



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

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NOTE VERBALE

The Permanent Mission of Bosnia and Herzegovina to the OSCE presents its compliments to all Delegations and Permanent Missions of the Participating States to the OSCE and to the Conflict Prevention Centre and has the honour to provide the OSCE with the OSCE Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Bosnia and Herzegovina to the OSCE avails itself of this opportunity to renew to all Delegations and Permanent Missions of the Participating States to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration. €D.



Vienna, 14 April 2008

To:
All Delegations and Permanent
Missions of the Participating States

The Conflict Prevention Centre (CPC)

BOSNIA AND HERZEGOVINA

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

Sarajevo, April 2008

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

1. APPROPRIATE MEASURES TO PREVENT AND COMBAT TERRORISM, IN PARTICULAR PARTICIPATION IN INTERNATIONAL AGREEMENTS TO THAT END (PARAGRAPH 6).

a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

Implementation of Bosnia's and Herzegovina's (BiH) commitments towards international organisations, European and regional organisations in the field of the fight against terrorism is achieved through full compliance and realisation of the obligations from signed and ratified treaties, agreements and conventions. They are, as follows:

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.

International treaties

International multilateral treaties

1. Convention on Offences and Other Acts Committed on Board Aircraft, 14 September 1963;
2. Convention for the Suppression of Unlawful Seizure of Aircraft, 16 December 1970;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971;
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973;
5. Convention against the Taking of Hostages, 17 December 1979;
6. Convention on the Physical Protection of Nuclear Material, 03 March 1988;
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; done in Montreal on 23 September 1971; signed in Montreal on 24 February 1988;
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988;
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, March 10, 1988;

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, 01 March 1991;
11. Convention on the Safety of the United Nations and Associated Personnel, 09 December 9;
12. International Convention for the Suppression of Terrorist Bombings, 15 December 1997;
13. International Convention for the Suppression of the Financing of Terrorism, 09 December 1999;
14. UN Convention Against Transnational Organized Crime (UNTOC), 15 November 2000;
15. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 15 November 2000;
16. Protocol Against Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, 15 November 2000;
17. UN Palermo Convention against Transnational Organized Crime, 28 September 2003;
18. UN Convention against Corruption (UNCAC), 09 December 2003;
19. Agreement between BiH and the European Union on Security Procedures for Exchange of Classified Information, signed on 05 October 2004;
20. SECI Convention on Police Cooperation in South-East Europe, signed on 05 May 2006.

Resolutions by the UN Security Council:

1. Security Council Resolution 1189; 13, August 1998;
2. Security Council Resolution -1267; 05, October 1999;
3. Security Council Resolution -1269; 19, October 1999;
4. Security Council Resolution -1325; 30, October 2000;
5. Security Council Resolution -1333; 19, December 2000;
6. Security Council Resolution -1373; 28, September 2001;
7. Security Council Resolution -1390; 28 January, 2002;
8. Security Council Resolution -1452; 20, December 2002;
9. Security Council Resolution -1455; 17 January, 2003;
10. Security Council Resolution -1456; 20 January, 2003;
11. Security Council Resolution -1526; 30, January 2004;
12. Security Council Resolution -1540; 28, April 2004;
13. Security Council Resolution -1566; 08, October 2004;
14. Security Council Resolution -1617; 29, July 2005;
15. Security Council Resolution -1624; 14 September, 2005.

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

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

b) Accession and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

Regional multilateral treaties:

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

European Conventions on the combat against terrorism signed and ratified by BiH:

Council of Europe Convention- BiH	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	17/03/2003	03/10/2003
Additional 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)	17/05/06	07/11/2007
European Convention on the Transfer Proceedings in Criminal Matters (ETS 73)	30/04/2004	25/04/2005
European Convention on 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)	30/03/2004	30/03/2004
Convention on Cyber Crime (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	-
European Convention on the Prevention of Terrorism (ETS 196)	19/01/2006	
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

BiH, on 25 November 2005, began the negotiations on signing the Agreement on Stabilisation and Accession with the European Union. In addition, BiH is obliged to harmonize its legislation with the EU procedures and standards, especially in the field of judiciary and internal affairs. The Stabilisation and Accession Agreement between BiH and the European Union was initialled on 04 December 2007.

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

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

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

1. Agreement between the Council of Ministers of BiH and Government of the Republic of Hungary on co-operation 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 co-operation 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 Co-operation 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 co-operation 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 Co-operation between the Council of Ministers of BiH and the Republic of Greece, signed in March 2006.
7. Agreement on Police Co-operation 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 Co-operation between the Council of Ministers of BiH and the Islamic Republic of Iran, signed in 2005.
9. Agreement on Police Co-operation between the Council of Ministers of BiH and Switzerland, signed 25 April 2007.
10. Agreement on Police Co-operation between the Council of Ministers of BiH and the Republic of Slovakia, initiated in 2006.
11. Strategic agreement between the Council of Ministers of BiH and the Office of the European Police (EUROPOL), signed on 26 January 2007 (the Agreement was submitted to the BiH Ministry of Foreign Affairs for initiating the ratification procedure);

12. Agreement between the Council of Ministers of BiH and the North-Atlantic Treaty Organization (NATO) on security of information, signed on 16 March 2007;
13. Agreement between the Council of Ministers of BiH and the Government of the Republic of Croatia on Co-operation and Monitoring of the State Border (signed on 29 March 2007);
14. Agreement between the Council of Ministers of BiH and the Government of the Republic of Romania on Police Co-operation in Bucharest, signed 04 June 2007;
15. Protocol on Implementation between the BiH Ministry of Security and the Government of the Republic of Romania Ministry of Internal Affairs and Administrative Reform, signed in Buchares on 06 July, 2007;
16. Agreement between the BiH Council of Ministers and the Government of the Republic of Romania on Readmission of their citizens and foreigners, signed in Bucharest on 10 October 2005;
17. Agreement between the Council of Ministers of BiH and the Government of the Republic of Bulgaria on Police Co-operation in Pleven, signed on 20 September 2007;
18. Agreement between the Council of Ministers of BiH and the Government of Montenegro on Police Co-operation in Becici, signed on 07 September 2007;
19. Agreement between the Council of Ministers of BiH and the European Union on Readmission; Agreement ratified and shall enter into force on 01 January 2008;
20. Agreement between the BiH Council of Ministers and the European Union on Benefits for Visas; Agreement ratified and shall enter into force on 01 January 2008;

