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## **25<sup>th</sup> CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE**

*Sofia (9-10 October 2003)*

- **INTERNATIONAL CO-OPERATION IN THE  
FIGHT AGAINST INTERNATIONAL  
TERRORISM AND IMPLEMENTATION OF  
THE RELEVANT INSTRUMENTS OF THE  
COUNCIL OF EUROPE**
  
- **THE RESPONSE OF THE JUSTICE SYSTEM  
- CIVIL AND CRIMINAL - TO TERRORISM**

*Report presented by the Minister of Justice of*

**BOSNIA AND HERZEGOVINA**



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Honorable Ministers  
Ladies and Gentleman

Allow me to greet you on behalf of the Council of Ministers of Bosnia and Herzegovina and to present you with some aspects of terrorism as a global evil of the modern world. A question always arises of how to define terrorism and from what point of view to look at it. Should we look at it from the aspect of a criminal offence, a form of organized crime, psychopathology of an individual or a group, or should we look at it as a commonplace weapon on the global political scene. In its manifestation, terrorism is pre-meditated, carefully prepared and secretly organized. It is conducted with use of violence by organizations or groups and directed towards attaining in an undemocratic way of publicly proclaimed political or other objectives.

Deeply accumulated social contradictions in the world have appeared as a source to terrorism, whereas its bearers are political or par apolitical and similar organizations and groups.

In keeping with their ideology, those organizations or groups use violence instead of democracy as the path for accomplishing their goals. Furthermore, there is a strong link between organized crime and terrorism and it manifests itself as trafficking in human beings, drugs trafficking, trafficking in arms, money laundering, etc., with a view to attaining of financial conditions for terrorism.

We may, therein, draw a distinction between the bearers of terrorism and perpetrators of the terrorist acts.

Bearing in mind that terrorism has reached transnational dimensions, combating it is impossible on the national level. It is only through joint efforts of countries of the region and the wider community. Therefore, we have to urgently develop tools to fight against this growing and sophisticated evil.

Bosnia and Herzegovina is fully committed to combating terrorism in cooperation with the Western Balkans countries and the wider international community. In Europe, which is becoming more and more united, we have to foster mutual trust in finding solutions to the security challenges, in the spirit of transparency and partnership.

Our energetic response to terrorism consists of:

- legislative reform in the field and its harmonization with the legislation of the Region and the European Union;
- institution building and strengthening;
- operational improvement through exchange of information amongst countries on the movement of terrorists.

Based on the document "Job and Justice" comprehensive reforms of the judiciary are being conducted. By establishing the Ministry of Justice of Bosnia and Herzegovina, the Court of Bosnia and Herzegovina, the Prosecutor's Office of Bosnia and Herzegovina, the High Judicial and Prosecutorial Council, an institutionalized rule of law framework has been created.

By enacting these new laws we have completed the criminal law regulation. It should be emphasized that a new model of the criminal law system has been thereby created in Bosnia and Herzegovina, which will be assessed in the judicial practice to come. This new legislation represents a radical move from the system where we had the investigating judge conducting the investigations towards the prosecutorial system where a prosecutor now has the leading role. Through this major change the traditional function of the investigating judge has been abolished while the main role in a criminal investigation is now played by the prosecutor who should prove the defendant guilty. Now the court acts exclusively as an arbiter between the law and the evidence. A number of completely new institutions and solutions, unknown to our doctrine and judicature, have been introduced in our criminal legislation. Terrorism “moves” swiftly and the legal mechanisms must be facilitated and developed accordingly. The fight against terrorism demands a creative approach and putting in place modern and special investigative techniques in accordance with law.

Providing immunity for the cooperating witnesses, settlements, and other solutions with Anglo-Saxon features represent a new quality in our legislature. Judicial practice will assess the degree to which the new Criminal Code and Criminal Procedure Code of Bosnia and Herzegovina are harmonized with the OSCE Charter on Prevention and Combating Terrorism. For the reasons mentioned, a Team has been created to monitor and assess the implementation of the Criminal Code and Criminal Procedure Code of Bosnia and Herzegovina. The Team will oversee and analyse all aspects of the implementation in practice of the mentioned Laws.

New solutions have imposed a need for the involvement of international judges and prosecutors in the work of the courts and prosecutor’s offices throughout Bosnia and Herzegovina. The internationals will provide assistance in the practical application of the new solutions. It is in our interest to provide for their integration in the work of the courts and prosecutors’ offices without any reservation.

With the help of the international community an accompanying education process for the police, judges and prosecutors has been conducted. The issue of organized crime, i.e. terrorism was particularly highlighted during the education. The local Judges Training Centres will be operational shortly. Bearing in mind the necessity to ensure efficient investigation, criminal prosecution and trial, the Law on Protection of Witnesses under Threat and Vulnerable Witnesses has been enacted. With the assistance of the international community we are to establish a comprehensive witness protection programme.

In the fight against terrorism Bosnia and Herzegovina has to strengthen the capacities for preventing money laundering and other financial crime, from which terrorism is mostly financed. Amendments to the Law on the State Information and Protection Agency (SIPA) will delegate full authority to the Agency with regard to police operative measures and actions as well as full powers in accordance with the Law on Criminal Procedure. The Law on Movement and Stay of Aliens should be fully implemented without delay. By amending the Law on Associations a possibility was created for the Financial Police and the Banking Agency to successfully interrupt illegal transactions for providing support to terrorist networks. Bosnia and Herzegovina has to accelerate activities on -signing and ratification of international conventions regarding terrorism.

Simultaneously, we will intensify the activities on concluding intergovernmental or regional agreements on fighting terrorism, so as to improve the cooperation and exchange of information.

This particularly applies to the issue of extradition and legal assistance.

Ladies and Gentlemen,

Recognizing all dimensions and the brutality of terrorism, Bosnia and Herzegovina will develop a comprehensive project setting out action to be undertaken by all institutions in investigating the acts of terrorism. Bosnia and Herzegovina will also give full support to the State and Entity courts and prosecutors offices and ensure a certain degree of budgetary independence of these institutions. Aware of the importance and the danger of terrorism, the Council of Ministers of Bosnia and Heregovina has established a coordination team for combating terrorism consisting of local experts and the relevant representatives of the international community in Bosnia and Herzegovina. Besides, we will direct our efforts towards establishing a single (police-intelligence) information system which would allow for a swift and efficient exchange of data and intelligence, and creation of one data base with accessibility according to the level of authority. Simultaneously, we have commenced the procedure for the enactment of the Law on Prevention of Money Laundering and Financing of Terrorism. In that manner we are sincerely confirming the full determination for combating terrorism in cooperation with the countries of the Region and the European Union.





