

# BOSNIA AND HERZEGOVINA

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## STRATEGY FOR COMBATING TERRORISM IN BOSNIA AND HERZEGOVINA

(for the period 2006 - 2009)

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## **1. INTRODUCTION**

### **1.1 Reasons for adopting the Strategy for Combating Terrorism**

Problems in the field of combating terrorism in Bosnia and Herzegovina (B&H) are evident. Threat posed by potential terrorist attacks is growing in B&H just as in all anti-terror coalition partner countries. The existing infrastructure (both legislative and institutional) for monitoring and suppressing this problem is insufficient. There is no comprehensive and coordinated approach to this problem, for numerous reasons, including legislative inadequacies and incomplete implementation of laws. Meanwhile, threats are mounting, and if this negative trend continues we could soon have a serious security crisis with far-reaching consequences.

The Strategy for Combating Terrorism<sup>1</sup> will take stock of the current situation in B&H and set priority tasks whose realization will contribute to establishing a comprehensive system for combating terrorism in B&H.

Stable security environment requires equally good security conditions in B&H, which implies the need to resolve problems in the field of combating terrorism and other forms of terror-related crime, as one of the fundamental conditions for association of B&H with the EU and NATO. It is not only the security situation in B&H that depends on fast and efficient resolution of these problems, but also the general progress in B&H, especially in the context of association with the EU and NATO. That is why the drafting of the Strategy is of paramount importance for B&H. It is aimed at ensuring changes that will resolve the issue of combating terrorism in the long run, but the Strategy is also an instrument that sets up the framework for incorporation and application of European anti-terrorism standards and regulations in BH legislation and constitutional system.

The Strategy consists of two parts: the first part analyzes the current situation and defines what is necessary to do, whereas the second part concerns application of the Strategy which consists of implementation of measures through technical guidelines, which include those responsible for the activities and the timeframe for implementation.

This document is made with the view to answering the following question: What improvements must be made, what new activities must be initiated in order to ensure efficient resolution of the problem concerning combating terrorism in B&H? That is why this document considers the current situation country-wide and in all relevant segments (legislation, activities, and existing institutions), followed by definition of main goals for developing the required anti-terrorism system and the proposal of specific measures.

### **1.2. National policy**

Bearing in mind the geo-strategic position of B&H, as a country situated in Southeast Europe, it may be said that, in general, the relevant BH institutions are aware of the potential dangers that terrorism entails and that they assign an ever growing importance to prevention and suppression of all forms of terrorism.

With the view to strengthening institutional capacities in charge of security, Bosnia and Herzegovina has established a number of institutions and agencies. Since 2000, the following institutions have been established at the state level of Bosnia and Herzegovina: Ministry of Security, Ministry of Defense, Intelligence and Security Agency, State Investigations and Protection Agency (SIPA), State Border Service (SBS).

Bosnia and Herzegovina has affirmed its role as an active member of the anti-terrorism coalition, whose goal is to combat international terrorism. Also, B&H has contributed to efforts in establishing a safe and stable environment in Iraq, by deploying a number of troops as part of UN peace

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<sup>1</sup> Hereafter: Strategy.

mission to work on de-mining and destroying mines and explosives that have been found or confiscated.

In accordance with its capacities, B&H has participated in the activities conducted by anti-terrorism coalition, and it has stated its intention to join in EU activities aimed at combating terrorism, including harmonization of legislation concerning signing and ratifying resolutions and protocols in this field, and by adopting specific action plans.

Apart from the above, in the legitimate struggle against terrorism, B&H will also persevere in ensuring respect for individual and group human rights and freedoms, which is its constitutional obligation. In that respect, B&H supports a speedy conclusion of negotiations on a comprehensive UN convention on international terrorism.

In a broader context of combating terrorism, B&H invests serious efforts in prevention and suppression of organized crime and illegal migrations, which is confirmed in a number of statements and declarations at international and regional levels, but also by active efforts of BH law-enforcement agencies.

Unfortunately, Bosnia and Herzegovina has been portrayed by media on several occasions as a terrorist country. However, by implementing legislative and institutional reforms, and by active anti-terrorism efforts both at national and international level, B&H has proven its determination in combating all forms of terrorist activities. We would particularly like to point out cooperation with the United States and EU member countries in conducting anti-terrorism activities.

Bosnia and Herzegovina should persevere in anti-terrorism struggle, and pay special attention to coordination between national institutions responsible for combating terrorism, and to developing international cooperation instruments, particularly with the US, EU members and countries in the region. Also, Bosnia and Herzegovina should take a more active part in the existing international police organizations.

### **1.3. Membership in EU and NATO as a security goal of B&H**

The expansion of EU and NATO are the most important international processes for B&H. Getting closer and acceding to both is among most important national and security goals of the country. Bosnia and Herzegovina fully shares and supports values and goals on which EU and NATO are established. Since their inception, these organizations have been guarantors of peace, stability, social development, human rights and economic growth. Interconnections between these two systems and complementarities of their mechanisms and procedures in the field of military and political cooperation and security are systematically expanded and strengthened. Joint EU Security and Defense Policy is based on direct cooperation with the NATO, without threatening autonomy of either organization. The meaning and positive effects of the process are visible in Poland, Hungary and the Czech Republic. For B&H, membership in EU and NATO offers the unique historic occasion for protecting and strengthening democracy, preserving independence, creating a completely safe environment, and opening unlimited possibilities for economic progress.

Geo-strategically, Bosnia and Herzegovina is placed on the intersection of routes that originate in areas whose instability may reflect on B&H. This is especially true for the South Mediterranean and Northern Africa, the Middle East and the Caucasus region. In these regions, destabilized by crises, conflicts and high demographic growth, and by decreasing energy resources, crises are transferred more and more toward the European continent and its weakest links. B&H belongs to these weakest links due to economic and security situation and problems of transition. Disturbed economic system and corruption, negative demographic trends, including reduction of active population, and high unemployment rates contribute to such socio-economic environment that makes a fertile ground for development of all forms of organized crime, money laundering, terrorism and funding terrorism.

Specific phenomena, such as proliferation of weapons of mass destruction -- nuclear, chemical or biological, creating refugee crises, ethnic conflicts or areas where human rights are violated, are only part of what globalization entails. The international community is working to develop capacities to respond to globalization challenges through supranational integration.

Terrorism as a global threat and consequence of the above emphasizes the importance of the principle of indivisible security. After the September 11 attacks against the United States, terrorism has become a global challenge. The only adequate response to this phenomenon is the international anti-terrorism coalition led by the United States and cooperation of the whole international community in this field.

Precisely because of these circumstances does B&H assign major importance to cooperation, bilateral and regional, and active participation in international organizations - United Nations, OSCE, European Commission, Council of Europe, WTO, Stability Pact and others. Bosnia and Herzegovina views the UN as an umbrella international organization which possesses not only the capacities to ensure collective security, but also capacities for preventive international diplomacy, peace operations and other peace and security building measures at global level. OSCE is the backbone of European cooperative security, and its field missions contribute to spreading security and highest international democratic standards, while both put major efforts in developing postulates on indivisibility of security and development of security coalitions, especially in the regions where prevention is necessary, such as the region of B&H.

The position of Bosnia and Herzegovina with its history, multi-regional character and integration aspirations and perspectives reveals also its weaknesses. B&H stretches on 51,129 square kilometers of land, has about 1600 km of borders and 89 border crossings. The terrain allows for a number of potential illegal crossings, which is also one of the factors in "critical" migrations through B&H over the routes that have already been identified in the above text as originating in unstable regions.

A special possibility for destabilization of security and developing support for terrorism by strengthening its economic power is reflected in loosely organized information space in Bosnia and Herzegovina. The possibility of threatening the information system in B&H by continuous increase in using information technology, both in public and private spheres, is accompanied by increased risk of computer crime, including breaking into financial systems of B&H and abusing personal data of BH citizens and their companies, which is the fundamental modus operandi in financing terrorism and developing its economic power.

We must not forget challenges present in all transitional countries, which also may provoke spread of terrorism, such as problems of small arms and light weapons (SALW), which also require a coordinated international approach because these weapons are easy to smuggle and borders are not completely secure.