New agreements exist that are currently in official procedures.

c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;

For the purpose of full harmonisation of the BiH Criminal Code with the international instruments and standards, the Council of Ministers of BiH formed the working group tasked to develop the draft amendments to the BiH Criminal Code in the part referring to terrorism. The Working Group completed the task in the fall of 2007 and, through the BiH Ministry of Security, submitted the Draft Amendments to the BiH Criminal Code to the BiH Ministry of Justice. The BiH Ministry of Justice shall then submit the Draft Amendments for the adoption procedure. We would like to note that the aforementioned proposals were developed in co-operation with the experts from the UN Office on Drugs and Crime Terrorism Prevention Branch (UNODC-TPB) and the Council of Europe.

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

1. Criminal Procedure Code of BiH (BiH Official Gazette, number 3/03, 32/03, 36/03);
2. Criminal Code of BiH (BiH Official Gazette, number 3/03, 32/03, 37/03);
3. Law on Prevention of Money Laundering (BiH Official Gazette, number 29/04);

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

The Prosecutor's Office of BiH is responsible for investigations and prosecution of crimes under the Criminal Procedure Code of BiH. The Decision of the Council of Ministers of BiH dated 19 February 2004, established a Task Force for combating terrorism and strengthening capacities for anti-terrorism struggles, which operates under the leadership of the BH Prosecutor, who is the official team leader.

The Prosecutor's Office of BiH is responsible for the investigation and prosecution of criminal acts pursuant to the Criminal Procedure Code of BiH (Official Gazette of BiH, number 3/03) 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) that was ratified by BiH and integrated in its Constitution.

While reforming its criminal legislation in 2003, BiH paid special attention to the criminal offences related to terrorism. The Court of BiH is responsible for the criminal offences defined by the Criminal Code of BiH and other laws of BiH.

The act of terrorism itself and financing of terrorist activities are criminalised. The territorial principle is applied in the criminal legislation of BiH (person who perpetrates a criminal offence in the territory of BiH regardless of the perpetrator's citizenship). Also, it is supplemented with another two principles: the principle of a ship's flag and the principle of aircraft registration.

The Entity Criminal Codes (the Criminal Code of the Federation and the Criminal Code of the Republika Srpska) and the Criminal Code of Brcko District criminalise the above mentioned offences almost identically; the only difference is in the subject of the legal protection on State, entity or district level.

In accordance with the Law on Ministries and Other Bodies of Administration of BiH (Official Gazette of BiH, number 5/03) the BiH Ministry of Security is the lead institution directly involved in the implementation of commitments in terms of undertaking concrete measures and procedures for the prevention and discovery of perpetrators of criminal acts of terrorism. The Ministry of Security is responsible for:

1. Protection of international borders, domestic border crossings and traffic regulation at BiH border crossings;
2. 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;
3. International co-operation in all areas within the remit of the Ministry;
4. Protection of persons and facilities;

5. Collection and use of data relevant for the security of BiH;
6. The organisation and harmonisation of the activities of the Entity Ministries of Internal Affairs, the District of Brcko and of the State in accomplishing the tasks of security in the interest of BiH;
7. Meeting of international obligations and co-operation in: the carrying out of civil defence activities; the coordination of activities of the Entity civil defence services within BiH; the harmonisation of their plans in the event of natural or other disasters afflicting BiH and the adoption of protection and rescue plans and programmes;
8. Implementing BiH immigration and asylum policy and regulating procedures concerning the movement and stay of aliens in BiH.

Administrative organizations within this Ministry include

- **the State Border Police (SBP) and**
- **the State Investigation and Protection Agency (SIPA).**

Their rights, duties and operational autonomy are regulated by separate laws. This is also the case with the Office for Co-operation within Interpol, an autonomous service whose rights and duties shall be regulated by separate regulations.

The Anti-Terrorism Department monitors the implementation of international conventions and executes international cooperation. It works on drafting new legal provisions concerning anti-terrorism combat and also monitors the timeliness and efficiency of implementing legal regulations concerning: the suppression of terrorism; the suppression of activities of arms smugglers that supply terrorists, including nuclear and chemical and biological weapons; as well as the suppression of groups that fund or support terrorists and those indicated to be linked to other forms of organized crime.

It also cooperates with other Ministry subordinate agencies that work on terrorism issues, as well as with other institutions and corresponding international organizations. It is in charge of projects and initiatives in the field of prevention and repression of these phenomena.

The State Investigation and Protection Agency (SIPA) - Financial Intelligence Unit (FIU) collects, receives, analyzes, investigates and forwards to BH Prosecutor's Office the information and data in accordance with the Law on Prevention of Money Laundering and Funding Terrorism. It also executes international cooperation in the field of combating terrorist funding and offers expert assistance to the Prosecutor's Office.

The SIPA Criminal Investigation Department provides operational assistance to the FIU; it discovers and investigates crimes of terrorism, finds and apprehends perpetrators and collects intelligence and information on crimes. It also monitors and analyzes the security situation. Antiterrorism Unit is part of this department.

The SIPA Witness Protection Department implements the protection of witnesses in accordance with laws and regulations of BiH in this field.

The Special Support Unit provides assistance to the FIU and other departments by ensuring the availability of additional police tactics, equipment and staff, when stronger security measures are called for. It performs the most complex and most demanding tactical and operational police actions.

The Intelligence Security Agency of BiH (OSA) is responsible for collecting and analyzing intelligence related to security threats to BiH, both within and outside of the country and including domestic and international terrorism.

The Border Police of BiH (BP) supervises and controls State border; implements the Law on Movement and Stay of Aliens and Asylum; prevents, detects and investigates crimes referred to in the BiH criminal code, especially those directed against the security of BiH and its State borders. The BP contains two subordinate bodies called the Central Investigative Office and Specialized Units.

