

BOSNIA AND HERZEGOVINA

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www.coe.int/terrorism

NATIONAL POLICY

Taking into account the geo-strategic position of Bosnia and Herzegovina (hereafter B&H), as a country situated in South-East Europe, its institutions attach great importance to the prevention of and fight against all types of terrorism.

Through its actions, B&H has reaffirmed its position as an active member of the Antiterrorist Coalition against international terrorism. By the same token, B&H offered to contribute to the efforts on establishing a safe and secure environment in Iraq: a Bosnian contingent, whose soldiers carried out demining and demolition of found or seized UXO, was deployed to Iraq as part of the UN peace mission. Deployment to the peace mission within ISAF is ongoing process, at the moment.

To the extent of its possibilities, B&H will continue to take part in the efforts of the International Antiterrorist Coalition; B&H has also declared its willingness to join EU activities on the suppression of terrorism, including the harmonisation of its legislation and signing and ratification of relevant resolutions and protocols, and the adoption of concrete action plans.

In addition, within the framework of the legitimate fight against terrorism, B&H will strive towards respecting individual and collective human rights, which is also an obligation under the B&H Constitution. Consequently, Bosnia and Herzegovina advocates for a quick completion of negotiations on the Comprehensive UN Convention on International Terrorism.

In the larger context of fight against terrorism, B&H invests considerable efforts in the prevention of and fight against organised crime and illegal migrations, as confirmed by a number of statements and declarations to which B&H subscribed under regional and international initiatives and, more importantly, by activities of B&H law enforcement agencies.

Unfortunately, the media have often linked B&H to terrorism; through its institutional and legislative development and reforms and the active fight against terrorism, locally and globally, B&H has proved its commitment to fighting all types of terrorist activities. The country's cooperative relations with the US and EU member countries deserve to be quoted as a prominent example of this commitment.

Bosnia and Herzegovina will persist in the fight against terrorism, and will focus in particular on the coordination of its national institutions responsible for the fight against terrorism and development of international cooperative instruments, especially with relation to the US, EU member countries and countries of the region. Also, B&H intention is to be more proactive in existing international police organisations.

STRATEGY FOR THE PREVENTION AND FIGHT AGAINST TERRORISM

The Strategy for prevention and fight against terrorism¹, 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.

¹ Available [here](#) and at www.msb.gov.ba

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

² Disabling indoctrination into radical and negative ideologies, which may lead to terrorist acts as a means to achieve certain goals.

and freedoms guaranteed by international conventions and regulations³;

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.

Activities on development of a new Strategy for Preventing and Combating Terrorism

In January 2014, the National Supervisory body for the implementation of the Strategy for Preventing and Combating Terrorism (for the period 2010-2013) submitted to the B&H Council of Ministers a Final report on the degree of implementation of strategic measures and objectives. Abovementioned report was adopted by B&H Council of Ministers in April 2014.

Activities on development of a new Strategy for Preventing and Combating Terrorism are in progress. Drafting and adopting procedure of the new Strategy document shall be done by the end of July 2014. The new Strategy will be adopted for the four year period.

Also, it is important to emphasize that new Action Plans will be developed within the same procedure and timeframe, in four already defined areas: 1) prevention, 2) protection, 3) investigations and prosecutions, and 4) reaction and managing the consequences of possible acts of terrorism.

LEGAL FRAMEWORK

Penal law

Criminal Code

In reforming its criminal legislation (2003), B&H paid special attention to the criminalisation of criminal offences related to terrorism. Accordingly, the following criminal acts are criminalised in the new Criminal Code of Bosnia and Herzegovina (CC B&H): terrorism (Article 201) and the financing of terrorist activities (Article 202)⁴.

In addition, the Entity Criminal Codes and the Criminal Code of Brčko District criminalise the above-

³ In particular the European Convention for the Protection of Human Rights and Fundamental Freedoms which B&H signed, ratified and included in full in its Constitution.

⁴ [Criminal Code of B&H](#) "Official Gazette of B&H" number 3/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 08/10.

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 191 - 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, a ship, or fixed platform, Article 198 - Endangering the safety of air traffic and maritime navigation, Article 199 - Destruction and removal of signal devices utilised for safety of the air traffic, Article 200 - Misuse of telecommunication signals, Article 212 - Illicit trade, Article 213 - Illicit manufacturing⁵.