The struggle against security risks such as terrorism, organized crime, illegal migrations and human trafficking requires a number of measures to suppress these phenomena, including better police and intelligence cooperation with neighboring countries and countries in the region, better managing and legally regulating the status of immigrants and asylum seekers, harmonizing procedures for extradition of persons suspected of most serious crimes, and developing an effective system of controlling the borders through integrated border management, and development of national security data bases.

## **2. GOALS OF THE STRATEGY FOR COMBATING TERRORISM**

1. To ensure functioning of all government capacities for combating terrorism and support for terrorism, by identifying and removing weaknesses in political<sup>2</sup>, legislative<sup>3</sup> and institutional<sup>4</sup> spheres;
2. To prevent countries, organizations, non-governmental sector and economic agents to finance terrorism through different types of illegal activities, or to support terrorism in any way;
3. To reveal and stop groups that chose terrorism as fundamental tactics for attaining its goals;
4. To reveal and disable support, incitement and approval of, as well as tacit toleration of terrorist activities, motivated by extremism and intolerance, and to prevent subversive activities of terrorists and their assistants through BH institutions, non-governmental organizations, religious and educational organizations;
5. With the view to obtaining a broad support of the public, to conduct a media anti-terrorism campaign, to systematically inform the public about the goals of the Strategy, activities of the terrorists and their moral, religious and financial mentors, in a way that will not hurt implementation of the Strategy;
6. To implement the Strategy, in the way that will not result in violations of fundamental human rights and freedoms guaranteed by international conventions and applicable legislation<sup>5</sup>;

## **3. OVERVIEW OF THE CURRENT SITUATION**

### **3.1. Legislation**

#### **Criminal Code**

The 2003 criminal legislation reform at the state level included terrorist activities in definition of crimes. The Criminal Code of Bosnia and Herzegovina (CC B&H) incriminates terrorism (Article 201) and funding of terrorist activities (Article 202). Also, Entity criminal legislation<sup>6</sup> and the Criminal Code of Brčko District also incriminate the mentioned crimes in almost identical wording (the only difference being the object of criminal legal protection, the state or the Entity or the District).

Individual terrorist crimes are also treated by the following articles in CC B&H: 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 or a ship; Article 198 - endangering the safety of air traffic and maritime navigation; Article 199 - destruction and removal of signal

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<sup>2</sup> In the political sphere it is necessary to define a comprehensive and definitive governmental policy on terrorism.

<sup>3</sup> In the legislative sphere it is necessary to bring domestic legislation in line with EU legislation and UN demands concerning anti-terrorism struggle.

<sup>4</sup> In the institutional sphere it is necessary to continue strengthening institutional capacities including systems of inter-institutional coordination and adopting special criteria for selection and education of employees to work in the field of combating terrorism. It is also necessary to strengthen international cooperation.

<sup>5</sup> In particular, to keep in mind the European Convention on Human Rights and Fundamental Freedoms, that has been fully incorporated in BH Constitution.

<sup>6</sup> Criminal Code of the Federation of B&H and the Criminal Code of Republika Srpska.

devices utilized for safety of the air traffic; Article 200 - misuse of telecommunication signals; Article 212 - illicit trade; Article 213 - illicit manufacturing.

Apart from the above, we would also like to point to the following articles of CC B&H: Article 26 - attempt; Article 29 - accomplices; Article 30 - incitement; Article 31 - accessory; Article 247 - conspiracy to perpetrate a criminal offence; Article 248 - preparation of a criminal offense; Article 32 - limitations in responsibility and punish-ability of collaborators; Article 35 - intent; Article 36 - negligence.

This means that incrimination of both organizing terrorist activities and of incitement, aiding and abetting terrorism, has been defined in general provisions of CC B&H, that are applicable to other forms of crime as well.

### **Judicial jurisdiction**

Criminal legislation in B&H is applicable on anyone who commits a crime in the territory of Bosnia and Herzegovina, regardless of the citizenship of the perpetrator (territorial principle). This principle is complemented by following: the principle of ship's flag and the principle of registering aircraft, which are both in line with provisions of the international law.

Criminal legislation of B&H is applicable on anyone who commits: a crime outside B&H aimed against the integrity of B&H (CC BiH, chapter XVI), crimes that B&H is obliged to punish under international law, international and inter-state agreements, and crimes against an official or a responsible person in BH institutions, related to this person's job.

Criminal legislation of B&H is applicable on a foreign national who commits a crime against Bosnia and Herzegovina or its citizen, and on a foreign national who outside BH territory commits a crime against a foreign country or another foreign national that is punishable by at least five years in prison under BH criminal legislation.

In the cases referred to in the previous paragraph, criminal legislation of Bosnia and Herzegovina shall be applied only if the perpetrator is found on BH territory or is extradited to B&H, or if the perpetrator is found on BH territory and not extradited to another country.

### **Confiscation of proceeds of crime**

Seizure of objects is established in the CC B&H as a security measure and it concerns objects linked to crime, whether used or intended for perpetration of crime. Also, this measure is used when there is danger that objects may be used again for perpetration of crime, and with the view to protecting general security or for moral reasons. Objects may be seized also when they are not owned by the perpetrator if the interests of general safety and morals require it, notwithstanding the right of third persons to claim damages from the perpetrator.

### **Criminal Procedure Code of B&H**

Criminal Procedure Code of Bosnia and Herzegovina (CPC B&H) does not treat terrorist acts differently from other crimes, i.e. they are processed in the same way. The criminal procedure is always conducted in line with the CPC B&H, while respecting human rights and freedoms originating from numerous international documents, particularly from the European Convention on Human Rights and Fundamental Freedoms that has been fully incorporated in the Bosnian Constitution.

## **Obtaining evidence and special investigative techniques**

The Criminal Procedure Code of B&H includes both actions aimed at obtaining evidence<sup>7</sup> and special investigative techniques<sup>8</sup> as means for conducting investigations, and they may entail temporary restrictions of fundamental human rights and freedoms during collection of evidence and information necessary for criminal procedure. Special investigative actions include the following: surveillance and technical recording of telecommunications; access to the computer systems and computerized 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 certain objects and simulated bribery; supervised transport and delivery of objects of criminal offense.

Only the prosecutor may initiate these measures, and they have to be approved by the court (preliminary proceeding judge), who at the same time maintains the control over legality of the application of the measures (principle of judicial supervision).

Introducing special investigative techniques in CPC B&H has been motivated by: first, desire of B&H to strengthen the struggle against most complex forms of crime, including terrorism; second, B&H is obliged to fight against the ever growing crime rate which threatens not only the safety of its citizens but also overall democratic system; third, introducing these measures is an obligation arising from different international documents; and four, it is a generally accepted opinion that the specifics of modern organized crime and terrorism require introducing special measures with the view to revealing and proving such crimes. In accordance with the position that human rights and freedoms may be limited only in case of protecting legitimate social interests and values (Article 8, paragraph 2 of ECHR), the special measures are conducted under the following principles: all measures and actions must be stipulated by law, special investigative techniques are used only where the objective cannot be attained in any other way, they may be used only in complex and serious cases, and the duration of measures must be limited.

For successful prevention of modern forms of crime, apart from covert measures other activities are used, such as: shifting the burden of proof to the suspect or accused in the process of confiscating proceeds of crime, testimony of protected witnesses, giving partial or full immunity from prosecution to witnesses, and revealing bank secrets.

## **Jurisdiction of BH courts regarding terrorism**

**The Court of Bosnia and Herzegovina** is the court of jurisdiction for crimes defined in CC B&H and other laws of B&H. The Court of B&H is also the court of jurisdiction for crimes defined in Entity and Brčko District legislation when these crimes: a) threaten sovereignty, territorial integrity, political independence, national security and international subjectivity of B&H, or b) may have serious repercussions and negative consequences for B&H or may cause serious economic damage or other consequences outside the territory of an Entity or Brčko District.

It is in the jurisdiction of the Court of B&H to decide on issues concerning implementation of international and inter-Entity criminal regulations, including relations with the Interpol and other international policing bodies, to decide any issue relating to international and inter-Entity criminal law enforcement, including relations with the Interpol and other international police institutions, such as decisions on the transfer of convicted persons, and on the extradition and surrender of persons, requested from any authority in the territory of Bosnia and Herzegovina, by foreign states or international courts or tribunals.

