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SUPPORT TO PROSECUTORS NETWORK IN SOUTH-EASTERN EUROPE

REGIONAL PROSECO PROJECT CARDS 2006

Monthly Activity Report – March 2009

Project title	Support to Prosecutors' Network in South Eastern Europe
Reference number	2008/153-650
Project starting date	17 April 2008
Project duration	17 April 2008-16 April 2010
Implementation	Council of Europe (Economic Crime Division, Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) and Ministry of Justice of Italy
Project budget	1 666 669 Euros
Date of report	3 April 2009
Reporting period	1-31 March 2009

Updated work plan

OUTPUT 1	Draft laws available aimed at making investigations and prosecutions of serious crime cases more effective and facilitating cross-border cooperation	
Activity 1.1 Ongoing	Assessment with aim of identifying legislation to be reviewed and improved	
Activity 1.2	Up to 2 legal reviews per project area (and continuous ad hoc advice) in order to review the existing legislation on investigation, prosecution and co-operation against serious crime	August 2008 – March 2010
1.2.1	<ul style="list-style-type: none"> ▪ Albania Review of Law on International Co-operation	
1.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Review of Draft Law on International Co-operation in Criminal Matters	October 2008 Completed
1.2.3	<ul style="list-style-type: none"> ▪ Croatia Review of new provisions / amendments to the Law on International Co-operation	no information on when the draft will be available
1.2.4	<ul style="list-style-type: none"> ▪ Montenegro Review of amendments to the Criminal Code	first half of 2009
1.2.5	<ul style="list-style-type: none"> ▪ Serbia Review of draft Law on Mutual Legal Assistance in Criminal Matters	November – December 2008 Completed
1.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” Review of Draft Law on International Co-operation	December 2008 – January 2009 Completed
1.2.7	<ul style="list-style-type: none"> ▪ “Kosovo under UNSCR 1244”¹ Review of Draft Law on Money Laundering	March – April 2009 (Subject to request from EULEX)
1.2.8	<ul style="list-style-type: none"> ▪ Assessment on compliance of legislation of project areas with CEST 182 and with the EU convention on MLA from 2000 	February – April 2009
1.2.9	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Review of cybercrime provisions in national legislation	March – April 2009
1.2.10	<ul style="list-style-type: none"> ▪ Croatia Review of certain provisions of Criminal Code	October-December 2009
1.2.11	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” 	

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

	Review of cybercrime provisions in national legislation	May 2009
1.2.12	<ul style="list-style-type: none"> ▪ Serbia Review of Revised Criminal Code	April 2009
Activity 1.3	2 roundtables per project area (follow up to the legal reviews) and 2 regional workshops October 2008-April 2010	
1.3.1	Albania	
1.3.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Roundtable on Draft Law on International Co-operation in Criminal Matters	7 November 2008 Completed
1.3.3	<ul style="list-style-type: none"> ▪ Croatia 	
1.3.4	<ul style="list-style-type: none"> ▪ Montenegro 	
1.3.5	<ul style="list-style-type: none"> ▪ Serbia 	
1.3.6	<ul style="list-style-type: none"> ▪ "the former Yugoslav Republic of Macedonia" Roundtable on assessment of cybercrime provisions in national legislation	May 2009
1.3.7	<ul style="list-style-type: none"> ▪ "Kosovo under UNSCR 1244" 	
1.3.8	<ul style="list-style-type: none"> ▪ Regional Workshop 1 Workshop on Compliance of legislation of project areas with CETS 182 (2 nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	May 2009 in Durres, Albania
1.3.9	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Roundtable on Compliance of Legislation of BiH with CEST 182 (2 nd Additional Protocol to MLA Convention) and with EU Convention on MLA from 2000	early May 2009
1.3.10	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina Roundtable on assessment of cybercrime provisions in national legislation	7 April 2009
1.3.11	Serbia	
1.3.12	<ul style="list-style-type: none"> ▪ Regional Workshop 2 Follow up to Regional Workshop 1 and its recommendations	January 2010
Output 2	Human capacities of prosecution services strengthened in view of more effective co-operation, investigation and prosecution of serious crime cases	
Activity 2.1	4 Regional thematic trainings (e.g. joint investigative teams, use of special investigation means, cybercrime, witness protection, confiscation and assets sharing)	
2.1.1	<ul style="list-style-type: none"> ▪ Regional Thematic Training 1 Financial Investigations and Confiscation of Proceeds from Crime	Dubrovnik, Croatia 25 and 26 September 2008 Completed