Within its jurisdiction, the **Interpol National Central Bureau (NCB) Sarajevo** undertakes a number of activities with the view to realizing efficient cooperation and exchange of information between law enforcement agencies in BiH and corresponding agencies in other countries, namely members of the Interpol. Upon the initiative of the Interpol's Secretary General, a special database was created on persons suspected of terrorist activities, for which Interpol has issued warrants.

There is also the liaison officer with the Interpol NCB Sarajevo, who cooperates directly with the Fusion Task Force. The Interpol NCB Sarajevo is also linked electronically with the SIPA, which enables a quick delivery of all relevant data.

The Service for Foreigners' Affairs is an administrative organization within the BiH Ministry of Security with operational independence. According to the provisions of the Book of Rules on Internal Organizations of the Service, 16 field centres are distributed throughout BiH, with the immigration centre for foreign citizens. The jurisdiction of the Service for Foreigners' Affairs includes administrative and inspection tasks defined by the Law on Movement and Residence of Foreigners and Asylum.

Currently there is no central coordinating body for anti-terrorism combat between BiH institutions and agencies. Cooperation is conducted through the Anti-Terrorism Strike Force that was established by the Decision of the Council of Ministers of BiH during its 105th session on January 26, 2006. Such cooperation is also conducted through direct communication between the agencies in accordance with laws and signed memorandums of understanding.

Based on the Decision by the Council of Ministers of BiH, the State Commission for Revision of Decision on Naturalization of Foreign Citizens was established on 16 February 2006. It is composed of nine members, including six national and three international representatives. During its 2-year mandate, the Commission checked the citizenships issued to the individuals with origins outside of the former Yugoslavia. 1,255 cases were processed. In accordance with the Decisions of the Commission; 661 citizenships that were issued since 06 April 1992 were revoked, mainly for the individuals of the Afro-Asian origin. The Commission mandate expired in mid-February 2008.

d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e. g., pertaining to financing of terrorist groups);

In June 2006, the BiH council of Ministers adopted the **BiH Strategy for the Fight Against Terrorism**. This document defines the long-term BiH strategy and activities to prevent and combat terrorism and calls for the establishment of mechanisms that protect against terrorism in the following manner:

1. Enable all State capacities for the combat against terrorism as well as combat against the support to terrorism by noticing and removing the weaknesses in the political, legislative and institutional sphere;
2. Prevent countries, organisations, the non-governmental sector and businessmen from financing terrorism, or providing support for terrorism in any form and through various forms of illegal actions;
3. Discover and prevent groups that chose terrorism as their basic tactics for achieving their goals;
4. Discover and prevent support for, encouragement and approval of, as well as silent toleration of terrorist activities, which are motivated by extremism and intolerance and prevent subversive activities of terrorists and their assistants through the BiH institutions, non-governmental organizations, religious and educational organizations;
5. For the purpose of gaining wide public support, conduct anti-terrorist media campaign and accordingly inform the public on the Strategy objectives. Also, without damaging the implementation of Strategy, inform the public about terrorists' activities, their morals and their religious and financial mentors.
6. Implement the Strategy in a manner that shall not lead to a violation of fundamental human rights and freedoms guaranteed by the international conventions and legislation.

In addition, BiH adopted the Law on Implementation of Temporary Measures for Efficient Implementation of the Mandate of International Criminal Tribunal for Former Yugoslavia and Other International Restrictive Measures (Official Gazette of BiH, number 25/06). This law has two objectives. First, to implement international restrictive measures applied against states, international organizations, territorial units, movements of individuals and legal entities, and other subjects covered by international restrictive measures, to include: arms embargos; full or partial restriction of imports or exports; border crossing restrictions; financial restrictions and other measures in accordance with international law. The second objective is the implementation of temporary measures against persons indicted by the ICTY and their collaborators.

The Law on Import and Export of Weapons and Military Equipment and Control of Import and Export of Dual Use Items (Official Gazette of BiH, number 05/03, 33/03 and 14/05) was adopted in 2003 and amended in July 2005. This Law prohibits illegal trade of weapons and

military equipment and aims to eliminate the possibility for their procurement by terrorist organizations or individuals.

The Law defines national procedures on the transfers of conventional weapons and military equipment, explains the roles of the Ministry of Foreign Trade and Economic Relations, Ministry of Foreign Affairs, Ministry of Security and Ministry of Defence, as well as that of the manufacturers of weapons and military equipment, or institutions importing or exporting weapons and military equipment.

The BiH Law on Testing, Stamping and Marking Hand Fired Arms and Ammunition was adopted 2003 (Official Gazette of BiH, number: 21).

The following are draft laws that are in the State level process:

1. Law on Weapons and Ammunition;
2. Law on Transport of Dangerous Goods in BiH;
3. Law on Control of Movement of Weapons and Military Equipment in BiH.

The Law on Weapons and Ammunition was adopted by the Republika Srpska and Brcko District and is published in the BiH Official Gazette 01-1277/07, 17 July 2007.

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

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

In July 2004, the Minister of Defence 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.

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

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

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

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

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

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

With the delaboration and open combustion method in 2007, approximately **2.100 tons** have been destroyed. At the end of 2007, the BiH Armed Forces Inspection Teams and EUFOR Verification Teams began the project “One Hundred Percent Inspection,” aimed to inspect every military armament storage site in BiH.

The BiH Council of Ministers signed, in 2007, the Agreement on Basic Principles for Solving the Issues of Immovable and Movable Property with the entity governments, which will continue to serve for the needs of defence.

e) Roles and missions of armed and security forces in preventing and combating terrorism

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

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 defence policy of BiH specifies terrorism as one of the main challenges and risks for general and 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 takes measures of self-protection, cooperates 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.

The Armed Forces of BiH includes a Military-Intelligence Branch 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 intensely.

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).**

These institutions have investigative and repressive capacities to fight against terrorism (investigative elements and special counter terrorism units).

The Intelligence Security Agency of BiH (OSA) was formed by the Law on the Intelligence Security Agency of BiH of BiH (Official Gazette of BiH, number 12/04 and 20/04) that clearly regulates the duties and tasks of the Agency, as well as the parliamentary, executive and judicial control thereof.

