



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 May 2014
(OR. en)**

**9266/06
EXT 1**

**COSDP 356
EUPM 11**

PARTIAL DECLASSIFICATION

of document:	9266/06 RESTREINT UE
dated:	11 May 2006
new status:	Public
Subject:	European Union Police Mission in Bosnia and Herzegovina Monthly Assessment report for the month of April 2006.

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

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Brussels, 11 May 2006

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NOTE

From	Secretariat
To	Political and Security Committee Third States contributing to EUPM
Subject :	European Union Police Mission in Bosnia and Herzegovina Monthly Assessment report for the month of April 2006.

Delegations will find attached the EUPM Monthly Assessment report for the month of April 2006.



EUROPEAN UNION POLICE MISSION

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Monthly Assessment Report 04/06
April 2006

EUSR assessment on the Rule of Law in Bosnia and Herzegovina

- The following actions were taken by the High Representative/European Union Special Representative (HR/EUSR) during April 2006, which relate to the establishment of the rule of law (RoL) in Bosnia and Herzegovina (BiH):
- Office of High Representative (OHR) continues its participation, with EUPM, in the RoL project management working group which was formed to establish the State Investigation and Protection Agency (SIPA), and which has now been expanded to address a wide variety of rule of law issues. This group has continued to meet weekly during April and discussed issues relating to SIPA funding and recruitment, the State Border Service (SBS), Interpol, police reform, and numerous other RoL issues.
- SIPA and SBS commissions on the attribution of ranks continued their work during April.
- Construction works at the site of the future reception/detention centre, being built for the Service for Foreigners in the East Novo Sarajevo Municipality started on 3 April 2006. According to the estimates of the contractor and the BiH Ministry of Security (MoS), the works should be completed by the end of July 2006.

- The 3 April BiH Council of Ministers (CoM) session adopted information, allowing the MoS to launch the procedure of appointing managers in the Service for Foreigners, including the director, deputy director, and assistant director for internal control. The selection and appointment procedure will be carried out in line with the BiH Law on Ministerial and Government Appointments.
- In the course of April, the Steering Board of the Directorate for the Implementation of Police Reform (DIPR) held two meetings, on 5 and 26 April. It was expected that the April meetings would result in an agreement on the model for a future police structure, as well as the finalization of operational matters, political oversight and strategic planning in that structure. Instead of the expected results, a text of a decision on the model of policing was proposed (conforming to the three EC principles), while the voting on the content of the decision was deferred to the 3 May extraordinary meeting.

The DIPR Steering Board also prepared a quarterly report on the results of the Directorate's work for submission through the BiH Minister of Security to the CoM.

1. General Situation

Political aspects

Speculation that the Republika Srpska (RS) Director of Police (DoP), Dragomir Andan, would resign became reality on 7 April. He submitted his resignation to the RS prime minister (PM) and minister of interior, without publicly explaining his reasons and also requested to be removed as a member of the DIPR. By continuing to present the RS opposition to police reform, he faced mounting pressure, but his position finally became untenable following a letter of criticism from the ICTY Chief Prosecutor Carla Del Ponte to the HR, regarding RS cooperation with the ICTY. The RS MoI Independent Selection Review Board (ISRB) has initiated selection procedures for the DoP's replacement and will interview prospective candidates during May. In the meantime, the Chief of Police Administration, Nijaz Smajlovic

(Bosniac), has been appointed acting DoP and will attend the DIPR Steering Board meetings.

The continued politicisation of two issues, crucial for the country's image on the international stage and for progress domestically, dominated the political scene in April. The decision to establish the DIPR was again questioned by the RS Prime Minister, Milorad Dodik (see *March MAR*). His criticisms included the presence of an international representative in the Directorate and the method of taking decisions by majority vote rather than by consensus. He also threatened to withdraw RS representation from the DIPR. Furthermore, proposed constitutional amendments, aimed at providing an important first step in improving the country's structure and strengthening the central government, which would have sent a positive message to the EU, were rejected by the BiH House of Representatives on 26 April. With elections scheduled to take place in five months, a political blockade to these and other reforms can be expected.

EUPM also witnessed in April the effects of politics in police appointments processes, in the case of the Federation of BiH (FBiH) Ministry of Interior (FMoI) deputy DoP. The FBiH Minister of Interior, Mevludin Halilovic (SDA), who, according to the law, should not play any role in the process, challenged the ISRB's decision to support the Canton 5 (Gorazde) police commissioner's appointment, arguing that the candidate did not meet the criteria. The Minister also challenged the ISRB's composition and the inclusion of police officers within it. EUPM believe that the Minister is challenging the candidate as he had investigated allegations against prominent SDA members in Canton 5. EUPM suggested that the ISRB requests a written legal assessment from the FBiH Parliament and Office of Legislation, which appoints the ISRB, and which has already established that the candidate is eligible. EUPM is of the opinion that the ISRB, in its present composition should finalize the process of appointment already started.