2.1.2	<ul style="list-style-type: none"> ▪ Regional Thematic Training 2 <p>Training for prosecutors and judges and Conference on Co-operation under the Cybercrime Convention</p> <p>Follow up activities:</p> <ul style="list-style-type: none"> ➤ Finalisation of country profiles ➤ Translation of training manual for judges and prosecutors ➤ Participation in the Octopus Cybercrime Conference in Strasbourg in March 2009 - completed 	<p>Ohrid, FYROM, 17-19 November 2008</p> <p>Completed</p> <p>March – April 2009</p>
2.1.3	<ul style="list-style-type: none"> ▪ Regional Thematic Training 3 <p>Practical implementation of measures foreseen by CETS 182: cross-border observations; controlled deliveries; video hearings and joint investigative teams</p>	September 2009
2.1.4	<ul style="list-style-type: none"> ▪ Regional Thematic Training 4 <p>Proposed topic 1: witness protection, levels and types of protection (proposal of BiH delegation)</p> <p>Proposed topic 2: money laundering (proposal of Montenegro delegation)</p>	January 2010
Activity 2.2	2 Thematic in-project area training sessions (on issues of priority interest)	August 2008 – March 2010
2.2.1	<ul style="list-style-type: none"> ▪ Albania <p>Training on cybercrime for law enforcement officers, prosecutors and judges</p>	16-17 April 2009 Duess
2.2.2	<ul style="list-style-type: none"> ▪ Bosnia and Herzegovina <p>Training for prosecutors and law enforcement officers on SIMS and international recognition of evidence collected by using SIMS</p>	5-6 March 2009 Completed
2.2.3	<ul style="list-style-type: none"> ▪ Croatia <p>Training on joint investigation teams</p>	
2.2.4	<ul style="list-style-type: none"> ▪ Montenegro <p>Training Seminar for prosecutors, accountants and auditors on inter-agency co-operation and data exchange on reporting corruption related offences</p>	24-25 November 2008 Podgorica Completed
2.2.5	<ul style="list-style-type: none"> ▪ Serbia <p>Training on International Co-operation in international instruments</p>	Belgrade 18 September 2008 Nis 19 September 2008 Completed
2.2.6	<ul style="list-style-type: none"> ▪ “the former Yugoslav Republic of Macedonia” 	28-29 April 2009

	Training on SIMS	
2.2.7	<ul style="list-style-type: none"> ▪ "Kosovo under UNSCR 1244" <p>(to contact Kosovo Judicial Institute to obtain the list of planned training sessions and to see about possible co-organisation with the US donors)</p>	
2.2.8	<ul style="list-style-type: none"> ▪ Croatia <p>Training on money laundering</p>	
2.2.9	<ul style="list-style-type: none"> ▪ Montenegro <p>Training on prosecutor's role in leading investigations in cases of serious crime</p>	after the adoption of CPC
2.2.10	<ul style="list-style-type: none"> ▪ "the former Yugoslav Republic of Macedonia" <p>Training on new role of Prosecutor in investigations</p>	after the adoption of a new CPC
2.2.11	<ul style="list-style-type: none"> ▪ Montenegro <p>Training on money laundering</p>	after the adoption of CPC
Activity 2.3	Organisation of two-week internship programme (3 prosecutors per project area) to EU member States (Italy, Portugal and Slovenia)	
2.3.1	<ul style="list-style-type: none"> ▪ Internship 1 – Italy (Rome, Napoli and Bari) 	17-28 November 2008 Completed
2.3.2	<ul style="list-style-type: none"> ▪ Internship 2 <p>Portugal</p>	June 2009
2.3.3	<ul style="list-style-type: none"> ▪ Internship 3 <p>Proposal to replace Slovenia with Germany</p>	January 2010
Output 3	Co-operation manual and other tools available for more effective co-operation against serious crime	
Activity 3.1	Inventory of international instruments in the field of international co-operation ratified by project areas, and of bilateral and multilateral agreements enabling the international co-operation	October 2008- April 2009
Activity 3.2	<p>Translation and publication of explanatory reports of relevant conventions and other documents of priority interest in local languages</p> <p>Contact Persons to define what documents are to be translated and submit a list to the CoE by the end of February</p>	April 2009
Activity 3.3	<p>Update, translation and publication of PACO manual on judicial co-operation against corruption and organised crime</p> <p>Parts of the PACO Manual will be sent to the Contact Persons from MoJ for revision and update</p>	January 2009 – June 2009
Activity 3.4	Creation of web sites on judicial co-operation to be hosted on the existing web sites of prosecutor offices and/or Ministries of Justice and Ministries of Interior	December 2009- April 2010