The Court of BiH also decides on appeals against decisions made in the first instance.

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<sup>7</sup> CPC BiH, Chapter VIII - Actions Aimed at Obtaining Evidence (Articles 51-115).

<sup>8</sup> CPC BiH, Chapter IX - Special Investigative Techniques (Articles 116-122).

**Entity courts** - in Federation of Bosnia and Herzegovina (FB&H) and the Republika Srpska (RS). Jurisdiction of Entity courts in terrorist matters is defined in criminal legislation of the Entities (CC FB&H and CC RS).

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

**Courts in RS are:** the Supreme Court of RS, district courts (covering territory of two or more basic courts) and basic courts (covering territory of one or more municipalities).

Cantonal courts in FB&H and basic courts in RS are the first instance courts, while supreme courts of FB&H and RS are the courts of second instance (deciding on appeals and extraordinary legal remedies). In the first instance, a panel of three judges from the criminal division of the court tries the accused, while a single judge conducts the trial if the crime that the accused is charged with is punishable with up to five years in prison or a fine as the principal punishment. In the second instance, the appeals chamber consisting of three judges from the appeals division decides on the case.

**Courts in the Brčko District** are the Basic and the Appeals Court. These courts have jurisdiction over any crime committed or attempted in the territory of Brčko District. The Basic Court, the court of first instance, conducts trials by a three-judge panel while a single judge tries cases of crimes punishable by up to ten years in prison or a fine as the principal punishment. The Appeals Court, the court of second instance, decides in a three-judge panel on appeals against decisions and verdicts pronounced by the Basic Court and on extraordinary legal remedies against legally binding judicial decisions.

### **Other relevant legislation**

#### **Witness protection**

An important aspect of anti-terrorism struggle is protection of witnesses. Witnesses are protected under the **Law on Protection of Witnesses under Threat and Vulnerable Witnesses**<sup>9</sup> and the **Law on Witness Protection Program**<sup>10</sup>, as well as under other regulations regarding protection of witnesses in Bosnia and Herzegovina.

Under the Law on Witness Protection Program, a witness may be provided protection with his consent, if he or member of his family is facing a threat to their life, health or freedom because of his intention to testify. A witness may be provided protection also if danger is noticed only after the criminal procedure is completed, and if danger is the consequence of the fact that the person has testified during the trial. The Law stipulates that witness protection measures are conducted by the Witness Protection Department of the State Investigations and Protection Agency (SIPA).

Bosnia and Herzegovina has no law on assistance and compensation of victims of terrorism, but psychological and social assistance is stipulated by the Law on Protection of Witnesses under Threat and Vulnerable Witnesses. Article 6 of the 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 of this body as well as psychological support to the witness, including the presence of appropriate professionals at examination and hearings."

<sup>9</sup> Law on Protection of Witnesses under Threat and Vulnerable Witnesses, "Official Gazette of B&H" issues 3/03, 21/03 and 61/04.

<sup>10</sup> Law on Witness Protection Program, "Official Gazette of B&H" issue 29/04.

## **Prevention and suppression of terrorist funding**

Problems of prevention and suppression of terrorist funding are regulated by the Law on Prevention of Money Laundering<sup>11</sup>, which stipulates that funding terrorist activities includes actions stipulated by criminal legislation.

Detection and investigations linked to funding terrorism are conducted by the Financial Investigations Unit (FIU) of the State Investigations and Protection Agency (SIPA).

Article 5 of the Law on Prevention of Money Laundering defines tasks related to prevention, investigation, and detection of terrorist funding in line with provisions of the Law on State Investigations and Protection Agency and other legislation concerning promoting cooperation among responsible bodies of Bosnia and Herzegovina, Entities and Brčko District with the view to prevention of funding terrorist activities, as well as promoting cooperation and exchange of information internationally concerning activities aimed at preventing funding of terrorism.

Preventive measures in terms of detecting and suppressing funding of terrorism are undertaken in line with the Law by: banks, post offices, investment and retirement agencies and funds, insurance and reinsurance agencies, casinos and gambling shops, exchange offices, pawn shops, attorneys, accountants, auditors, privatization agencies, travel agencies, real estate agencies, humanitarian agencies and others. These organizations are obliged under the law to identify the client and the transaction and to inform the FIU of any suspicious transactions, of all transactions of more than KM 30,000, and of linked cash transactions whose total value is more than KM 30,000.

## **Classified data protection**

Law on Classified Data Protection<sup>12</sup> defines joint bases for a single system of determining, accessing, using, keeping and protecting from unauthorized disclosure, destruction and misuse, secret information in the competence of Bosnia and Herzegovina, Entities and other levels of government authority in B&H, concerning public safety, defense, foreign affairs, intelligence and security, declassification of data, and the procedures for security checks and security clearances to access secret data.

### **3.2. Institutions and agencies<sup>13</sup>**

**Prosecutor's Office of Bosnia and Herzegovina** is responsible for investigations and prosecution of crimes under the CPC B&H. Decision of the Council of Ministers B&H dated February 19, 2004, established a Task Force for combating terrorism and strengthening capacities for anti-terrorism struggle, which operates under the leadership of BH Prosecutor, who is the official team leader.

**Intelligence and Security Agency of Bosnia and Herzegovina** is responsible for collecting and analyzing intelligence related to security threats to Bosnia and Herzegovina, both within and without the country, including terrorism and international terrorism.

**Ministry of Security of Bosnia and Herzegovina** (Anti-Terrorism Department, SIPA, SBS, Interpol NCB Sarajevo)

**In accordance to the Law on ministries and other bodies of administration of B&H the Ministry of Security is responsible for:**

<sup>11</sup> Law on Prevention of Money Laundering, "Official Gazette of BiH" issue 29/04.

<sup>12</sup> Law on Classified Data Protection, "Official Gazette of B&H" 54/05.

<sup>13</sup> Only the competencies of institutions and agencies in the field of combating terrorism have been mentioned.

- protection of international borders, domestic border crossings and traffic regulation at B&H border crossings;
- 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 Brcko of B&H in accomplishing the tasks of security in the interest of BiH;
- 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 harmonisation of their plans in the event of natural or other disasters afflicting B&H, and adoption of protection and rescue plans and programmes;
- implementing B&H immigration and asylum policy and regulating procedures concerning movement and stay of aliens in B&H

Within this Ministry is: the State Border Service, the Investigation and Protection Agency as administrative organisations whose rights, duties and operational autonomy shall be regulated by separate laws, and the Office for Co-operation with Interpol, as an autonomous service whose rights and duties shall be regulated by separate regulations.

**Anti-Terrorism Department** monitors implementation of international conventions and executes international cooperation. It works on drafting new legal provisions concerning anti-terrorism combat, monitors timeliness and efficiency of implementing legal regulations concerning suppression of terrorism, suppression of activities of arms smugglers that supply terrorists, including nuclear and chemical and biological weapons, groups that fund or support terrorists, and those indicated to be linked to other forms of organized crime, and it cooperates with other agencies within the Ministry in that field as well as with other institutions and corresponding international organizations. It is in charge of projects and initiatives in the field of prevention and repression of these phenomena.

**State Investigation and Protection Agency (SIPA) - Financial Intelligence Unit (FIU)** collects, receives, analyzes, investigates and forwards to BH Prosecutor's Office the information and data in accordance with the Law on Prevention of Money Laundering and Funding Terrorism, executes international cooperation in the field of combating terrorist funding, offers expert assistance to the Prosecutor's Office. - **Criminal Investigation Department** provides operational assistance to FIU, discovers and investigates crimes of terrorism, finds and apprehends perpetrators and collects intelligence and information on crimes, and monitors and analyzes the security situation. **Anti-terrorism Unit** is part of this department. - **Witness Protection Department** implements protection of witnesses in accordance with laws and regulations of BiH in this field. **Special Support Unit** provides assistance to FIU and other departments by ensuring additional police tactics, equipment and staff, when stronger security measures are called for. It performs the most complex and most demanding tactical and operational police actions.