The OSA is responsible for collecting intelligence information relevant to the threats against the security of BiH; i.e. inside and outside of BiH. It analyses and transfers information to authorized officials and bodies stated in the Law, and also collects intelligence information for the purpose of providing assistance to authorized officials as defined by the laws on criminal procedure in BiH, and other competent bodies in BiH, when necessary for the purpose of preventing threats to the security of BiH.

The SIPA's Financial-Intelligence Section was established in accordance with the definition of the Financial Intelligence Section of the Egmont Group. The section is a central, domestic agency responsible for receiving, seeking, analysing, investigating, and addressing entries on financial information to the relevant authorities for the purpose of preventing money laundering and funding terrorist activities.

It receives, collects, documents, analyses, investigates and forwards information, data, and documentation to the prosecutor, in accordance with the Law and other regulations in BiH, which refer to the prevention of money laundering and funding terrorist activities. This Section also generates international cooperation to respond to such activities and provides expert assistance in the financial-intelligence domain.

The competencies of the SIPA Financial-Intelligence Section concerning the prevention, investigation, detecting of money laundering and funding terrorist activities is prescribed by the Law on the State Agency for Investigations and Protection (Official Gazette of BiH, numbers 27/04, 63/04 and 35/05) and the Law on Preventing Money Laundering (Official Gazette of BiH, number 29/04) and other laws.

Its objectives are based on improving the cooperation of the authorities of BiH, the Federation of BiH, Republika Srpska and Brcko District in the area of preventing money

laundry and funding terrorist activities as well as for the purpose of improving cooperation and information exchange with the authorities of other countries and international organisations responsible for these matters. It represents the following:

- Central State Financial Intelligence Unit organized by the police model (SIPA) which receives, collects, records, analyzes, disposes, exchanges and maintains financial information on transactions and clients,
- Collects additional information on financial transactions and clients,
- Upon the Prosecutor's authorization investigates the financial information and documentation which refers to suspicious transactions,
- Participates in drafting the indication list for identification of suspicious transactions,
- Temporarily stops the transactions for which it is suspected to represent the money laundry and/or terrorism funding

The SIPA Section for the Fight Against Terrorism and Illegal Trade [of nuclear, biological and chemical materials] prevents, detects and investigates acts of terrorism and criminal acts of illegal trade of nuclear material and biological and chemical weapons. It also studies the situation and existing forms of crime in this aspect, analyses the conditions and circumstances of the occurrence of these forms of crime in this area and makes proposals for the prevention, creates necessary working plans, reports, provides information and other studies/analytical material.

The Task Force for Combating Terrorism and Strengthening of Capabilities for Combating Terrorism was established in 2004 by the Decision of the BiH Council of Ministers and it works under the leadership of the State Prosecutor of BiH Prosecutor's Office. The mandate of this Task Force is to advance the cooperation and coordination at the highest levels among the State, Entities and Breko District Police, as well as with other law enforcement bodies (BiH Prosecutor's Office, FBiH Prosecutor's Office, Republika Srpska Prosecutor's Office, SIPA, OSA, Border police, Ministry of Internal Affairs of Republika Srpska, Ministry of Internal Affairs of FBiH, BiH Breko District Police, Indirect Taxation Administration).

With the establishment of the Task Force for revealing the crimes of terrorism, the combat against terrorism in BiH is reinforced additionally and the Task Force has defined the following guidelines for its work:

1. Identification and records of all individuals, groups and legal entities and their formal and informal connections in BiH and abroad, who directly or indirectly represent and/or might represent a terrorist threat to BiH; Following, recording, documenting and analyzing all legal and illegal activities of the identified individuals and/or groups and/or legal entities from the Item 1, at the territory of BiH and abroad;
2. Identification, following, recording and analyzing of formal and informal transactions (opening bank accounts; depositing funds; withdrawal of funds; funds transfers from one account to another; currency exchange; issuing and taking bank loans; purchase and sale of stocks at the stock market; use of vaults at the banks; possession and use of other financial instruments and bonds) and all other business activities by individuals and/or legal entities within the territory of BiH, including also the methods of possession, obtaining, exchanging, transfer or use of property in BiH;

3. Suggestion of activities of priority of the SIPA Department of Crimes and Investigations and the SIPA Financial Intelligence Section in the combat against terrorism and against terrorism funding;
4. The operational criminal intelligence and investigative work on the specific cases of terrorism and terrorism funding, so called high risk cases with the authorized main organizational units of the SIPA;
5. Presenting the facts and collected evidences to the prosecutor on preparation and attempt of crimes of terrorism and terrorism funding by an individual and/or group and/or legal entity and proposal of further activities, measures and procedures in accordance with the Law;
6. Creating and formulating the daily data update from the Items 1.2.3. within the SIPA Department of Crimes and Investigations and the SIPA Financial Intelligence Section;
7. Update, exchange and protect the collected information from the Items 1, 2 and 3 with the collected information of the relevant authorized bodies and agencies in BiH, Entities and abroad;
8. Coordination, synchronization and harmonization of the activities from Items 1,2 and 3, within the organizational units of the SIPA with the purpose to eliminate all internal irrationalities and weaknesses as well as with the other executive bodies and agencies of BiH and its entities;
9. Proposal for amendments to the legal framework in order to eliminate the obstacles and limitations to the successful and efficient combat against terrorism and terrorism funding and harmonization of these with international standards, resolutions, conventions, recommendations and guidelines.

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

It is important to mention **the Regional Cooperation Council (RCC)**, based in Sarajevo. The RCC is the regional organization formed by the South-East Europe Stability Pact transformation process into the regional ownership of the countries of the region. The RCC shall act under the political umbrella of the South-East Europe region countries in the following manner:

1. Ensure the political coordination over twenty five different regional initiatives which are developed under the Stability Pact, as well as new regional initiatives which shall be developed
2. Ensure the development of the regional cooperation in the South-East Europe in the different areas with the purpose that the countries of the region individually, and as a whole, achieve standards for integration into European and Euro-Atlantic structures, when they will be focused on the development of the regional capacities and larger participation in the ownership (political, human resources, material, financial, etc.)

All the participating countries of the South-East Europe Cross border Crime Prevention Centre are the members of the RCC and its Board.