	/ Security	
	<ul style="list-style-type: none"> ▪ A link to PROSECO Project to be made at the existing sites of the MoJ and PO ▪ Contact Persons to inform the CoE on exact needs Add a link to the UNODC tool with an electronic form of the MLA request	
Output 4 Contact points for judicial co-operation strengthened		
Activity 4.1	Assessment of existing co-operation networks, contact points and legal frameworks.	April 2008 – January 2009
Activity 4.2	Organisation of 2 regional meetings to review the competences of contact points and resources available with aim of improving and strengthening their capacities	
4.2.1	<ul style="list-style-type: none"> ▪ Regional Meeting 1 5 th Meeting of Prosecutors’ Network with SEEPAG contact points	16 January 2009 Strasbourg Completed
4.2.2	<ul style="list-style-type: none"> ▪ Regional Meeting 2 6 th Meeting of Prosecutors’ Network - Effective channels of communication (Art 4 of CETS 182)	28-29 April Zagreb, Croatia 2009
Activity 4.3	Organisation of 2 regional meetings of contact points and members of prosecutorial network and heads of organised crime units from each project area to strengthen networking at regional level	
4.3.1	<ul style="list-style-type: none"> ▪ Regional Meeting 1 7 th Meeting of Prosecutors’ Network	October 2009
4.3.2	<ul style="list-style-type: none"> ▪ Regional Meeting 2 8 th Meeting of Prosecutors’ Network	January 2010
Activity 4.4	Organisation of a regional conference of Prosecutors’ Network with the aim of amending the Memorandum of Understanding for the Establishment of the Prosecutors’ Network	
	Date to be decided at the 6 th Meeting of Prosecutors’ Network	

1. PROJECT IMPLEMENTATION: 1 – 31 MARCH 2009

1.1 Project Activities

Activity 1.2.8 – Assessment of compliance with CETS 182 and with EU MLA Convention from 2000

Questionnaires for analysis of compliance of national legislation of project areas with the Second Additional Protocol to the CoE Convention on Mutual Assistance in Criminal Matters (CETS 182) and with the EU Convention on Mutual Legal Assistance from 2000 were sent to the project areas, except for Kosovo. The questionnaire for Kosovo is expected to be sent in the beginning of April. The local short-term consultants are identified and contracted so they will assist the project's contact persons in completing the questionnaire.

Activity 1.2.9 – Review of cybercrime provisions in legislation of Bosnia and Herzegovina

The Council of Europe has prepared an updated version of the Cybercrime country profile, which gives an overview of the relevant cybercrime provisions in criminal codes and criminal procedure codes in force in Bosnia and Herzegovina. The country profile will be finalised at the roundtable to take place on 7 April 2009 in Sarajevo.

Activity 1.2.12 - Review of Amendments to the Criminal Code of Serbia

The Ministry of Justice of Serbia requested officially that an expert opinion be provided on Amendments to the Criminal Code of Serbia. By the end of March the Amendments were translated into English and one expert was identified. The expert opinion is expected to be finalised by early May 2009.

Activity 2.2.2 – Training Seminar on Special Investigative Means for prosecutors and law enforcement officers in Bosnia and Herzegovina

Following the suggestion from the project's contact persons and agreement reached at the Steering Committee meeting in January, a Training Seminar on Special Investigative Means took place in Sarajevo on 5 and 6 March 2009.

The Council of Europe experts for this activity were: Mr Ralf Michhelfelder², Mr Volker Rittenauer³ and Mr Alessandro Rapone⁴.

The objective of the Training Seminar was to present best practices related to legislative preconditions for use of SIMS, their practical and cross border application. The experts made presentations of the following issues: legal restrictions for use of SIMS; surveillance by special units; wire tapping; technical surveillance within private facilities; use of undercover agents; co-operation and co-ordination between the police and judiciary; tracking telephone connection; on line searches; general

² Mr Ralf Michhelfelder is a County Chief of Police/Police Commander at the Wailblingen Police Department, Germany.