Bosnia and Herzegovina ratified the Council of Europe Convention on the Prevention of Terrorism (ETS 196) on January 11, 2008. The ratification process of the UN Convention for the Suppression of Acts of Nuclear Terrorism is ongoing. Aiming for more efficient implementation of these instruments, amendments to the Criminal Code⁶ were adopted in 2010. 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 Organised Terrorist Group.

During 2013, the Law on Amending the B&H Criminal Code, i.e. the Article 162b (Illegal establishing and associating to foreign paramilitary or parapolice formations)⁷ was drafted and sent in parliamentary procedure for adoption. This new provision will be useful not only for the future investigation and criminal prosecution of individuals who decide to join the paramilitary or parapolice formations, but also, to prosecute those who are encouraging, supporting, financing or in any other way assisting such individuals. The proposed provision is expected to be adopted by the B&H Parliament on 29 April 2014.

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

punishability of collaborators, Article 35 - Intent and Article 36 - Negligence⁸.

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.

Also, in line with the above mentioned and other relevant international instruments, the number of "*lex specialis laws*" has been amended or is in the amending procedure" (see pages 5-7).

Bearing in mind that getting closer to NATO and EU is the most important national goal, the main focus is the harmonisation of national legislation with EU and NATO instruments and standards.

The area of court jurisdiction

The criminal legislation of B&H shall be applied to any person who perpetrates a criminal offence in the territory of B&H, regardless of the perpetrator's citizenship (territorial principle). Pursuant to the provisions of international law, the territorial principle has been supplemented with another two principles: flag state principle for ships and the principle of aircraft registration⁹.

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&H¹⁰, 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 duty¹¹.

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 imposed¹².

⁸ See footnote 4.

⁹ Article 11, Chapter II - General Provisions, Criminal Code of B&H.

¹⁰ Chapter XVI, Criminal Code of B&H.

¹¹ Paragraph 1, items a), c) and d), Article 12, Chapter II – General Provisions, Criminal Code of B&H.

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

⁵ Ibid.

⁶ Official Gazette of Bosnia and Herzegovina No 8/10 (see footnote 4)

⁷ [Article 162b](#)

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 objects¹³ 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)¹⁴ does not provide for special ways of prosecuting criminal acts related to terrorism - there is no difference in the prosecution of criminal terrorist activity and other criminal activities. Thus, all procedural actions shall be implemented in accordance with the Criminal Procedure Code of B&H, with respect for the human rights and freedoms arising from numerous international documents, particularly the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) which was ratified by Bosnia and Herzegovina and entirely integrated in its Constitution.

Investigative methods

Special investigative measures¹⁵ 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^{16 17}.

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.

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.

Jurisdiction of the courts in B&H

The **Court of B&H**¹⁸ is responsible for the criminal offences defined by the Criminal Code of B&H and other laws of B&H. Furthermore, the Court of B&H is responsible for criminal offences defined by the

¹³ Article 74, Chapter IX - Security Measures, Criminal Code of B&H.

¹⁴ Criminal Procedure Code of B&H, "Official Gazette of B&H" number 3/03

¹⁵ Articles 116-122, Chapter IX - Special Investigative Actions, Criminal Procedure Code of B&H.

¹⁶ Article 116, Chapter IX - Special Investigative Actions, Criminal Procedure Code of B&H.

¹⁷ 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.

¹⁸ www.sudbih.gov.ba

legislation of the Entities and the Brčko District of B&H (BDB&H) in cases where a criminal offence: a) endangers the sovereignty, territorial integrity, political independence, national security or international subjectivity of B&H or b) may have serious repercussions and detrimental consequences for B&H or may cause a serious economic loss or have other detrimental consequences outside the area of the given Entity or the Brčko District of B&H.

The Court of B&H is also responsible for deciding on issues pertaining to the implementation of international and inter-entity criminal regulations, including relations with Interpol and other international police bodies, such as transfer of a convict or apprehension and extradition of a person requested by any body in the territory of B&H, or by any other state or international court or tribunal.

The Court of B&H decides on appeals against first instance decisions.

The competence of the **Courts in the Entities** – Federation of Bosnia and Herzegovina (FB&H) and Republika Srpska (RS) - on issues of terrorism is defined by the criminal legislation of the Entities (Criminal Code of FB&H and Criminal Code of RS).

The courts in **FB&H** are: the **Supreme Court of FB&H**¹⁹, the **cantonal courts** and the **municipal courts**.

