in order to establish capacity building for program managing and sustainability of activities. The program will contribute to increased level of gender equality in Bosnia and Herzegovina (BiH) society. It means that the concept of gender equality and gender mainstreaming is accepted as an approach in formulating and implementing programs and policies in all sectors of society, as described in the B&H Gender Action Plan. This means that the concept of gender equality and gender mainstreaming is accepted as an approach when defining and implementing programs and policies in all sectors of society and all levels of government in B&H, as defined in the Gender Action Plan.

All 15 areas of the Gender Action Plan are important for the promotion of gender equality in B&H, but FIGAP program has set up priority areas which are of a strategic importance for B&H. Priority activities in these areas of GAP will be defined in accordance with the operative plans and programs of the governments in B&H:

By signing the Joint financial agreement between the Council of Ministers of B&H and the group of donors (Swedish International Development Cooperation Agency, Austrian Development Agency, Agency for Development and Cooperation Department for International Development) The Financial Mechanism for the implementation of the Gender Action Plan (FIGAP program) was established for the period 2008-2014. Doing so the Agency for gender Equality and the entity gender centers have, through a coordination, ensured, that besides the regular budgets, important amount of donor funds will be used for the implementation of the GAP.

Taking into consideration that this is a new type of a financial mechanisms not only in B&H, but also in the region, during the first half of 2010 new procedures were developed in order to ensure the full functioning of the implementation of the FIGAP program. The Supervisory and the Management Board both include representatives of the state and entity institutions and the donors. In 2010 36 grants were approved for projects submitted by NGOs. Joint planning with the institutions for the future cooperation on the implementation of GAP and the allocation of their funds has started. Only in this way a systematic gender mainstreaming in the work of the ministries and other institutions will be ensured.

Annex 1

(Universal international multilateral treaties)

1. Convention on Criminal Acts and other Acts Committed in Aircraft, Official Gazette of BiH, No. 47/70, BiH is the member on the basis of succession, Official Gazette of BiH, No. 26/98.
2. Convention on Suppression of Unlawful Seizure of Aircraft (Hijacking Convention) Official Gazette of SFRY, No. 33/72, BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.
3. Convention on Suppression of Unlawful Acts Against Safety of Civil Aviation Official Gazette of SFRY, No. 33/72, BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.
4. Convention on Prevention and Punishment of Criminal Acts against Persons under International Protection, Including Diplomatic Agents, Official Gazette of SFRY, International Treaties No. 54/76. BiH is the member on the basis of succession, Official Gazette of BiH, No. 25/93.
5. International Convention against the Taking of Hostages, Official Gazette of SFRY, International Treaties No. 9/84. BiH is the member on the basis of succession, Official Gazette of BiH, No. 25/93.
6. Convention on Physical Protection of Nuclear Material, Official Gazette of SFRY, International Treaties No. 9/85. BiH is the member on the basis of succession, Official Gazette of BiH, No. 26/98.
7. Protocol on Suppression of Unlawful Acts of Violence at the Airports serving International Civil Aviation, as an amendment to the Convention on

Suppression of Unlawful Acts against the Safety of Civil Aviation dated 23 September 1971, Official Gazette of SFRY, and International Treaties No. 14/89. BiH is the member on the basis of succession, Official Gazette of BiH, No. 15/95.

8. Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation (in the ratification procedure)
9. Protocol on Suppression of Unlawful Acts against the Safety of Fixed Platforms Located in Epicontinental Seaway
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, 01 March 1991;
11. International Convention for the Suppression of Terrorist Bombings, 15 December 1997, ratified 19.06.2003, Official Gazette of BiH, No. 07/03;
12. International Convention for the Suppression of the Financing of Terrorism, 09 December 1999;

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 organisations.
- 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 organisations, 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 adopted 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 Afghan 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 for 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]

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