³ Mr Volker Rittenauer is Chief of Detective Division and Deputy Chief of Police in Heilbronn, Germany.

⁴ Mr Alessandro Rapone, trainer at the Italian Financial Police (Guardia di Finanza), Rome, Italy.

positioning system; use of informants; presentation of evidence collected by the use of SIMS in the court; cross border application of SIMS; joint investigation teams and admissibility of evidence collected by use of SIMS in criminal proceedings abroad. The Training Seminar was interactive. Many questions were raised by the participants, related to legal and practical aspects of the use of SIMS. This Training Seminar helped the authorities of BiH to fulfil the recommendation number IV. from the GRECO report - second round evaluation. The Agenda and List of participants are enclosed in Annexes 1 and 2 to this report.

2. NEXT STEPS: APRIL 2009

Activity	Date	Venue
Activity 1.2.8 – <i>Assessment of compliance with CETS 182 and with EU MLA Convention</i>	ongoing	All project areas
Activity 1.3.10 – Roundtable on cybercrime in legislation of Bosnia and Herzegovina	7 April	Sarajevo
Activity 2.2.1 – Training Seminar – Application of cybercrime legislation	16-17 April	Durres
Activity 2.2.6 – Training Seminar on Special Investigative Means	28-29 April	Skopje
Activity 3.3 – <i>Update, translation and publication of PACO Manual</i>	Ongoing	All project areas
Activity 4.2.4 – 6 th Meeting of Prosecutors' Network – Effective channels of co-operation	28-29 April	Zagreb

Annex 1

Support to Prosecutors' Network in South Eastern Europe
Regional PROSECO Project

Training Seminar on Special Investigative Means (SIMS) Good practices

5-6 March 2009
Hotel "Sarajevo", Sarajevo, Bosnia and Herzegovina

AGENDA

4 March	Arrival of participants to Sarajevo
5 March 09:00 hrs	Registration of participants
09:30-10:15	Opening and Welcoming Remarks <ul style="list-style-type: none">▪ Ms Vesna Efendić, PROSECO Project Manager, Council of Europe▪ Mr Milorad Barašin, Chief Prosecutor of Bosnia and Herzegovina▪ Mr Boris Iarochevitch, Head of Operations at the European Commission Delegation▪ Representative of the Italian Embassy to Bosnia and Herzegovina (TBC)
10:15 -11:15	Legal preconditions for SIMS <ul style="list-style-type: none">▪ Mr Alessandro Rapone, Colonel, Italian Financial Police Legal restrictions (respect of human rights, relevant criminal offences, respect of constitutional system, German Criminal Procedure Code) <ul style="list-style-type: none">▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
11:15-11:45	Coffee Break
11:45-12:30	Surveillance by special units (tactical procedure, technical instruments) Wire tapping (opportunities and limits, technical problems, interpretation aspect, presentation of evidence) <ul style="list-style-type: none">▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany Technical surveillance within private facilities (extreme intrusion in the privacy of individuals; legal aspect and limitations)

	<ul style="list-style-type: none"> Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
12:30-14:00	Lunch for all the participants Hotel "Sarajevo"
14:00 – 14:45	<p>Use of undercover agents (UCA) (establishing units, finding the appropriate covered building, testing of the applicant, teaching, legends, controlling of UCA, equipment, avoiding presentation)</p> <ul style="list-style-type: none"> Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
14:45 – 15:00	<p>Use of undercover agents – simulated purchase, simulated corruption offence</p> <ul style="list-style-type: none"> Mr Alessandro Rapone, Colonel, Italian Financial Police
15:00 – 15:30	<p>Questions by the participants / answers by experts</p> <ul style="list-style-type: none"> Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany Mr Alessandro Rapone, Colonel, Italian Financial Police Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany <p>Moderator : Ms Vesna Efendić</p>
15:30 – 16:00	Coffee Break
16:00 – 17:00	<p>Co-operation and co-ordination between the police and judiciary (prosecutor's office and courts) on criminal case which require a use of SIMS</p> <ul style="list-style-type: none"> Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany Mr Alessandro Rapone, Colonel, Italian Financial Police
19:30	OFFICIAL DINNER FOR ALL THE PARTICIPANTS Hotel "Sarajevo"