**State Border Service of BiH (SBS B&H)** performs supervisions and control of state border, implements the Law on Movement and Stay of Aliens and Asylum, prevents, detects and investigates crimes referred to in the CC B&H, especially those directed against security of BiH and its state border. SBS B&H has **Central Investigative Office** and **Specialized Units**.

Within its jurisdiction, **Interpol NCB Sarajevo** undertakes a number of activities with the view to realizing efficient cooperation and exchange of information between law enforcement agencies in B&H and corresponding agencies in other countries, members of the Interpol. Upon initiative of the Interpol's Secretary General, a special database was created on persons suspected of terrorist activities for whom Interpol has issued warrants. There is also the liaison officer with the Interpol

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

**Ministry of Defense of B&H** - Competencies of the Defense Ministry with regard to combating terrorism are the following: a) establishing the procedure for approving military assistance to civilian authorities in case of natural catastrophes and disasters, under the authority granted by the Presidency of Bosnia and Herzegovina; b) activating reserve units for all operations, except planned training; c) deployment or use of any part of armed forces outside Bosnia and Herzegovina for all operations.

**Law on Defense** stipulates that planning and performing all military intelligence tasks belongs to the competencies of B&H. Military Intelligence is part of armed forces engaged in collecting, processing and distributing information concerning armed forces, with the view to supporting missions of armed forces. Also, Military Intelligence will provide assistance to the Intelligence and Security Agency of B&H (ISA) with regard to collecting strategic military information and performing counter-intelligence activities.

Collecting strategic military information and performing counter-intelligence activities that require special investigative techniques and use of technical means for surveillance are performed exclusively by the Intelligence and Security Agency of B&H ("Official Gazette of BiH" issues 12/04 and 20/04). Coordination between the Military Intelligence of armed forces and the Intelligence and Security Agency of BiH is arranged through an agreement between the Defense Minister and the Director General of ISA.

Furthermore, Chapter V of the Law (natural and other catastrophes and disasters), stipulates that the Defense Minister, under the authority granted by the BH Presidency, may engage armed forces in case of natural and other catastrophes and upon a request by the proper civilian authorities in B&H.

The order to deploy armed forces to assist civilian authorities shall contain: a) specific nature of the mission; b) units and number of deployed troops; c) to whom do units report; d) duration of the mission; e) tasks.

**Ministry of Foreign Affairs of B&H** - Department of Peace and Security in the Multilateral Division.

**Ministry of Civil Affairs of B&H** is responsible for issues of citizenship, entry and registration of citizens, protection of personal data, registering places of permanent and temporary residence, personal documents, travel documents, de-mining.

**Ministry of Foreign Trade and Economic Relations of B&H** is responsible for implementation of the Law on Import and Export of Arms and Military Equipment and Controlling Import and Export of Products with Dual Purpose, and the Law on Production of Arms and Military Equipment. Furthermore, the Ministry compiles the List of products and technology of dual purpose, Joint Lists of military equipment covered by the EU rules of behavior concerning export of weapons, it adopts Instructions on procedures of licensing legal entities to produce and overhaul arms and military equipment and on the manner of keeping records in the Central Register, the Instructions on the manner of performing continuing supervision of and reporting on production and overhaul of arms and military equipment, Instructions on inspections in production and overhaul of arms and military equipment, and it issues annual Information Bulletin of licenses issued for import/export of arms and military equipment.

**Ministry of Transport and Communications of B&H**

**Civil Aviation Directorate of Bosnia and Herzegovina (BH CAD)** has been established as part of the Ministry of Transport and Communications, and it is responsible for civil aviation safety in B&H. It has adopted the Civil Aviation Safety Program, and it is working on its implementation. The following laws and regulations have been passed: Civil Aviation Law of B&H<sup>14</sup>, Civil Aviation Safety

<sup>14</sup> Civil Aviation Law of B&H, "Official Gazette of B&H" issue 02/04.

Program and Decision to Establish the Program<sup>15</sup>. BH CAD is a full member of ICAO, ECAC, EUROCONTROL, and CEATS.

**At the Entity and District levels: Ministry of the Interior of FB&H** with its departments: Department for Combating Terrorism, Intelligence Department, Anti-terrorism Unit. **Ministry of the Interior of RS** with its departments: Department for Criminal Intelligence Analysis, Counter-Sabotage Department of the Criminal Police Administration. **Police of Brčko District**. With regard to combating terrorist funding at the Entity level, the following institutions are involved: **Ministry of Finance of FB&H - Financial Police**, and **Ministry of Finance of RS**; also, **Banking Agencies** of FBiH and RS. All cooperate actively with the FIU SIPA. Entity **Civil Protection Directorate** who actively cooperate with Ministry of Security (i.e. Sector for Civil Protection).

### 3.3. Cooperation of BH institutions and agencies in anti-terrorism combat

Currently there is no central coordinating body. Cooperation is conducted through **Anti-Terrorism Strike Force**<sup>16</sup>, as well as through direct communication between the agencies in accordance with laws and signed memorandums of understanding. Of course, we are still experiencing some lack of coordination and insufficient exchange of security information and data, which directly influences the efficiency and speed with which security goals are achieved.

### 3.4. International cooperation

International cooperation is regulated by obligations contained in resolutions and conventions here enclosed, and by signed agreements on police cooperation in combat against organized crime, terrorism and human trafficking. Exchange of information is also conducted through the Interpol (Fusion Task Force), and by FIU SIPA membership in Egmont group, which directly exchanges information about suspicious financial transactions with a special attention to potential funding of terrorist activities.

## 4. ASSESSMENT OF THE CURRENT SECURITY SITUATION AND THE LEVEL OF TERRORIST THREAT IN AND FROM BOSNIA AND HERZEGOVINA

Development of the security assessment system through security structures in B&H helped register one case in B&H in 2005, which may be brought in connection with attempted terrorist attack - the case of Mirsad Bektašević, Abdulkadir Cesur and others, and the act of planting explosives under a trolley-bus in Sarajevo in December 2005.

Also, some security indicators point out that even within legal organizations, such as Active Islamic Youth and Ravnagora Chetnik Movement, there are expressions of hatred for other peoples and faiths, ethnic intolerance, all under the guise of protecting national interests. According to intelligence, these groups have illegal weapons and explosives, and are in frequent contact with foreigners linked to international terrorism. So far, their harassment included intimidation of present and former officials in B&H and representatives of international organizations.

The security information indicate that similar activities aimed at threatening security of BH citizens may continue, including psychological harassment and attempts to undermine implementation of Annex 7 of Dayton Peace Agreement.

Some information force the conclusion that illegal arms trade is a widespread phenomenon that directly influences general state of security in B&H. Security information support the conclusion

<sup>15</sup> Civil Aviation Safety Program and Decision to Establish the Program, "Official Gazette of B&H" issue 26/04.

<sup>16</sup> Anti-Terrorism Strike Force was established by a decision of the Council of Ministers of B&H passed at its 105<sup>th</sup> session on January 26, 2006.

that majority of trade is with weapons left over after the war, hidden in secret locations. These weapons are mainly smuggled to destinations in Albania, Kosovo and EU countries, and B&H is often the country of transit for smuggling arms from Kosovo and Serbia and Montenegro to EU. The possibility cannot be excluded that these weapons may end up in the hands of a perpetrator of potential terrorist acts, and it is therefore a major security problem for B&H.

Also, there are a number of persons in B&H who are of security interest from the aspect of terrorist activities, and they are in contact with foreign nationals of similar background at home and abroad. Some foreign nationals, who had previously stayed in BiH as participants in the war and who are linked with individual terrorist groups, have been registered as moving and staying in B&H. The majority has left B&H; some had been sentenced abroad to several years in prison and then extradited to B&H.

The media have written about "terrorist training camps" in B&H in the past, but security agencies today have no such information or evidence. The case of "Pogorelica" camp must not be forgotten, however, the first case when evidence was presented on one such camp in B&H.

As for open threats and psychological harassment of BH citizens, it is necessary to mention direct threats against members of the first BH Mission to Iraq that went to assist with de-mining. Threats came from extremist religious movements.