The courts in **RS** are: the **Supreme Court of RS**²⁰, the **district courts** (for the area of two or more basic courts) and the **basic courts** (for the area of one or more municipalities).

The cantonal courts in FB&H and the Basic Courts in RS are first instance courts, while the Supreme Court of FB&H and the Supreme Court of RS have second instance jurisdiction (decide on appeals and extraordinary legal remedies). A council of the court's criminal department composed of three judges passes judgment in the first instance, while an individual judge passes judgment on criminal offences for which a term of up to five years' imprisonment or a fine is stipulated as the maximum punishment. A council of the court appellate department composed of three judges passes judgment in the second instance.

The **Courts in the Brčko District of B&H** are the **Basic Court**²¹ and the **Appellate Court**²². These courts handle any criminal offence committed or attempted in the area of the Brčko District of B&H. The Basic Court in the first instance passes judgments, as a council composed of three judges, or an individual judge in the case of criminal

offences for which a fine or imprisonment of up to ten years is stipulated as the maximum punishment. The Appellate Court, in the second instance, handles all appeals against decisions and judgments by the Basic Court, and decides on extraordinary legal remedies against lawful court decisions, as a council composed of three judges.

Other relevant legislation

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**²³, the **Law on Witness Protection Programme**²⁴ 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 with 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 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".

¹⁹ www.vsfbih.ba

²⁰ www.vrhovnisudrs.com

²¹ www.osbd.ba

²² www.asbd.ba

²³ "Official Gazette of B&H" numbers 3/03, 21/03 and 61/04

²⁴ "Official Gazette of B&H" number 29/04. The new Law on the Witness protection program is drafted and at the moment in final stage of adoption by the Parliament of Bosnia and Herzegovina.

Prevention and suppression of financing of terrorism

Issues pertaining to the prevention and suppression of the financing of terrorism are regulated by the Law on Prevention of Money Laundering and Financing of Terrorist Activities²⁵. This Law stipulates that the financing of terrorist activities includes all actions prescribed by criminal legislation.

Investigations related to the financing of terrorism are conducted by the **Financial Intelligence Unit (FIU)** within the State Investigation and Protection Agency²⁶. Pursuant to the Law on Preventing Money Laundering and financing of Terrorist Activities, the FIU also has the competence to freeze funds (issue an order to suspend any suspicious transactions) suspected of being used to fund terrorist activities.

Preventive measures to detect and suppress the financing of terrorism are taken in accordance with this Law by: banks (in accordance with the Law on Banks), post offices, investment and pension funds, stock-exchanges and stock-exchange agencies, insurance and re-insurance companies, casinos, gambling houses and organisers of other lotteries, pawnshops, attorneys and notaries public, accountants and auditors, real estate agencies, humanitarian organisations, and other similar institutions. According to the Law, the above-mentioned institutions are obliged to identify clients and transactions and notify the FIUD about any suspicious transactions, any transactions exceeding 30 000 BAM²⁷ and any interconnected transactions in cash exceeding 30 000 BAM.

In 2013, Ministry of Security, in cooperation with other relevant institutions drafted the new Law on Prevention of Money Laundering and Financing of Terrorist Activities. The Law shall meet the requirements of MONEYVAL, specifically in terms of defining money laundering and terrorist financing terminology, further strengthening of the operational independence of the Financial Intelligence Unit, strengthening cooperation and exchange of information among law enforcement agencies, establishing enhanced control and monitoring. This Law Proposal was sent to the further adoption

²⁵ "Official Gazette of B&H" numbers 29/04 and 53/09

²⁶ Article 5 of the Law on Preventing Money Laundering defines all the tasks pertaining to the detection, investigation and prevention of the funding of terrorist activities in accordance with the Law on the State Investigation and Protection Agency, and other laws on promoting co-operation among the responsible B&H bodies, as well as on promoting co-operation and exchanges of information at the international level with regard to the fight against the funding of terrorism.

²⁷ 30 000 BAM=15 000 EUR

procedure.

Application of international restrictive measures

The international restrictive measures are applied by the **Law on applying certain temporary measures for the efficient enforcement of the mandate of the International Criminal Court for the former Yugoslavia and other international restrictive measures**²⁸.

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

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

The Ministry of Security is in charge of a database on persons who are subject to these restrictive measures.

The Law on Classified Data Protection of B&H²⁹ 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, defence, 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. Also, this Law regulates the procedures for private sector certification for the work with classified data.