6 March FRIDAY	
09:00 – 09:30	<ul style="list-style-type: none"> ▪ Tracking telephone connections (area data; connection data; technical limitations; provider problems) ▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany
09:30 – 10:00	<p>On line searches (new challenges for investigators and necessary tool)</p> <ul style="list-style-type: none"> ▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
09:30 – 10:00	<p>GPS (technical means; problems and solutions; practical limits)</p> <ul style="list-style-type: none"> ▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany
10:00 – 10:30	<p>Questions by the participants / answers by experts</p> <ul style="list-style-type: none"> ▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany ▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany <p>Moderator : Ms Vesna Efendić</p>
10:30 – 11:15	<p>Use of informants (internal regulations and guidelines; reliability of an informant; trust between the police investigation and informant; control over the informant; evaluation of information; covering the informant)</p> <ul style="list-style-type: none"> ▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
11:15 – 11:45	Coffee break
11:45 – 12:30	<p>Presentation of evidence collected by the use of SIMS in the court proceedings</p> <ul style="list-style-type: none"> ▪ Mr Alessandro Rapone, Colonel, Italian Financial Police ▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
12:30 – 14:00	Lunch for all the participants Hotel "Sarajevo"

14:00 – 14:45	<p>Cross border application of SIMS (legal basis for work)</p> <ul style="list-style-type: none"> ▪ Mr Alessandro Rapone, Colonel, Italian Financial Police <p>Cross border application of SIMS (practical aspects)</p> <ul style="list-style-type: none"> ▪ Mr Volker Rittenauer, Chief Superintendent, Chief of detective division, Ministry of Interior, Germany
14:45 – 15:15	<p>Joint investigation teams</p> <ul style="list-style-type: none"> ▪ Mr Alessandro Rapone, Colonel, Italian Financial Police ▪ Mr Ralf Michelfelder, Chief of Country Police, Police Commander, Ministry of Interior Germany
15:15 – 15:45	Coffee break
15:45 – 16:30	<p>Admissibility of evidence collected by use of SIMS in criminal proceedings abroad</p> <ul style="list-style-type: none"> ▪ Mr Alessandro Rapone, Colonel, Italian Financial Police
16:30 – 17:00	Closing remarks

Annex 2

“Support to Prosecutors’ Network in South-eastern Europe”
PROSECO regional Project

**Training Seminar on Special Investigative Means (SIMS)
5-6 March 2009,
Sarajevo, Bosnia and Herzegovina**

LIST OF PARTICIPANTS

Name/ Function	Contact details
Mr Milorad BARAŠIN Chief Prosecutor of Bosnia and Herzegovina	Prosecutor’s Office of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 100 Fax: 033 707 463 milorad.barasin@tuzilastvobih.gov.ba
Ms Irisa ČEVRA Advisor to the Chief Prosecutor of Bosnia and Herzegovina	Prosecutor’s Office of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 100 Fax: 033 707 463 Irisa.Cevra@tuzilastvobih.gov.ba
Mr Ćazim HASANPAHIĆ Advisor to the Chief Prosecutor of Bosnia and Herzegovina	Prosecutor’s Office of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 100 Fax: 033 707 463
Mr Joško MANDIĆ Project Manager	High Judicial and Prosecutorial Council of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 523 Fax: 033 707 550 josko.mandic@hjpc.ba
Ms Biljana SIMEUNOVIĆ Prosecutor, Member of High Judicial and Prosecutorial Council	Prosecutor’s Office of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 500 Fax: 033 707 550 biljana.simeunovic@pravosudje.ba

<p>Ms Sanela LATIĆ Head of Department for co-operation with domestic and international judicial organs and comparative law</p>	<p>Ministry of Justice of Bosnia and Herzegovina Trg BiH 1 71000 Sarajevo Tel. 033 281 536 Fax: 033 201 625 sanela.latic@mpr.gov.ba</p>
<p>Ms Mirela RIKOVIĆ Expert Associate Department for judicial organs</p>	<p>Ministry of Justice of Bosnia and Herzegovina Trg BiH 1 71000 Sarajevo Tel. 033 281 541 Fax: 033 201 625 m.rikovic@mpr.gov.ba</p>
<p>Mr Mišo KRSTOVIĆ Expert Advisor for co-operation with domestic and foreign judicial organs</p>	<p>Ministry of Justice of Bosnia and Herzegovina Trg BiH 1 71000 Sarajevo Tel. 033 281 539 Fax: 033 201 625 miso.krstovic@mpr.gov.ba</p>
<p>Mr Mehmed ŠATOR Judge</p>	<p>Court of Bosnia and Herzegovina Kraljice Jelene 88 71000 Sarajevo Tel. 033 707 100 Fax: 033 707 320 mehmed.sator@sudbih.gov.ba</p>
<p>Ms Mirnesa REDŽEPI Team Leader Sector for operative support</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 066 709 127 mirnesa80@yahoo.com</p>
<p>Mr Onjegin TOMIĆ Team Leader Sector for operative support</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 062 426 043</p>
<p>Mr Darko SAVIĆ Team Leader, Junior Inspector Department for operative and technical supervision</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 412 Fax: 033 702 475 darko_sava@yahoo.com</p>
<p>Mr Esmer RADONČIĆ Senior Police Officer Department for operative and technical supervision</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 412 Fax: 033 702 475 radoncicesmer@gmail.com</p>