Regarding motives of potential terrorist attacks in B&H, they are similar to motives of terrorist attacks that took place all over the world. Specific for the BH territory is that organizers and perpetrators of terrorist attacks feel that their interests are threatened, such as ethnic, religious, or economic interests, although the reason for this feeling is known only to the perpetrators.

This explains why terrorist attacks are targeted against potential sources of threat to their interests, who belong to both domestic and international institutions in B&H, especially since B&H is determined in taking both legislative and institutional measures to combat terrorism.

According to security information regarding most vulnerable infrastructure in B&H, from the air traffic safety, energy plants, transport and communications infrastructure, and facilities of security interest for B&H and the international community, to places of mass gathering of people, such as schools, hospitals, public transportation, it may be concluded that the phenomenology, typology and causality of motives for terrorist attacks point out the infrastructure as potentially threatened.

## **5. KEY PROBLEMS AND WAYS TO SOLVE THEM**

### **5.1. Legislation**

1. The Criminal Procedure Code of B&H (CPC B&H) and the Criminal Code of B&H (CC B&H) and other laws require amendments and modifications to be made in view of the implementation of international agreements (primarily the UN and the Council of Europe resolutions and conventions, as well as the obligations set by the Stabilisation and Association Agreement with the EU). The bodies in charge of these activities are the Ministry of Justice and the Ministry of Security, while the deadline for the analysis of existing legislation and the proposals for amendments of CPC B&H and CC B&H are 6 months after the adoption of the Strategy.
2. The Law on Combat against Terrorism and Financing Terrorism, as a *lex specialis*, needs to be adopted. It needs to secure the protection and assistance, as well as compensation to the victims of terrorist attacks, special investigative actions conducted in a summary procedure, as well as the witness protection measures. The bodies in charge of these activities are the Ministry of Security and the Ministry of Justice, while the deadline for drafting the Law is 6 months after the adoption of the Strategy. These activities will be carried out in parallel with the activities of amending the CPC B&H and the CC B&H referred to in 1.1.

3. As for the laws on the state agencies (SIPA, OSA, SBS and UNO), further improvements are necessary in order to secure better coordination of the activities of these agencies. Given that the OHR Working Group for the Reform of Security Sector has already drafted some amendments, these need to be submitted to the summary adoption procedure. The Ministry of Security is tasked with monitoring of realisation of this activity.
4. Amend the Law on Movement and Stay of Foreigners in order to shorten the asylum seeking procedures, or to introduce a preliminary procedure of analysis of the grounds for asylum; develop the procedure of entering foreigners into AGUS and DNA databases; impose restrictions to the movement of asylum seekers accommodated in asylum centres, who are identified as those of security interest for BiH. The institution in charge of these activities is the Ministry of Security, while the deadline for developing the proposal of procedures is 6 months after the adoption of the Strategy.
5. Amend the Witness Protection Law and the Law on the Witness Protection Program in line with a/m Law on Combat against Terrorism and Financing Terrorism. The institution in charge of these activities is the Ministry of Security – i.e. the State Investigation and Security Agency (SIPA), while the deadline for developing the proposal of procedures is 6 months after the adoption of the Law.
6. Amend the Law on Import/Export of Weapons and Military Equipment in terms of reduction of number of border crossings; shipping and forwarding guaranties; inspection control of importers, and the establishment of a unified system of registering import/export and transport of weapons across the B&H territory. The institution in charge of these activities is the Ministry of Security, in cooperation with the State Border Service (SBS) and Indirect Taxation Authority (ITA), while the deadline for drafting amendments is 6 months after the adoption of the Strategy.
7. Adopt the Law on Traffic of Explosives and Explosive Substances. Given the current situation, and since the draft law already exists in the Ministry of Transport and Communications, this Ministry is tasked with carrying out this activity together with the Ministry of Security and the Ministry of Defence. The deadline to draft this Law is 6 months after the adoption of the Strategy.
8. Implement comprehensively the Law on Protection of Confidential Data in view of drafting bylaws prescribed by the Law within the prescribed time-frame.
9. Draft bylaws in order to determine critical infrastructure and protection plans (to be included in the National Action Plan). The deadline is 6 months after the adoption of the Strategy. SIPA is in charge of this activity.
10. Create legal prerequisites so that it becomes mandatory to enter the persons of operative interest, as well as those suspected of terrorism and of preparing terrorist acts into the AFIS and DNA systems; define it through the amendments to the CPC BiH and the CC B&H, as well as through the Law on Combat against Terrorism and Financing Terrorism. The deadline for these activities is 6 months after the adoption of the Strategy, while the Ministry of Security is in charge of this activity.
11. Adopt the Law on Protection and Rescue of People and material resources from natural and other disaster in B&H. The deadline to draft this Law is 01.10.2006. Ministry of Security is in charge of this activity.

## 5.2 Institutions and agencies

1. Maximum effort to be made in order to achieve full staffing of departments for combating terrorism, as well as ABHO in SIPA and other institutions. All the activities need to be completed by the end of 2006. Special attention should be paid to the selection of the future and the control of existing staff dealing with terrorism – the criteria need to be established in this respect. All the relevant institutions and agencies are in charge of these activities. The implementation should be reported to the Ministry of Security by the end of January 2007 at the latest.
2. The Anti-terrorist Strike Force needs to continue its operation until the completion of the Police Reform in BiH. Special focus should be put to the proposals relating identified legislative and institutional weaknesses, as well as on the work on specific cases. The Anti-terrorist Strike Force, led by the Prosecutorial Office of BiH, is in charge of these activities.
3. Work on the establishment of central registers (travel documents, weapons, and analytical data). Establish a Central Analytical HQ of permanent nature to deal solely with the crimes of terrorism, and link it to all the relevant databases (particularly to Interpol database developed by Fusion Task Force). The seat of Central Analytical HQ will be within SIPA. These activities shall be carried out by SIPA, with the support of the Anti-terrorist Strike Force. The deadline is 12 months after the adoption of the Strategy.
4. In order to detect and provide evidence about the commission of a terrorist act, and to increase the efficiency of inter-agency cooperation, investigative teams need to be established from the ranks of all the law enforcement bodies that can give their contribution, including the entity and cantonal ones. The coordination of these *ad hoc* teams will be carried out by SIPA, while the tactical and executive support will be provided by the Special Operations/ Rapid Response Unit. SIPA is in charge of these activities and will develop the methods and procedures for the establishment of these teams within 9 months.
5. In order to prevent the abuse of refugee and asylum status for the purpose of commission of terrorist acts, full implementation of the Law on Movement and Stay of Foreigners need to be secured, alongside the procedure of establishment of asylum centre equipped with necessary infrastructure. Measures and methods of control of granting asylum status need to be established, so that - in the cases of asylum granted in contravention to the relevant Law - officers responsible for such acts could be reported to the Prosecutorial Office of B&H and brought before the Court of B&H. The Ministry of Security is in charge of this activity, while the deadline for its completion is the end of 2006.

## 5.3 Strategic operability

1. Intensify operation of the Commission for Review of Citizenship, with special focus on the persons found by competent security agencies of B&H to be of security interest, so that envisaged tasks of the Commission may be carried out within the set deadline. The Commission for the Review of Naturalised Persons in BiH is in charge of this activity, while deadline is defined in the Law on Citizenship of B&H.
2. All the relevant law enforcement bodies are bound to develop anti-terrorist action plans that will determine critical infrastructure and methods of its protection. The competent institutions are in charge of activities in their jurisdiction, while SIPA will coordinate all the activities (see tabular presentation in Appendix 1.1). The deadline to adopt these plans is 4 months after the adoption of the Strategy. SIPA is bound to develop National Action Plan within 2 months upon the adoption of these agencies'/institutions' action plans. National Action Plan that includes the list of critical infrastructure shall then be submitted to the Ministry of Security of BiH.