Through the recent adopted amendments the Law is harmonised with relevant EU standards.

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

Getting closer to the Euro-Atlantic organisations demands the creation of a new legal and

²⁸ 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

²⁹ Official Gazette of B&H no. 54/05 and 12/09

institutional framework for the protection and rescue of persons and property and its integration into contemporary EU and NATO concepts.

To this, on May 15, 2008 the Parliament of B&H adopted the Framework Law on the Protection and Rescue of Persons and Property in the Event of Natural and other Disasters in Bosnia and Herzegovina³⁰.

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

- a) Implementation of the international obligations and cooperation in the implementation of protection and rescue, i.e. civil-protection;
- b) Competencies of the bodies and institutions of Bosnia and Herzegovina in the field 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 Brčko District of Bosnia and Herzegovina;
- d) Operations Communication Centre of Bosnia and Herzegovina - 112; Issuance and harmonisation of the framework plans and programs of protection and rescue in the event of natural or other disasters;
- e) Public information and public relations;
- f) Funding;

Further, 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."

Since 01.01.2010 the Operations Communication Centre of Bosnia and Herzegovina - 112 is operating on a 24/7 basis.

Besides the primary Operational Communication Centre (OKC 112), in 2013 a secondary OKC was established, based in town Tuzla. Networking of the two centres with OKCs at lower levels and the introduction of the number 112 for the entire B&H is planned for the 2014 / 2015.

The Framework Law also foresees the establishment of the **Coordination Body**. The Body will coordinate and manage all activities related to the protection and rescue of persons and property in the event of natural or other disasters.

Also, **the Plan of civil-military cooperation in the case of a terrorist attack** is adopted by the Council of Ministers at its 51st session held on June 3, 2008. The obligation to adopt the Plan derived from Bosnia and Herzegovina's strategy for fighting terrorism.

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

The Plan and its Annexes also clearly and precisely define activities of civil bodies and institutions and activities of the Ministry of Defence of Bosnia and Herzegovina - Armed Forces of Bosnia and Herzegovina.

Through the activities in the field of protection and rescue Ministry of Security issued in 2012, a Methodology for developing a threat assessment and Methodology for developing Protection and Rescue Plan including the Plan for protection and rescue against natural and other disasters (adopted in 2013). Professional Manual on standard operating procedures for responding to CBRN incidents as well as Instruction on communications between institutions in coordination of protection and rescue, have been also adopted.

In accordance with CIMIC Agreement between the Ministry of Security and the Ministry of Defence, a number of field protection and rescue exercises involving the anti-terrorist elements (in response to possible terrorist scenarios) have been realized.

INSTITUTIONAL FRAMEWORK

The **Prosecutor's Office of B&H**³¹ 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&H**³² is responsible for collecting and analysing intelligence data related to threats to the security of

³⁰ Official Gazette of B&H no. 50/08

³¹ www.tuzilastvobih.gov.ba

³² www.osa-oba.gov.ba

B&H, both within the country and from abroad, including terrorism and international terrorism.

The **Ministry of Security of B&H**³³ 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, organisation and harmonisation of the activities of the Entity Ministries of Internal Affairs and of the District of Brčko 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 defence, co-ordination of activities of the Entity civil defence services in B&H and harmonising 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 the movement and stay of foreigners in B&H.

The **Department for the Fight against Terrorism** as a part of Ministry of Security: monitors the implementation of international conventions; is responsible for international co-operation; drafts new legal regulations on fighting terrorism; supervises the timely and effective implementation of laws and regulations relating to the suppression of terrorism, the suppression of the activities of groups smuggling weapons for terrorist groups and nuclear, chemical and biological weapons, the financing of terrorism or groups supporting it, in particular of those suspected of being connected with other types of organised crime. In this respect, the Department co-operates with the Agencies within the Ministry of Security, other institutions and relevant international organisations.

Within the Ministry of Security are: the Border Police, the State Investigation and Protection Agency, Service for Foreigners as administrative organisations 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 Agency³⁴ (SIPA) is an agency within Ministry of

Security. SIPA has police power and is responsible for fighting terrorism, organized crime and other criminal offences which are under the competence of the Court of B&H.

Financial Intelligence Unit (FIU), 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 FIUD 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 **Crime Investigation Department** offers operational assistance to the FIU, 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 FIUD and other departments, ensuring additional police tactics, equipment and human resources when stronger security measures are needed. The Unit also performs the most demanding and the most complex technical, operational and tactical police actions.