<p>Mr Željko TOPIĆ Team Leader, Junior Inspector Department for operative and technical supervision</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 412 Fax: 033 702 475</p>
<p>Mr Njegoš MOTIKA Shift Leader, Senior Superior Department for operative and technical supervision</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 412 Fax: 033 702 475 njegosm@gmail.com</p>
<p>Mr Vahidin ŠAHINPAŠIĆ Team Leader of undercover investigators Department for criminal intelligence service</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 483 Fax: 033 702 481 orgkrim@sipa.gov.ba</p>
<p>Mr Milomir LOPATIĆ Investigator Department for criminal intelligence service</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 483 Fax: 033 702 481 orgkrim@sipa.gov.ba</p>
<p>Mr Alen MURATOVIĆ Investigator Department for criminal-intelligence service</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 400 Fax: 033 702 483 orgkrim@sipa.gov.ba</p>
<p>Mr Igor KUJAČA Investigator Department for fight against organised crime</p>	<p>State Investigation and Protection Agency - SIPA Adema Buće 102 71000 Sarajevo Tel. 033 702 427 Fax: 033 702 481 orgkrim@sipa.gov.ba</p>
<p>Mr Hidajet TRAKO Expert Advisor Department for Justice</p>	<p>Federal Ministry of Justice Valtera Perića 15 71000 Sarajevo Tel. 033 213 155 Fax: 033 213 155 hidajeth@pris.gov.ba</p>
<p>Mr Senaid IBRAHIMEFENDIĆ Deputy Chief Prosecutor Department for economic crime</p>	<p>Prosecutor's Office of Republika Srpska District Prosecutor's Office Eastern Sarajevo Karadorđeva 5 Lukavica Tel. 057 343 225</p>

	Fax: 057 343 234 okruzno@teol.net
Mr Siniša VRANJEŠ District Prosecutor Department for economic, organised and war crime	Prosecutor's Office of Republika Srpska District Prosecutor's Office Banja Luka Vladike Platona bb 78000 Banja Luka Tel. 051 346 020 Fax: 051 316 250
Mr Mahmut ŠVRAKA Deputy Special Prosecutor	Prosecutor's Office of Republika Srpska District Prosecutor's Office Bana Lazarevića 15 78000 Banja Luka Tel. 051 326 180 Fax: 051 313 010 stuzilastvo@blic.net
Mr Vlado MIŠKOVIĆ Federal Prosecutor	Federal Prosecutor's Office Valtera Perića 15 71000 Sarajevo Tel. 033 442 614 Fax: 033 442 614
Mr Sead TEMIM Federal Prosecutor and Member of BiH Delegation in GRECO	Federal Prosecutor's Office Valtera Perića 15 71000 Sarajevo Tel. 033 442 614, 061 480 806 Fax: 033 442 614 sead.temim@pravosudje.ba
Ms Ratka KLJAJIĆ Prosecutor	Prosecutor's Office of Brčko District of BiH Trg Pravde 10 76100 Brčko Tel. 049 217 227 Fax: 049 219 088 r.kljajic@itbd.ba
Mr Dženad GROŠO Commander Department for judicial police of courts in Federation of BiH	Supreme Court of Federation of BiH Judicial Police of Federation of BiH Valtera Perića 15 71000 Sarajevo Tel. 033 666 239, 033 557 735 Fax: 033 213 586 spfbih@hotmail.com
Mr Esad SOLAK Commander Department for judicial police of courts in Canton Sarajevo	Supreme Court of Federation of BiH Judicial Police of Federation of BiH Šenoina 1 71000 Sarajevo Tel. 033 445 947 Fax: 033 445 947 esad_solak@live.com
Mr Adnan DŽINDO Operative Officer for direct and operative supervision	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 208 118