3. Control and improve the procedures related to the obligation of timely reporting of place of residence, and amendments to these procedures (through the adoption of the Rulebook and instructions). Develop the system of control and sanctions for those who violate relevant regulations. Complete the process of updating all the CIPS databases in view of defining and prescribing of procedures for submission of necessary data to "feed" CIPS databases (identity cards, driving licences, travel documents, etc.). The Ministry of Civil Affairs is in charge of this activity together with the Directorate for Implementation of CIPS Project, while the deadline is 6 months after the adoption of the Strategy.
4. Develop plans for witness protection, particularly in the areas of combating terrorism and protection of victims of terrorism. SIPA is in charge of this activity to be carried out in cooperation with the Ministry of Security (Ref. 4.1 of Items 1 and 2 of the Strategy). The deadline for adoption of these plans is 3 months after the adoption of the Law on Combat against Terrorism and Financing Terrorism.
5. In order to improve inter- and intra-agency and inter- and intra-institutional cooperation, adequate databases need to be established and IT networks improved. Special attention needs to be paid to the protection of these systems. It should be kept in mind that the establishment of Central Analytical HQ within SIPA is also envisaged. The body in charge of this activity is the IT Sector of the Ministry of Security, in cooperation with IT departments of Interpol, OSA, SBS, the entity ministries of interior and the Police of Brčko District of B&H, which will analyse current situation and propose measures to improve it. The dynamics of the realisation of proposed measures will be an integral part of this analysis. The deadline is 6 months after the adoption of the Strategy.
6. Ensure material and technical equipping of all the bodies involved in anti-terrorist activities. The Ministry of Security is in charge of the activity of completing, within 6 months at the latest, of the analysis of situation and current needs for material and technical equipment of all the relevant institutions and agencies, in order to secure the allocation of more funds in the next budget and to plan activities through the EC CARDS program (namely IPA program form 2007).
7. Develop plans of civilian and military cooperation in the cases of need for response to terrorist attacks and for remedying their consequences. The Ministry of Security and the Ministry of Defence are in charge, while the deadline for development of these plans is 4 months after the adoption of the Strategy.
8. Intensify border control and surveillance, control of validity of travel documents, as well as security management of migrations. National Integral Border Management Action Plan needs to be developed. The Ministry of Security of B&H, alongside the Working Group for Integrated Border Management and the State Border Service, is in charge of these activities. The deadline for development of these plans is 6 months after the adoption of the Strategy.

#### **5.4. Inter-agency cooperation**

1. Once necessary legal prerequisites are secured, the implementation and realisation of full inter-agency cooperation, particularly in the area of exchange of information and data between agencies, needs to be carried out. The Ministry of Security of BiH and SIPA, in cooperation with all the relevant agencies included in the implementation of the Strategy, are in charge of these activities. The deadline for development of these plans is 2 years after the adoption of the Strategy

#### **5.5. International cooperation**

1. Improve international police and judicial cooperation. Intensify the conclusion of a greater number of agreements with the countries deemed as countries of security interest in view of the exchange information in the area of combating terrorism and organised crime. Work on the securing conditions for the implementation of the agreements on police cooperation that are

already signed. The institutions/agencies in charge of these activities are the Ministry of Justice, the Prosecutorial Office of B&H, the Court of B&H, the Ministry of Security, while the activities is conducted through initiating the signing of new agreements on cooperation with the countries in the region, and with other relevant stakeholders, as well as through the implementation of existing agreements.

2. Improve and intensify cooperation with SECI Centre, Interpol (Fusion Task Force), Europol (priority to be given to sing and ratification of Agreement on Cooperation between B&H and Europol), and nominate the contact-person with EUROJUST. The Ministry of Security is in charge of these activities.

## **5.6 Education**

Provide education of members of judicial and investigative bodies in the areas ranging from gathering evidence to their processing (seminars, colloquia, study visits). Provide education and training of investigators on the application of secure methods of identification of potential perpetrators of terrorist acts. In this respect, focus needs to be put on the education in the area of crime investigation and intelligence work, particularly on crime investigation intelligence analysis and its significance for anti-terrorist activities. The Ministry of Security and the Ministry of Justice are in charge of these activities to be conducted through the planning of budgetary funds for study visits and of education within the ICITAP and EC CARDS (from 2007 IPA), as well as through similar projects.

## **5.7 Media and public relations (preventive activities)**

Carry out a media campaign aimed at promotion of the Strategy. The Ministry of Security is in charge of the activity of developing a specific information plan relating terrorism, as well as a prevention action plan through the use of the media.

## **6. PLANNED DYNAMICS OF IMPLEMENTATION OF THE STRATEGY**

The Strategy is adopted for a 3-year period (May 2006- May 2009). In the course of the first year, the priority will be given to the process of amending of existing legislation and drafting of new laws in the area of combat against terrorism and financing terrorism. Priority will also be given to the adoption of adequate action plans and the staffing of relevant bodies. In the second year, the priority will be given to the development of international and inter-institutional and inter-agency cooperation and coordination, as well as to the full development of adequate databases. The third year is envisaged as the period needed for testing of the newly established security systems in BiH in the area of combating terrorism and the correction of potential detected weaknesses.

Given that the terrorist threat is evident, all the relevant institutions and agencies are called upon to undertake, without delay, all the adequate measures and activities.

### **6.2 Deadlines for adoption of action plans**

Deadline for adoption of action plans of individual institutions/agencies is 4 months, and for the National Action Plan is 6 months after the adoption of the Strategy.

## **7. BODIES IN CHARGE OF IMPLEMENTATION OF THE STRATEGY**

The Ministry of Security of BiH is the key implementing body of the Strategy, while the bearers of individual activities are referred to in the Table 7.1. The Ministry of Security of BiH and the Ministry of Justice of BiH will establish a Commission to supervise the implementation of the Strategy and to submit regular reports (every 90 days) to the Minister of Security on the dynamics of fulfilment of the goals and tasks set in the Strategy. The Commission will also provide assistance to relevant institutions in view of development of action plans and other documents envisaged in this Strategy, as well as relating the control of their compliance with the international regulations on combating terrorism.

Finally, the Commission will be bound to prepare the final report to be submitted to the Minister of Security. The Minister of Security will present this Report to the Council of Ministers of BiH, which will make, on the basis of this report, the assessment of success of implementation of the Strategy.

## APPENDICES

## 8.1 Tables with planned activities, responsible institutions/agencies and deadlines of implementation

1	Legislation	Responsible institutions/agencies	Deadlines
1.1	Draft a proposal of amendments to the Criminal Procedure Code of B&H (CPCB&H) and Criminal Code of B&H (CCB&H) in terms of implementing international instruments and standards (in particular those of the UN and the EC) in the area of combating terrorism	Ministry of Security of B&H and Ministry of Justice of B&H	6 months after adoption of the Strategy
1.2	Draft Law against Terrorism and Financing Terrorism as a <i>lex specialis</i> . This activity shall be conducted in parallel with those of amending CPCB&H and CCB&H referred in 1.1.	Ministry of Security of B&H and Ministry of Justice of B&H	6 months after adoption of the Strategy
1.3	Conduct an analysis and draft amendments to the laws on the state agencies OSA, SIPA, SBS (taking into account the activities referred to in 1.1. and 1.2)	Ministry of Security of B&H (taking into account the activities undertaken so far by the OHR Working Group for the reform of security sector)	6 months after adoption of the Strategy
1.4	Activities on amending the law, and adoption of new laws that deal indirectly with the issues of combating terrorism, e.g. Law on Movement and Stay of Foreigners, Witness Protection Law, Law on Import/Export of Weapons, Law on Protection of Confidential Data, Law on Traffic of Explosives and Explosive Substances, etc.	Ministry of Security of B&H as the coordinator of activities. The drafters for each piece of legislation are defined on pp. 19 and 20 under 5.1 Legislation	6 months after adoption of the Strategy
1.5	Draft by laws to determine the critical infrastructure and plan of protection; envisage the establishment of "early warning system"	Ministry of Security of B&H and State Investigation and Protection Agency (SIPA)	6 months after adoption of the Strategy

- We suggest to the Ministry of Security and the Ministry of Justice to establish a joint commission that would analyse the legislation and work on the draft of amendments of the current laws, as well as drafting of new regulations in the area of combating terrorism. Upon the completion of these activities, all the drafted legislation need to be submitted, as "a package" to the Parliamentary Assembly of BiH for adoption in a summary procedure.