2. DESCRIPTION OF THE NATIONAL PLANNING - DECISION MAKING PROCESS - INCLUDING THE ROLE OF THE PARLIAMENT AND MINISTRIES - FOR THE DETERMINATION/APPROVAL OF

a) Military posture

The adoption of the Law on Defence of BiH in 2005 (Official Gazette of BiH, number 88/05) and its implementation in 2006 is one of the most important results of the defence sector reform process. This Law ensures the establishment of a unified military in BiH, as well as mechanisms of democratic, civilian control of the Armed Forces and other institutions of the defence sector.

In accordance with the Law on Defence, the BiH Ministry of Defence is responsible for reviewing all issues relevant to the size and structure of the Armed Forces of BiH, its resources, training policy, mobilization, sending units abroad, and etc. Any proposed solution of the BiH Ministry of Defence must go through a legally regulated procedure of adoption by the BiH Presidency and the BiH Parliamentary Assembly.

The process of planning and decision making in the area of defence and security, including the role of the BiH Parliamentary Assembly, the BiH Presidency and the BiH Council of Ministers was defined by the Constitution of BiH and other relevant laws in BiH.

BiH is determined to ensure transparency and democratic, civilian control of the institutions for security and defence. The Parliamentary Assembly of BiH and its Joint Committee for Defence and Security of BiH defined the responsibilities and obligations in supervising executive authority and its organisational units referring to the defence and security.

The division of responsibility 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. Rules of Procedure of the House of Representatives of the Parliamentary Assembly of BiH (Official Gazette of BiH, number 33/06, 41/06 and 81/06) and House of Peoples of the Parliamentary Assembly of BiH (Official Gazette of BiH, number 33/06).

These activates clearly define the competencies of certain institutions and deadlines for fulfilling certain obligations.

The constitutional and legal framework for the parliamentary control at the State level of BiH is:

1. Constitutional provisions on the Parliamentary Assembly of BiH;
2. Book of Rules/Rules of Procedure of the Parliamentary Assembly of BiH.

Provisions in individual laws relevant to the security sector in BiH:

1. The Law on Defence of BiH defines the role of the Parliamentary Assembly of BiH in confirming the nomination of generals, approving budgets, announcing a state of emergency, etc. (Official Gazette of BiH, number 88/05);
2. The Law on Import and Export of Arms and Military Equipment and Control of Import and Export of Dual-Use Items; (Official Gazette of BiH, number 05/03, 33/03 and 14/05);
3. The Law on Participation of Members of the BiH AF, Police, Civil Servants and Other Employees in Peace Support Operations and Other Activities Abroad (Official Gazette of BiH 14/05);
4. The Law on Intelligence Security Agency of BiH (Official Gazette of BiH, number 12/04, 20/04 and 56/06);
5. The Law on Protection of Secret Data (Official Gazette of BiH, number 54/05);
6. The Law on the Council of Ministers of BiH, particularly concerning the “vetting procedure” for candidates for ministerial positions (Official Gazette of BiH, number 30/03, 42/03 and 81/06).

The institutional framework for the parliamentary control in BiH is, as follows:

1. Parliamentary Assembly of BiH;
2. Joint Committee for Defence and Security of the Parliamentary Assembly of BiH - 12 members; established in 2003);
3. Joint Security and Intelligence Committee on Supervision of the Work of Intelligence and Security Agency of BiH of the Parliamentary Assembly of BiH - 12 members (established in 2004);
4. Defence and Security Committee of the FBiH PA House of Representatives – 11 members;
5. Defence and Security Committee of House of Peoples of the FBiH Parliament – 7 members;
6. Defence and Security Committee of the Republika Srpska National Assembly - 7 members;
7. Committees for Public Safety and Supervision of the Work of Brcko District Police - 5 members.

Competencies of the Joint Committee for Defence and Security of BiH are relevant to the following:

1. Ministry of Defence of BiH and Armed Forces of BiH;
2. Ministry of Security of BiH;
3. State Investigation and Protection Agency (SIPA);
4. Border Police of BiH – (BP);
5. National Central Bureau of Interpol;
6. BH De-mining Centre;

The Parliament Assembly of BiH adopted the Security Policy of BiH in February 2006, and is currently working on updating the Defence Policy of BiH, having in mind that BiH joined the NATO Partnership for Peace Program in December 2006.

b) Defence expenditures;

As of the 2007 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 25/07).

The approved budget for 2007 with the amount of 285.000.000 BAM, was reduced by 2%, so the amount of available resources was 280.696.138 BAM, or about 1,6% 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 1.7% of GDP.

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 decrease the expenditures of the defence institutions to a sustainable level, consistent with the economic capacity of BiH.

3. DESCRIPTION

a) Constitutionally established procedures ensuring effective democratic control of the army, paramilitary and internal security forces, as well as intelligence services and the police

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.

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.

Procedures for ensuring effective democratic control of the work of the Intelligence Security Agency of BiH of BiH (OSA) are defined in details by the Law on Intelligence Security Agency of BiH of BiH (Official Gazette of BiH, number 12/04, 20/04 and 56/06).

Parliamentary control of the State Agency for Investigation and Protection (SIPA) is regulated by the Law on State Agency for Investigation and Protection (Official Gazette of BiH, number 27/04).

The Parliaments of both entities and the authorities of the Brcko District have the parliamentary control over the police forces. Parliamentary and democratic control over the Police Forces in BiH is performed through the entity parliaments, Brcko District and Cantons.

The Constitutionally established procedures for ensuring the democratic control over the work of the Federal Ministry of Internal Affairs are stipulated by the following legal documents:

1. The Constitution of the Federation of Bosnia and Herzegovina;
2. The Rules of Procedure of the House of Representatives of the FBiH Parliament (FBiH Official Gazette, number 69/07, Article 61- Committee for Security);
3. The Rules of Procedure on work of the House of Peoples of the FBiH Parliament (FBiH Official Gazette, number 27/03, Article 59 –Defence and Security Committee);
4. The Law on FBiH Internal Affairs (FBiH Official Gazette», number 49/05, Article 34 and 35 – Independent Board);
5. FBiH Government Regulation on the Office for Public Complaints (FBiH Official Gazette, number 68/05).