	obavjestajno@fup.gov.ba dzindara@hotmail.com
Mr Zikret HODŽIĆ Operative Officer for direct supervision	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 208 118 obavjestajno@fup.gov.ba zimale2004@yahoo.com
Mr Nermin ČIZMIĆ Operative Officer for direct and operative supervision	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 208 118 obavjestajno@fup.gov.ba zimale2004@gyahoo.com
Ms Sanela ZUNĐA Inspector in Department for technical protection	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 213 534 babicsamir@yahoo.com
Mr Samir BABIĆ Head of Department for technical protection - Inspector	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 213 534 babicsamir@yahoo.com
Mr Zekerijah BOGALJEVIĆ Department for Special Crimes	Federal Ministry of Interior Federal Police Administration Mehmeda Spahe 7 71000 Sarajevo Tel. 033 280 020 Fax: 033 213 534 krimposebni@fup.gov.ba
Mr Zlatan MITIĆ Head of Department for special operative tasks	Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 266 Fax: 051 331 204 opop_nacelnik@mup.vladars.net
Mr Goran PISIĆ Head of Department Department for drug prevention	Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 187

	<p>Fax: 051 331 210 droge_nacelnik@mup.vladars.net</p>
<p>Mr Miroslav KOSTREŠEVIĆ Inspector Department for special operative tasks</p>	<p>Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 270 Fax: 051 331 204 Miroslav.Kostrsevic@gmail.com</p>
<p>Mr Siniša JANKOVIĆ Head of Department Department for special operative tasks</p>	<p>Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 291 Fax: 051 331 204 opop_oop_sef@mup.vladars.net</p>
<p>Mr Ilija MANDIĆ Criminal Police Inspector Special Investigation Unit</p>	<p>Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 289 Fax: 051 331 287 mandicilija@yahoo.com</p>
<p>Mr Predrag KUDRIĆ Inspector Department for fight against terrorism and financing of terrorism</p>	<p>Ministry of Interior of RS Criminal Police Administration Jug Bogdana 108 78000 Banja Luka Tel. 051 331 263 Fax: 051 331 287 pkudric@yahoo.com</p>
<p>Mr Srđan TUBIĆ Criminal Police Inspector Department for special operative tasks</p>	<p>Ministry of Interior of RS Criminal Police Department Bulevar Desanke Maksimović 4 78000 Banja Luka Tel. 051 331 290 Fax: 051 331 204 srdjant@spinter.net</p>
<p>Ms Begzada AHMETAŠEVIĆ Investigator in criminal-intelligence department Department for criminal intelligence support</p>	<p>Police of Brčko District of BiH Trg mladih 10 76100 Brčko Tel. 049 233 218 Fax: 049 233 010 pbd.kom@bdcentral.net</p>
<p>Mr Stanko BRKOVIĆ Investigator in criminal intelligence department Department for criminal intelligence support</p>	<p>Police of Brčko District of BiH Trg mladih 10 76100 Brčko Tel. 049 233 200 Fax: 049 218 010 pbd.kom@bdcentral.net</p>