The **Border Police**³⁵ is responsible for the surveillance and control of state borders; implements the Law on Movement and Residence 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.

³³ www.msb.gov.ba

³⁴ www.sipa.gov.ba

³⁵ www.granpol.gov.ba

The **Service for Foreigners**³⁶ is responsible for: Administrative work regarding the residence and movement of foreigners in Bosnia and Herzegovina as stipulated by the Law on Residence and Movement of Foreigners and Asylum seekers (including tasks such as the cancellation of visas, issuing identification and travel documents to foreigners, revocation of issued identification and travel documents to foreigners, registration or change of residence of foreign citizens, notarisation of guarantee letters and affidavit of support). Then: a) approval of temporary or permanent stay in B&H, extension of temporary stay, revocation of temporary or permanent stay, supervision and expulsion of foreigners deciding whether to execute an expulsion order. The Service also controls the implementation of the Law on Residence and Movement of Aliens and Asylum Seekers and deals with statistical and analytical work relating to foreigners.

The Sector for the Protection of Classified Data within the Ministry of Security of B&H deals with issues arising from the exchange of classified data at the national and international level. In practice, work involving classified data is carried out in such a way that prevents any unauthorized access and, at the same time, respects the procedures and principles of "need to know". Appropriate records are kept for: confidential data, access to confidential data, renouncing of the classified data and other evidences. Persons who have appropriate permission and security clearance may access classified data in the security area.

The Agreement with NATO has been signed and the Sector is certified by the NOS NATO to exchange classified data up to the secret level. The procedure has been undertaken to sign the Agreement on the exchange of classified data with the NATO member states and other states as well.

B&H has also ratified the Agreement between B&H and the EU on security procedures for the exchange of classified data (Official Gazette no. 2/06). The EU – Twinning Project created conditions for the certification of the Sector and for the exchange of classified data with the European Union, as well.

Also, several commissions, task and strike forces have been operating on a state level, which are directly or indirectly connected to the B&H system for fighting terrorism. For example: **The Task Force for Fighting Terrorism** that was established by the Council of Ministers of B&H with the role of coordinating all the activities related to the fight

against terrorism. The Task Force is led by the Chief Prosecutor of B&H.

In 2011 the Operational Counter Terrorism Team was established within the State Agency for Investigation and Protection, with the aim to collect operational information in the field of prevention and fight against terrorism and analytical processing thereof for the Task Force needs. This is the first time that in Bosnia and Herzegovina has been established a permanent 24/7 team of operational character as a framework for the joint implementation of activities of relevant security agencies in Bosnia and Herzegovina while countering terrorism.

Furthermore, the Minister of Security issued a Decision no. 01-02-2-1120-8/13 on 20.06.2013 to appoint new members of the Counter-Terrorism Task Force and consequently raise the Task Force to the highest level, i.e. the new appointed members are managers of intelligence and law enforcement institutions / agencies.

The Special Working Group for the Suppression of Money Laundering and Financing Terrorism is in charge of drafting new legal solutions and coordinates all the activities of relevant institutions in the field of AML and CFT.

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

- the **Ministry of the Interior of the Federation of B&H**³⁷, which comprises the Department for the Fight against Terrorism, the Intelligence Department and the Anti-terrorist Unit.
- the **Ministry of Interior of the RS**³⁸ with the following departments: Counter Terrorism Department, the Special Investigative Department, the Department for Crime-intelligence Analysis and the Department for Anti-diversion Protection within the Crime Police Administration.

As regards the fight against the financing of terrorism at the Entity level, the following institutions are responsible: the **Banking Agency of the FB&H**³⁹ and the **Banking Agency of RS**⁴⁰. These institutions actively co-operate with the Financial Intelligence Department (FID-SIPA).

³⁶ www.sps.gov.ba

³⁷ www.fmup.gov.ba

³⁸ www.mup.vladars.net

³⁹ www.fba.ba

⁴⁰ www.abrs.ba

The issues of international legal assistance⁴² and extradition⁴³ are regulated by the Criminal Procedure Code of B&H, multilateral and bilateral treaties as well as, "*lex specialis*" Law on International Assistance in criminal matters⁴⁴ adopted in 2009. B&H has ratified the relevant European Conventions (see the table below) and concluded a series of bilateral treaties. The bilateral agreements on police co-operation, which also encompass the fight against terrorism, should be highlighted in particular; these agreements have been concluded both with countries from the region⁴⁵ and other countries⁴⁶.