The Constitutionally established procedures for ensuring efficient democratic control of the work of Ministry of Internal Affairs of Republika Srpska, are stipulated by the following legal documents:

1. The Constitution of BiH, Article 3. Item 3;
2. The Constitution of Republika Srpska, Article 68 and Article 3;
3. The Law on Republika Srpska Government, Official Gazette 03/97 and 03/98;
4. The Law on Republika Srpska Ministries, Article 3, Official Gazette 70/02, 33/04 and 118/05;
5. The Law on Republika Srpska Internal Affairs, Official Gazette of Republika Srpska, number: 48/03;
6. The Law on Parliamentary oversight in the area of Defence and Security, Official Gazette of Republika Srpska, number: 25/05;
7. The Law on Agencies for Securing Persons and Property and private detective work, Official Gazette of Republika Srpska, number: 50/02, 92/05 and 91/06;

Democratic control of the Brcko District Police work, based on the Brcko District Statute is implemented through the Police Monitoring Committee as well as through the following legislative solutions.

The Law on Police of Brcko District stipulates as following:

1. Article 22, Paragraph 2, defines that, concerning the responsibility of the Assembly, the Assembly reviews reports on the work of the Brcko District Police and evaluates the work of the Chief of Police.
2. Article 64, Paragraph 2, defines that the Chief of Police is appointed by the Mayor with the consent of the Assembly, based on the criteria of expertise and binding recommendations of the Independent Candidate Selection Committee, established in accordance with the Law.

3. Article 8, Item 18, defines the obligation of the police to co-operate with the Police Monitoring Committee, appointed by the Assembly and provides it with all requested working reports.
4. Article 11, Paragraph 3, defines that the Chief of Police implements the policy of the District regarding the public security, brought by the Mayor and District Assembly and that he is also obliged to submit reports to the Mayor and District Assembly.
5. Article 11a, Paragraph 3, defines that the selection and appointment of the members of the Independent Board that selects and evaluates the work of the Chief of Police. The selection and appointment of the boardmembers is conducted by the District Assembly at the proposal of the Committee for Selection and Appointment and also the Mandate-Immunity Commission.
6. Article 34, Paragraph 2, items a. and b., defines that the Chief of Police submits annual reports on the police work to the District Assembly for adoption and information of significance to the security in BiH Brcko District, at least every six months or more often if the Chief of Police or Mayor consider it necessary.

b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces.

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

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

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

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

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

With the Law on BiH Intelligence Security Agency of BiH (OSA), a control system is established for the legitimacy of the work of the Agency composed of various forms of control and supervision over the Agency's work.

The first is internal oversight and control of legitimacy of work, which is daily and continuously performed by the Agency officials led by the Director of the Agency, based on

legally stipulated authority of General Director, Deputy Director and Inspector General of the Agency, as well as based on the bylaws of the Agency.

The second form of control is the control and supervision of the Agency's work by executive authority. Subjects and institutions performing the control and oversight are, primarily the Council of Ministers, Executive Intelligence Board and the Chairman of the Council of Ministers, Financial Control by the Ministry of Finance/State Treasury, all within their legislative authorities.

The third form of control is as in any other area, judicial control, which, apart from the regular court protection of persons who believe their rights were violated by activities of the Agency, also implies a special approval procedure for the application of special methods for the secret data collection, applied upon the approval of the BiH Court exclusively.

The fourth control in a broader sense is control by the BiH Ombudsman, who within his authorities, can request access to information and initiate procedures in cases of human rights violations.

The fifth is one of the most important, most complete forms of controlling the Agency's work legitimacy, control by the BiH Parliamentary Assembly as the highest legislative and representative body in BiH. This form of control is defined in details by the Law on BiH Intelligence Security Agency of BiH, (Article 18- 23 of the Law) in such fashion where the BiH PA House of Representatives and the House of Peoples establish the Joint Security-Intelligence Committee for the oversight of the Agency.

The Committee is composed of 12 members, 6 from each House, led by the Committee Chairman, member of a party which is not part of the leading coalition. The Committee should include equal representation of all political parties participating in the House of Representatives, as well as all three constituent peoples in BiH.

The Committee has the authority to, for the purpose of performing oversight of the legitimacy of the Agency's work, review reports on the work of the Agency. Also, among other things, The Committee can give an opinion on the Agency's budget proposals and review the Agency's expenditures, reports by the Agency's Director, the appointment of the Director and his Deputy, as well as to directly conduct investigations of the work of the Agency, including requests for information from all employees of the Agency and Heads of the Agency and request for Agency documentation needed.

The Security-Intelligence Committee is, in addition to the function of controlling the work of the Agency, by the Law on Secret Data Protection, also received the role of the second level body dealing with appeals of persons, who did not, according to the opinion of the BiH Intelligence Security Agency of BiH, fulfil security checks.

Democratic control and oversight over the work of Republika Srpska Ministry of Internal Affairs, is performed by the following bodies/institutions:

1. The President of Republika Srpska (Law On Internal Affairs of Republika Srpska);
2. Republika Srpska National Assembly (Law On Internal Affairs And Law On Parliamentary Oversight In The Area Of Defence And Security of Republika Srpska);
3. Committee For Follow Up And Control Of Work Of Bodies And Institutions In The Area Of Defence And Internal Affairs;
4. Independent Committee For The Selection And Appointment Of The Chief Of Police;
5. Republika Srpska Government (Law On Internal Affairs of Republika Srpska);
6. The Constitutional Court Of Republika Srpska (The Law On Internal Affairs Of Republika Srpska);
7. Ordinary Courts Of Law Of Republika Srpska (The Law On Internal Affairs Of Republika Srpska), and
8. Citizens of Republika Srpska (Law On Internal Affairs of Republika Srpska).

In addition to the above-mentioned, the control and supervision of the work of the Agencies for Security of Persons and Property, and private investigative/detective agencies shall be performed by the Ministry of Internal Affairs of Republika Srpska (Law on Agencies for Security of Persons and Property and Private Investigative Activities).