<p>Mr Mijo MARČETIĆ Investigator Department for criminal intelligence support</p>	<p>Police of Brčko District of BiH Trg mladih 10 76100 Brčko Tel. 049 233 218 Fax: 049 218 010 pbd.kom@bdcentral.net</p>
<p>Mr Emir MRKALJEVIĆ Assistant to the Chief of Criminal Police Unit</p>	<p>Police of Brčko District of BiH Trg mladih 10 76100 Brčko Tel. 049 233 218 Fax: 049 218 010 pbd.kom@bdcentral.net</p>
<p>Ms Dženana ČITAKOVIĆ Cantonal Prosecutor Department for property crime</p>	<p>Prosecutor's Office of Tuzla Canton 7500 Tuzla Tel. 035 306 100 Fax: 035 306 114 kantuz@bih.net.ba dzanacitakovic@hotmail.com</p>
<p>Mr Vaso MARINKOVIĆ Chief Prosecutor</p>	<p>Prosecutor's Office of Canton 10 – Livno Trg Branitelja 1 80101 Livno Tel. 034 201 012 Fax: 034 204 292</p>
<p>Mr Lazar DRAŠKO Cantonal Prosecutor</p>	<p>Cantonal Prosecutor's Office Goražde Zaima Imamovića 3 73000 Goražde Tel. 061 481 870 Fax: 038 224 127</p>
<p>Mr Borislav MILEŠIĆ Cantonal Prosecutor Department for economic crime</p>	<p>Cantonal Prosecutor's Office of ZDK Masarikova 37 Zenica Tel. 032 401 082 Fax: 032 240 912</p>
<p>Mr Drago VUKOJA Police inspector Police Administration</p>	<p>Cantonal Ministry of Interior KSB / SBK Travnik Aleja Konzula bb Travnik Tel. 030 511 849, 061 473 824 Fax: 030 511 849 mupsbk@bih.net.ba</p>
<p>Mr Ibro ZALIHIC Senior Inspector Criminal Police Department</p>	<p>Cantonal Ministry of Interior HNK- Mostar Brune Bušića bb 88000 Mostar Tel. 061 204 300 Fax: 036 327 210 ibrozalihic@hotmail.com</p>
<p>Mr Vitomir ZLATIĆ Senior Inspector Department for criminal intelligence</p>	<p>Cantonal Ministry of Interior HNK- Mostar Brune Bušića bb 88000 Mostar Tel. 063 900 986 Fax: 036 383 295 vitomir.zlatic@hotmail.com</p>

<p>Mr Elvedin HUBANIĆ Investigator Criminal Police Department</p>	<p>Cantonal Ministry of Interior BPK Police Administration Zaima Imamovića 5 73000 Goražde Tel. 038 222 981 Fax: 038 221 306 mupbpbk@bih.net.ba</p>
<p>Mr Saladin PLEH Investigator Criminal Police Department</p>	<p>Cantonal Ministry of Interior BPK Police Administration Zaima Imamovića 5 73000 Goražde Tel. 038 222 981 Fax: 038 221 306 mupbpbk@bih.net.ba</p>
Experts	Contact details
<p>Mr Ralf MICHELFELDER County Chief of Police, Police Commander</p>	<p>Waiblingen Police Department Alter Postplatz 20 D-71332 Waiblingen, Germany Tel: 00 49 7151 950 200 Fax: 00 49 7151 950 820 ralf.michelfelder@polizei.bwl.de</p>
<p>Mr Volker RITTENAUER Chief of Detective Division, Deputy Chief of Police</p>	<p>Heilbronn Police Department Karlstr. 108 D-74076 Heilbronn, Germany Tel: 00 49 7131 104 4000 Fax: 00 49 7131 104 4015 volker.rittenauer@polizei.bwl.de</p>
<p>Mr Alessandro RAPONE Trainer of 36° Tax Police Senior Course</p>	<p>Italian Financial Police Via delle Fiamme Gialle 14 00122 Roma (Ostia), Italy Tel: 00 39 6 56311 Fax: 00 39 6 563 13298 rapone.alessandro@gdf.it</p>
International organisations	Contact details
<p>Mr Boris IAROCHEVITCH First Counsellor, Head of Operations</p>	<p>Delegation of the European Commission to Bosnia and Herzegovina Skenderija 3 A, 71000 Sarajevo, Bosnia and Herzegovina Tel: 033 254 700 Fax: 033 666 037 boris.iarochevitch@ec.europa.eu</p>
<p>Mr Una KELLY Task Manager, Judicial and Penitentiary Reform</p>	<p>Delegation of the European Commission to Bosnia and Herzegovina Skenderija 3 A, 71000 Sarajevo, Bosnia and Herzegovina Tel: 033 254 714 Fax: 033 666 037 una.kelly@ec.europa.eu</p>

<p>Ms Vesna EFENDIĆ Project Manager</p>	<p>Economic Crime Division Directorate General of Human Rights and Legal Affairs Council of Europe 67075 Strasbourg Cedex, France Tel: 00 33 3 90 21 46 46 Fax: 00 33 3 90 21 56 50 vesna.efendic@coe.int</p>
<p>Ms Jasmina OBARČANIN Short-term assistant</p>	<p>Council of Europe Office in Sarajevo Trg Fra Grge Martića 2/III 71000 Sarajevo, Bosnia and Herzegovina Tel: 033 264 360 Fax: 033 233 937 jasnao@hotmail.com</p>