2	Institutions	Responsible institutions/agencies	Deadlines
2.1	Secure maximum staffing of departments and teams tasked with combating terrorism	Ministry of Security of B&H (as the coordinator of activities) and all other relevant institutions/agencies, particularly (SIPA)	The end of 1006
2.2	Intensify of the activities of Task Force for Combating Terrorism	Council of Ministers of B&H	Immediately
2.3	Establish of Central Analytic Unit (within SIPA) and work on establishing central data base	State Investigation and Protection Agency (SIPA) supported by the Anti-terrorist Strike Force	12 months after adoption of the Strategy
2.4	Create necessary preconditions for establishing of joint investigative teams (all law enforcement bodies) with aim of efficient revealing and proving of and attempted of committed penal terrorist act	State Investigation and Protection Agency (SIPA)	9 months after adoption of the Strategy
2.5	Work on full implementation of all relevant laws and by laws	Ministry of Security of B&H and State Investigation and Protection Agency (SIPA)	2 years after adoption of the Strategy

<b>3</b>	<b>Strategic Operation</b>	<b>Responsible institutions/agencies</b>	<b>Deadlines</b>
3.1	Provide full support and intensify the work of Commission for Review of Citizenship	Council of Ministers of B&H	Observe the deadlines set for the review of citizenship
3.2	Adopt National Action Plan for Combating terrorism. All the relevant institutions/agencies should previously adopt their action plans (Survey of action plans that need to be adopted is given in Appendix 1a)	State Investigation and Protection Agency (SIPA) – as the coordinator of activities and those tasked with developing National Action Plan	Deadline for adoption of action plans is 4 months after the adoption of the Strategy, upon which SIPA should adopt National Action Plan within 2 months
3.3	Control and improve the procedures of reporting place of residence. Develop a system of control and sanctioning of those who violate the law. Update fully all the CIPS databases.	Ministry of Civil Affairs, Directorate of Implementation of CIPS Project	6 months after adoption of the Strategy
3.4	Develop the witness protection plans	State Investigation and Protection Agency (SIPA)	3 months after the adoption of the Law on Combating Terrorism
3.5	Analyse and make improvements the agency and inter-agency IT networks, This activity is directly related to the establishment of SIPA's Central Analytical HQ (2.3)	IT departments of the Ministry of Security and SIPA in cooperation with IT departments of other relevant institutions/agencies	6 months after adoption of the Strategy
3.6	Analyse material and technical needs of all the institutions/agencies involved in combating terrorism	Ministry of Security of BiH	6 months after adoption of the Strategy
3.7	Develop plans of civilian and military cooperation (as a response to terrorist attack)	Ministry of Security of B&H in cooperation with Ministry of Defence of B&H	4 months after adoption of the Strategy
3.8	Strengthen border surveillance, develop National Border Management Action Plan	Ministry of Security of B&H, Working Group for Integrated Border Management and State Border Service of B&H	6 months after adoption of the Strategy

<b>4 5</b>	<b>Inter-agency and international cooperation</b>	<b>Responsible institutions/agencies</b>	<b>Deadlines</b>
4.1	Upon providing necessary legal prerequisites, implement and realise full inter-agency cooperation, particularly in terms of exchange of information and data	Ministry of Security of B&H and State Investigation and Protection Agency (SIPA)	2 years after adoption of the Strategy
5.1	Improve international police and judicial cooperation by implementing the existing and initiation of new cooperation agreements.	Ministry of Security of B&H, Prosecutorial Office of B&H, Court of B&H	2 years after adoption of the Strategy
5.2	Improve and intensify cooperation with the SECI Centre, Interpol (Fusion Task Force), Europol (priority given to the ratification of the Cooperation Agreement between B&H and Europol), nominate contact-person with Eurojust	Ministry of Security of B&H	2 years after adoption of the Strategy

<b>6 7</b>	<b>Education and public/media relations</b>	<b>Responsible institutions/agencies</b>	<b>Deadlines</b>
6.1.	Education of judicial and investigative bodies in the areas ranging from gathering evidence to their processing (seminars, colloquia, study visits). The training of investigators on the application of secure methods of identification of potential perpetrators of terrorist crimes	Ministry of Security of B&H and Ministry of Justice of B&H	Basic education should be realised within 2 years after adoption of the Strategy
7.1	Media campaign aimed at promotion of the Strategy. Develop a specific information plan relating terrorist acts as well as the prevention action plan through the media	Ministry of Security of B&H	Activity Plan to be developed within 6 months after adoption of the Strategy

### 8.1.a Action plans and institutions competent for their adoption

Action plan	Responsible institutions/agencies	Deadlines
<b>National Action Plan against Terrorism and Financing Terrorism</b>	<b>State Investigation and Protection Agency (SIPA)</b>	<b>6 months after adoption of the Strategy</b>
Action Plan for Integrated Border Management	Ministry of Security of B&H, Working Group for Integrated Border Management	4 months after adoption of the Strategy
Plan for Civilian and Military Cooperation on the Prevention and Elimination of Consequences of Terrorist Attack	Ministry of Security of B&H and Ministry of Defence of B&H	4 months after adoption of the Strategy
Plan of Permanent Education of Staff Employed in Anti-terrorism and Financing of Terrorism actions	Ministry of Security of B&H and Ministry of Justice of B&H	6 months after adoption of the Strategy
Plan of Material and Technical Equipping of Anti-terrorist Teams	Ministry of Security of B&H in cooperation with State Investigation and Protection Agency (SIPA)	6 months after adoption of the Strategy
Action Plan of Anti-terrorist Media Campaign aimed at promotion of the Strategy's goals	Ministry of Security of B&H	6 months after adoption of the Strategy
Action Plan for Intelligence and Security Action in the Area of Combating Terrorism	Intelligence and Security Agency of BiH (OSA B&H)	4 months after adoption of the Strategy
Action Plan of Protection of Critical infrastructure and Establishment of Early Warning System	State Investigation and Protection Agency (SIPA)	4 months after adoption of the Strategy

## 8.2 List of basic anti-terrorist laws in BiH

Criminal codes and criminal procedure codes:

- Criminal Code of B&H<sup>17</sup> and Criminal Procedure Code of B&H<sup>18</sup>
- Criminal Code of FB&H and Criminal Procedure Code of FB&H
- Criminal Code of RS and Criminal Procedure Code of RS
- Criminal Code of Brčko District of B&H and Criminal Procedure Code of Brčko District of B&H<sup>19</sup>

Other relevant laws:

- Law on Prevention of Money Laundering of B&H<sup>20</sup>
- Law on Protection of Witnesses under Threat and Vulnerable Witnesses<sup>21</sup>
- Law on Protection of Confidential Data<sup>22</sup>
- Law on Intelligence and Security Agency<sup>23</sup>
- Law on State Investigation and Protection Agency<sup>24</sup>
- Law on State Border Service<sup>25</sup>

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<sup>17</sup> Criminal Code of B&H, Official Gazette of BiH, No. 3/03

<sup>18</sup> Criminal Procedure Code of B&H, Official Gazette of BiH, No. 3/03

<sup>19</sup> Criminal Procedure Code of Brčko District of B&H, Official Gazette of BD B&H, Nos. 7/00 and 1/01

<sup>20</sup> Law on Prevention of Money Laundering of B&H, Official Gazette of B&H, No. 29/04

<sup>21</sup> Law on Protection of Witnesses under Threat and Vulnerable Witnesses, Official Gazette of B&H, Nos. 3/03, 21/03, and 61/04, Witness Protection Program, Official Gazette of B&H, No. 29/04

<sup>22</sup> Law on Protection of Confidential Data, Official Gazette of B&H, No. 54/05

<sup>23</sup> Law on Intelligence and Security Agency, Official Gazette of B&H, Nos. 12/04 and 20/04

<sup>24</sup> Law on State Investigation and Protection Agency, Official Gazette of B&H, No. 27/04