The Parliamentary and democratic control over the work of the Ministry of Internal Affairs of Federation of BiH shall be conducted by the following bodies:

1. The Parliament of the Federation of BiH;
2. The Government of the Federation of BiH;
3. The Commission for Security of the FBiH Parliament House of Representatives;
4. Defence and Security Commission of the FBiH Parliament House of Representatives;
5. Independent Board of the FBiH Parliament, which nominates candidates for the Director of the Federal Police Administration and his deputy, reviews complaints on their work, makes proposals for their replacement, makes proposals in certain cases and evaluates duty performance in case of their re-election for the second mandate;
6. Office for Public Complaints, which follows and oversees actions by complaints addressed against the employees of the Federal Ministry of Internal Affairs.

In accordance with the Law on internal affairs of the Cantons, the Cantonal Assembly establish the Independent Board, which nominates the candidates for police commissioner in Cantonal Ministries of Internal Affairs, reviews complaints on their work, proposals for their replacement and makes assessments of their duty performance.

Effective democratic control of the work of the Brcko District Police shall be conducted by the Mayor and the Assembly of Brcko District and its commissions, and the Independent board (Public Safety and Police Oversight Committee, Human Rights Commission, etc.).

c) Roles and missions of the military, paramilitary and security forces as well as the control of security so that they act solely within the constitutional framework:

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

The mission of the Armed Forces of BiH is to:

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

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.

The State Agency for Investigations and Protection (SIPA) is responsible for the following (Official Gazette of BiH, number 27/04):

1. Prevention, detecting and investigation of criminal acts in the competence of the Court of BiH;
2. Follow-up and analysis of security situation;
3. Providing assistance to the Court and Prosecution of BiH;
4. Physical and technical protection of persons, facilities and other property in accordance with the Law on state agency for investigations and protection.

The Border Police is responsible for (Official Gazette of BiH, number 50/04):

1. Implementation of the provisions of the Law on the supervision and control of state border crossing (Official Gazette of BiH, number 56/04 and 52/05);
2. Implementation of the provisions of the Law on migration/movement and stay of foreign citizens in asylum(Official Gazette of BiH, number 29/03);
3. Prevention, detection, and investigation of acts regulated by criminal laws in BiH if:
 - a. Such criminal acts were violating the security of state borders or the performance of tasks and duties in the competency of the Border Police;
 - b. Such criminal acts must be persecuted in accordance with the provisions on misuse of public documents used as personal identification documents, travel documents/passport and the obligation to obtain visas, provisions on the movement and stay of foreigners and asylum in case these acts were committed during the border crossing or are in direct connection with the crossing of state border;
 - c. Such criminal acts include transportation of goods across the state border the trade of which is prohibited, goods with no official approval or in case of violation of valid prohibition, in case the Border Police is given the oversight duty for such approvals and prohibits based on other regulations or administrative agreement with bodies responsible for such prosecuting;
4. Preventing, detecting and investigating other criminal acts at the request of relevant body;
5. Preventing, detecting and investigating:
 - a. Violation regulated by the Law on oversight and control of crossing state borders, Law on movement and stay of foreign citizens and asylum as well as other valid regulations of this field;
 - b. Other violations at the request of relevant body;
6. Providing police support to organisational units within the Ministry of Security in implementing the Law on movement and stay of foreign citizens and asylum and other valid regulations of this field;
7. Takes protection measures in civil air traffic and security of international airport facilities in BiH;
8. Gives expert opinion to legislative bodies or other institutions at their request, and in reference with the movement of persons, vehicles or goods across the state border;
9. Provision of police support to security units.

The Intelligence Security Agency of BiH (OSA) of BiH is responsible for collecting, analysing, and distributing intelligence information for the purposes of protecting security, including the sovereignty, territorial integrity and constitutional order of BiH.

The role and mission of **police forces of Entities and Brcko District** are regulated by the above-mentioned laws, as well as mechanisms of control. Political discussion regarding the reform of police forces in BiH is in progress.

The Mostar Declaration on police reform was accomplished on 28 October 2007 and the Action plan for its implementation is active as of 22 November 2007. The Declaration's priority¹ is to adopt the legislation on the police reform at the state and entity levels in accordance with three EU principles and commence the police reform implementation

d) Public access to information related to the 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.

¹ Council Decision on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina, and the recall of Decision 2006/55/EZ

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

Police forces in BiH have a professional service for public relations, through which it informs the public on all relevant security issues.

4. STATIONING OF ARMED FORCES ON THE TERRITORY OF ANOTHER PARTICIPATING STATE IN ACCORDANCE WITH THEIR FREELY NEGOTIATED AGREEMENTS AS WELL AS IN ACCORDANCE WITH THE INTERNATIONAL LAW

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

The EOD Unit of the AF BiH is a platoon size (36 soldiers) unit and has been stationed in Iraq since June 2005. The Unit's Mission is to identify and destroy EOD, mainly stored in previous ammunition and weapons storages of the Armed Forces of Iraq. Personnel rotation takes place every 6 months, meaning the fourth (4th) rotation were in place, and preparations were completed in April 2007 for the fifth rotation.

Upon accession of BiH to the NATO PfP on 14 December 2006, negotiations between BiH and NATO concerning the Agreement on the Status of Armed Forces (SOFA) began (signed and ratified). The BiH Council of Ministers, at its 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 and Eritrea/Ethiopia, in accordance with the UN Security Council Resolutions as military observers. There are five (5) observers each, in both missions (UNMEE and MONUC).

On the other hand, there are approximately 6000 members of EUFOR from 33 countries, of which 22 are EU member countries and 11 countries are non-EU members, in BiH. The EU made a decision to reduce the EUFOR capacities to 1700 members by the end of 2007.

There are currently 17 police officers from BiH in UN peace support operations in Liberia, Cyprus and Sudan (Liberia – 10, Cyprus – 5 Sudan – 2).

The European Union Police Mission staff consists of EU countries' staff and staff from the so- called third countries. There are a total of 195 staff members and 165 professional police officers and 30 civilian employees in service.

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

5. DESCRIPTION of

a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary or security forces, if applicable

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.