Measures at international level

United Nations

B&H has signed and ratified a series of UN conventions and protocols on the fight against terrorism; it actively co-operates with the Counter-Terrorism Committee of the Security Council, particularly with regard to the implementation plan of Resolution 1373, and with the Monitoring Team of the UN Security Council with regard to the

⁴¹ 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)

⁴² Chapter XXX - Procedure to render international legal aid and to enforce international agreements in criminal matters, Criminal Procedure Code of B&H.

⁴³ Chapter XXXI - Procedure to extradite suspects or accused and convicted persons, Criminal Procedure Code of B&H.

⁴⁴ Official Gazette of B&H No 53/09

⁴⁵ Bilateral agreements on police co-operation in the field of the fight against terrorism and organised crime were signed with the following countries in the region: Hungary (21 April 1996), Italy (28 January 2002), Croatia (17 September 2010), Greece (9 February 2006), Slovakia (5 June 2006), Austria (5 May 2006), Slovenia (22 December 2006), Romania (4 June 2006), Serbia (24 September 2010) Montenegro (7 September 2007), Bulgaria (20 September 2007), and "The former Yugoslav Republic of Macedonia" (21 March 2008), Albania (21 March 2008), Serbia (6 March 2009)

⁴⁶ Bilateral agreements on police co-operation in the field of the fight against terrorism and organised crime were also signed with: Turkey (21 June 2000), the Russian Federation (9 September 2004), the Islamic Republic of Iran (8 March 2005), Egypt (14 December 2006), Baden-Württemberg (Germany), Spain, Switzerland (24 April 2007), France (29 March 2010), Qatar (26 June 2010), Jordan (30 January 2011), Sweden (31 May 2011), Czech Republic (12 September 2013).

implementation of sanctions against Al-Qaida and the Taliban (R-1267 and R-1617).

A delegation of the UN's Antiterrorist Committee - Executive Directorate (CTEDs) visited B&H in November 2007 in order to review the implementation level of R-1373 (2001). In August 2008 the Visit Report was adopted.

In the 2013 and 2014, experts from the UNSC Monitoring Team (1267) to apply restrictive measures against Al-Qaida, as well as members of the UNSC Panels of Experts for the application of restrictive measures against Liberia and Iran visited Bosnia and Herzegovina. These meetings were of consultative nature in terms of exchange of practical experience in the application of international restrictive measures.

The Bosnia and Herzegovina was one of the five new non-permanent members of UN Security Council during the 2010-2011 term.

The non-permanent UNSC membership is recognised as one of the B&H greatest foreign policy achievements since it has gained independence in 1992.

European Union & NATO

The enlargement of the EU and NATO are the most important international processes for B&H. By the same token, rapprochement and the eventual accession are also among the most important national and security objectives of B&H. B&H 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.

European Union

On June 16, 2008 Bosnia and Herzegovina signed the Stabilisation and Association Agreement with the European Union⁴⁷. 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.

⁴⁷ More details are available at: www.dei.gov.ba

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

NATO/PfP Activities

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 Tallinn, NATO Foreign Ministers welcomed the country's decision on the destruction of surplus ammunition, and its new ISAF contribution. Furthermore, they authorised the North Atlantic Council in Permanent Session to accept B&H first Annual National Programme only when all immovable defence properties identified as necessary for the future defence purposes have been officially registered as the state property of B&H, for use by the B&H Ministry of Defence.

The **NATO Coordination Team of the Council of Ministers of B&H** was established in November 2007, with an aim to ensure coordination of all inter-sectoral activities related to the implementation of the commitments of the state of Bosnia and Herzegovina arising from participation in NATO's Partnership for Peace Program and related to admission into full membership of NATO.

In the context of approaching of B&H to NATO, realisation of the following activities takes significant place: enhancing of capacities for the fighting against asymmetrical threats incl. terrorism, establishment of the new system for the protection and rescue of people and property, development of integrated border security system and the system for protection of classified data.

The Council of Europe

Bosnia and Herzegovina is a member of the Council of Europe and signatory to the conventions pertaining to the fight against terrorism (see the table below). 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 the Group of States against Corruption (GRECO).

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

* Signature without reservation as to ratification