<sup>25</sup> Law on State Border Service, Official Gazette of B&H, No. 50/04

### 8.3 List of international regulations

#### UN Security Council Resolutions:

- **R-1267 (1999)** requiring from the Taliban to stop training international terrorists and hand over Osama bin Laden. It also states that from 14 November 1999, all UN member states should begin implementing the following measures:
  - o freezing of funds and other financial resources controlled by the Taliban (financial sanctions),
  - o establishment of a Security Council Committee for monitoring the implementation of the previously stated measures.
- **R-1333(2000)** deciding that all the states should impose a comprehensive arms and military know how embargo for the territory of Afghanistan under Taliban control:
  - o requesting from the countries that have diplomatic relations with the Taliban to significantly reduce those relations, including the reduction of staff in the Taliban missions, and the reduction and control of movement of the Taliban representatives (diplomatic sanctions);
  - o requesting from all the countries to close the offices representing the interest of the Taliban, as well as Ariane Afghan Airlines.
- **R- 1373 (2001)** In the aftermath of 9/11/2001 terrorist attacks on the USA, the UN SC adopted on June 28, 2001 the Resolution 1737 that comprises a comprehensive the Strategy against international terrorism. This Resolution has established a Committee for Supervision of Implementation of R-11727 which obliges all the countries to undertake measures for prevention of terrorism, such as freezing of funds of those who perpetrate, intend to perpetrate or solicit terrorist acts, secure that the acts of terrorism are defined in their national legislation as serious crimes with adequate sanction, to provide mutual exchange of the information related to terrorist activities, to accede to relevant anti-terrorist conventions; ensure that refugee and asylums status is not abused for terrorist purposes.
- **R-1390 (2002)** lifting the provisions of Resolution 1267(1999) and Resolution 1333(2000) relating the ban on take-off and landing of Afghan aircraft from their territory and to lift the provision relating the closing of the Ariane Afghan Airlines offices (air embargo lifted).
- **R-1452 (2002)** introduces some exemptions to the regime of sanctions established by R-1267.
- **R-1455 (2003)** UN SC extended the regime of sanctions introduced by R-1390(2000), re-appointing the Monitoring Group with a 12-month mandate.
- **R-1456 (2003)** UN SC adopted a Ministerial declaration on the issue of combating terrorism.
- **R-1526 (2004)** UN SC requests from the UN members states to undertake stronger measures, particularly financial measures against targeted individuals and entities, which does not cover only economic and financial assets, but also the undertakings and organisations, including the assets gained from the property owned or controlled, directly or indirectly, by individuals and groups linked to Al-Qaida. The member states are requested to prevent such individuals to have direct or indirect benefits from the above-mentioned assets. This Resolution also prohibits direct or indirect supply, sale or transfer of weapons and military equipment to such individuals and groups. The Resolution also established a Team for Analytical Support and Monitoring of Sanctions, which would, as the expert body, assist the Security Council Committee in performing its tasks.
- **R-1617** calls upon the Un member states to apply sanctions against individuals and organisations from the Consolidated List (R-1267) and to submit regular reports to the UN

SC Committee. It calls upon all the countries to use Interpol resources and databases for the purpose of suppressing terrorism.

- **R-1624** requires national legislation to incriminate the act of inciting terrorism and to prevent every form of subversive terrorist activity through religious and educational organisations.

**UN anti-terrorism conventions:**

(Universal international multilateral treaties)

- Convention on Criminal Acts and other Acts Committed in Aircraft, Official Gazette of BiH, No. 47/70, B&H is the member on the basis of succession, Official Gazette of B&H, No. 26/98.

- Convention on Suppression of Unlawful Seizure of Aircraft (Hijacking Convention) Official Gazette of SFRY, No. 33/72, B&H is the member on the basis of succession, Official Gazette of B&H, No. 15/95.

- Convention on Suppression of Unlawful Acts Against Safety of Civil Aviation Official Gazette of SFRY, No. 33/72, B&H is the member on the basis of succession, Official Gazette of B&H, No. 15/95.

- Convention on Prevention and Punishment of Criminal Acts against Persons under International Protection, Including Diplomatic Agents, Official Gazette of SFRY, International Treaties No. 54/76. B&H is the member on the basis of succession, Official Gazette of B&H, No. 25/93.

- International Convention against the Taking of Hostages, Official Gazette of SFRY, International Treaties No. 9/84. B&H is the member on the basis of succession, Official Gazette of B&H, No. 25/93.

- Convention on Physical Protection of Nuclear Material, Official Gazette of SFRY, International Treaties No. 9/85. B&H is the member on the basis of succession, Official Gazette of BiH, No. 26/98.

- Protocol on Suppression of Unlawful Acts of Violence at the Airports serving International Civil Aviation, as an amendment to the Convention on Suppression of Unlawful Acts against the Safety of Civil Aviation dated 23 September 1971, Official Gazette of SFRY, and International Treaties No. 14/89. B&H is the member on the basis of succession, Official Gazette of BiH, No. 15/95.

- Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation

- Protocol on Suppression of Unlawful Acts against the Safety of Fixed Platforms Located in Epicontinental Seaway

- Convention on the Marking of Plastic Explosives for the Purpose of Detection

- International Convention on Suppression of Terrorist Bombings

- International Convention on Suppression of Financing Terrorism

### European anti-terrorism conventions signed and ratified by Bosnia and Herzegovina:

<b>Council of Europe Conventions - Bosnia and Herzegovina</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on Combating Terrorism (ETS 90)	17/03/2003	03/10/2003
Additional Protocol (ETS 190)	04/02/2005	-
European Convention on Extradition (ETS 24)	30/04/2004	25/04/2005
First Additional Protocol (ETS 86)	30/04/2004	25/04/2005
Second Additional Protocol (ETS 98)	30/04/2004	25/04/2005
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	30/04/2004	25/04/2005
First Additional Protocol (ETS 99)	-	-
Second Additional Protocol (ETS 182)	-	-
European Convention on Transfer of Proceedings in Criminal Matters (ETS 73)	30/04/2004	25/04/2005
European Convention on Compensation of Damage to the Victims of Violent Crimes (ETS 116)	30/04/2004	25/04/2005
European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	30/03/2004	30/03/2004
Convention on Cybercrime (ETS 185)	09/02/2005	-
Additional protocol to the Convention on Cybercrime on Incrimination of the Acts of Xenophobic and Racist Nature (ETS 189)	09/02/2005	-
European Council Convention on Terrorism Prevention (ETS 196)	19/01/2006	-
European Council Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Combating Terrorism (ETS 198)	19/01/2006	-

### EU *acquis* in the area of combating terrorism

**Acquis communautaire** - Chapter: Justice, Security and Peace, EU *acquis* in the area of combating organised crime and terrorism.

On 25 November 2005, Bosnia and Herzegovina started negotiations in order to sign the Stabilisation and Association Agreement with the EU. B&H dedicated to harmonisation of national legislation with the regulations and standards of the EU in the areas of justice and internal affairs.

### International bilateral agreements relating the issues of police cooperation between Bosnia and Herzegovina and other countries

- Agreement between the Government of Bosnia and Herzegovina and the Government of the Republic of Hungary on Cooperation on Combating Terrorism, Traffic of Narcotics and Organised Crime, signed in Budapest (Hungary), on 21 April 1996 (ratification in the process of preparation);
- Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Turkey on Cooperation in Combating International Terrorism, Traffic of Narcotic Drugs and Psychotropic Substances and Organised Crime, signed in Ankara (Turkey), on 21 June 2000 (ratified by the Presidency of BiH on 5 April 2002);
- Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Italy on Cooperation in Combating Organised Crime, concluded in Sarajevo on 28 January 2002;
- Agreement between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia on Cooperation in Combating Terrorism, Smuggling and Abuse of Drugs and Organised Crime, concluded in Sarajevo on 16 June 2002;

- Agreement between the Ministry of Security of Bosnia and Herzegovina and the Ministry of Interior of Russian Federation, signed in September 2004;
- Agreement on Police Cooperation with the Republic of Greece (signed 03/2006);
- Agreement on Police Cooperation with the Islamic Republic of Iran (signed 2005)
- Agreement on Police Cooperation with the Republic of Austria (signed 05/2006);
- Agreement on Police Cooperation with the Republic of Slovakia (signed 06/06)
- Agreement on Police Cooperation with the Switzerland (parafied 04/2006)