The issue of recruiting staff for the purposes of police forces in BiH is regulated by various laws:

1. Law on police servants in BiH, (Official Gazette of BiH issue number 27/04, Chapter V) regulates the selection of cadets for police officers in the BiH Border Police.
2. Law on police servants of the Federation of BiH (Official Gazette of Federation of BiH, issue number 27/05) regulates the selection of cadets for police officers of the Federation of BiH and Cantons.
3. Law on police officers of Brčko District BiH (adopted: January 2008) regulates the selection for police officers of Brčko District.
4. Law on internal affairs of Republika Srpska (Official Gazette of Republika Srpska, number. 48, 24/06/2003)

Accession to police forces is performed in accordance with legal provisions exclusively, regulated by the mentioned Laws. These articles regulate all issues of recruitment and accession to police forces. There is no reserve composition in the police forces.

b) Exemptions or alternatives to compulsory military service, if applicable

There is no compulsory military service in BiH.

c) Legal and administrative procedures protecting the rights of all forces' personnel

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).

Police personnel in BiH consist of police officials, civil servants, employees and cadets of the Police Academy.

Police officials exercise their rights and obligations in accordance with the Law on Police Officials (Official Gazette of BiH, number 27/04 and 63/04) which regulates police authorities and employment-legal status, employment including: duties and rights, employment, education and qualification, deployment, ranks, evaluation of work and promotions, compensations, work conditions, disciplinary responsibility, responsibility for damage and termination of employment.

Civil servants employed in police bodies of BiH exercise their rights in accordance with the BiH Law on Civil Service of BiH and employees in accordance with the Law on Labour in the institutions of BiH (Official Gazette of BiH, number 26/04, 7/05 and 48/05).

Rights and obligations of cadets of Police Academy are regulated with the Law on Police Officials, as well as regulations brought within.

The Law on Internal Affairs of Federation of BiH (Official Gazette of Federation of BiH, number 49/05), Law on Police Officers/servants of Federation of BiH (Official Gazette of Federation of BiH, number 27/05), Law on Civil Service in the Federation of BiH (Official Gazette of Federation of BiH, number 29/03, 23/04, 39/04, 54/04, 67/05 and 8/06), Law on Employees in the Civil Service of Federation of BiH (Official Gazette of Federation of BiH, number 49/05).

The cantonal ministries of internal affairs have Laws on internal affairs of cantons and Laws on cantonal police officers protecting the rights of employees in those ministries, together with the mentioned Law on Civil Service in the Federation of BiH and the Law on Employees in the state service bodies of the Federation of BiH.

The mentioned categories of employees in police bodies of BiH protect their rights and obligations through first instance bodies (immediate supervisor, first instance disciplinary committee, committee for promotions, etc), second instance bodies (police board, appeals board), and by Ordinary Courts of law.

The rights of the employees of the Intelligence Security Agency of BiH are regulated in accordance with the Law on Intelligence Security Agency of BiH. Article 37 of this Law determines that employees of the Agency are not civil servants nor they have police authority, but that their employment rights are regulated by the Law on Intelligence Security Agency of BiH as *lex speciali*, and in cases not covered by this Law, regulations of other laws on labour at the BiH level shall be applied, primarily the Law on Labour in the institutions of BiH. Unionization is allowed in the Intelligence Security Agency of BiH, but the right to strike is not allowed by law.

The laws regulating the rights of the employees of the Ministry of Internal Affairs of Republika Srpska are regulated by the following laws: the Law on Internal Affairs, the Law on Labour (Official Gazette, number 38/00, 40/00, 47/02, 38/03 and 66/03), the Law on Employment in Civil Bodies (Official Gazette, number 11/94, 06/97 and 96/03), the Law on Administrative Service in the Administration of Republika Srpska (Official Gazette, number 16/02, 62/02, 38/03 and 42/04) and with Collective contracts.

Procedures to protect the rights of employees in the Police of Brcko District are defined in the Law on Police (Official Gazette of Brcko District, number 19/06, 19/07), the Law on Police Officers (Official Gazette of Brcko District, number 41/07), the Law on Civil Service in Administrative bodies; (Official Gazette of Brcko District, number 28/06) and also the Brcko District and the Law on Labour of Brko District of BiH (Official Gazette, number 19/06, 19/07).

6. INSTRUCTION ON INTERNATIONAL HUMANITARIAN LAW AND OTHER INTERNATIONAL RULES, CONVENTIONS AND COMMITMENTS GOVERNING ARMED CONFLICT INCLUDED IN MILITARY TRAINING PROGRAMMES AND REGULATIONS;

BiH shall ensure 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.

The Defence Policy of BiH and Military Doctrine of the Armed Forces of BiH support provisions of the 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. Part of the Military Doctrine related to operations of assistance to civil authorities and international peace support operations, emphasizes the importance to comply with human rights, legitimacy, neutrality and humanity as the key principles of these operations. 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.

International organizations, including the International Committee on the Red Cross and the OSCE Mission to BiH, as well as friendly countries, through courses, seminars and workshops implement this type of training in the country and abroad. To that end the OSCE Mission to BiH devotes part of the ongoing training in 2007 on the CoC to this subject.

To support the compliance with the provisions of the International Law, BiH shall ensure that the Armed Forces, in peacetime and in war, shall be managed adequately to the democratic and civil societies, reflecting full control and command over the armed forces.

7. ANY OTHER INFORMATION

The BiH institutions worked in cooperation with the OSCE Mission to BiH, the Department of Security Cooperation, to accomplish the following tasks in 2007:

- Three (3) workshops to prepare the information exchange on the OSCE Code of Conduct, as well as information required for other exchanges in line with other OSCE politico-military documents;
- Four (4) training seminars on the OSCE Code of Conduct on Politico-Military Aspects of Security; i.e. explaining the Code and presenting guidelines for implementing the Code in laws, regulations and procedures governing the administration and operations of the BiH defense, intelligence and security sectors, including police;
- Parliamentary Hearing of the proposed budgets for the Ministry of Defense, Ministry of Security and subordinate agencies as well as the BiH Mine Action center;
- Raising the awareness of BiH authorities and the public on the country's politico-military commitments, including the principles found in the Code, which is being led by the OSCE Mission to BiH.