April saw the initiation of a new Forum of Citizens, Returnees, Displaced Persons and Refugees in Canton 10 (Livno). Under the auspices of EUPM and similar to the already-established structures in Tuzla, Travnik and Zenica, the forum in Livno will assist the local police in fulfilling its responsibility to increase the security of returnees, displaced persons and refugees. It also intends to implement a community policing project.

EU co-ordination aspects

HoM presents first six monthly review to Political and Security Committee - On 25 April, the Head of Mission (HoM) presented his first six monthly review report to the Political and Security Committee in Brussels. EUPM's review is part of the single comprehensive review of EU policy for BiH. The HoM spoke to the Committee, alongside the EUSR, Christian Schwartz-Schilling, the Operations Commander of EUFOR 'Althea', General Reith and the Director Western Balkans, DG External Relations, European Commission, Reinhard Priebe.

New EUPM Structure - Following the adoption of the EUPM OPLAN on 4 April, the process of revising the Mission towards a four region structure began with the redeployment of personnel, the arrival of a number of new staff and the closure of certain locations. The process will be completed in May.

Legal restrictions hinder EUPM assessment of EUFOR intelligence database - EUPM has begun the assessment of the existing EUFOR intelligence databases related to organised crime. However, only limited parts of the databases can be accessed by EUPM due to a number of legal restrictions set by EUFOR, NATO and national regulations. The assessment of the existing intelligence was requested by EUFOR as part of the process of re-aligning each organisation's respective roles in supporting the fight against organised crime. It seems that EUPM will only partly be able to fulfil this task because of EUFOR-specific regulations. This problem however does not affect the exchange of current intelligence, in line with the seven principles and the future common operational guidelines (*see below*).

Donor Coordination meeting - On 12 April, EUPM met with EC and IC representatives on the subject of the coordination of donations. The intention was to increase the information flow to Member States and support them in decisions on possible donations. EUPM proposed to act as the focal point for the coordination of donations and requests from the local police.

EUPM and SECI discuss cooperation in the fight against organised crime - On 5 April, the Deputy Head of Mission (DHoM) met with the South Eastern Cooperation Initiative

(SECI) director. The importance of regional cooperation in the fight against organized crime was stressed. The DHoM suggested that SECI could identify areas where EUPM might be more proactive and stated that EUPM is ready to provide more support in dealing with human trafficking and illegal migration. Forthcoming operational activities planned by SECI were also discussed, including a container security task force (In BiH the Indirect Tax Authority will be the lead agency) and a credit card fraud task force.

2. Police Reform

DIPR Steering Board Meetings

8th DIPR Steering Board meeting - On 5 April the Steering Board met to discuss the fundamental issue of the entire reform process; the model for a new BiH police structure. Most models proposed comprised two levels; state and local. That proposed by the then RS DoP, Dragomir Andan, had however an additional entity level, in breach of the first EC principle. The DoP stressed that he was not there as an independent, technical police expert, but rather was acting under the instructions of those at the highest levels of the RS. It was agreed by all members to have state training centres and a state forensics institute. The EC and OHR, after the meeting, warned the RS that the EC could move to postpone the signing of a Stabilisation and Association Agreement (SAA) with BiH if police reform was not implemented on the basis of the 3 EC principles. Due to a failure to reach consensus, an extraordinary Steering Board meeting was scheduled for 7 April but ultimately cancelled due to the unavailability of several members and the submission of the RS DoP's resignation (see *Political Aspects*).

9th DIPR Steering Board fails to reach agreement on new BiH police structure - On 26 April the Steering Board met to further discuss the model for the new BiH police structure. The RS representative repeated the earlier position of retention of the entities and warned of the danger of pushing through reform without the consent of the RS. The HoM cautioned the RS about its approach, underlining that everyone should be prepared to negotiate to achieve a solution and that the Board should not be blackmailed with threats of the failure of the

process. A statement was prepared, noting that the Board was in favour of a single BiH police structure, comprising state and regional levels, with a single law on the police and common training, forensics etc. The RS representative was not in favour of this and, if consensus is not achieved at the extraordinary meeting scheduled for 3 May, then a majority of the Board members are prepared to vote in favour of a model which meets EU expectations.

Steering Board study trip to Northern Ireland - EUPM facilitated and accompanied members of the Steering Board, OHR, International Criminal Investigation Training Assistance Programme (ICITAP) and the EC on a week-long study trip to the Police Service of Northern Ireland in Belfast, organised by the European Institution of Public Administration, to gain an insight into lessons learned during the restructuring process there.

The Politicisation of Police Restructuring and EUPM's Concerns

Political statements on police reform - Following the 9th Steering Board meeting, the RS Prime Minister, Milorad Dodik, stated publicly that there would be no police reform in BiH unless there is consensus and compromise, adding that the RS would not accept any imposed solutions. Additionally, the mayor of Brcko District submitted a letter to the chair of the Steering Board, stating that the borders of the District must not be changed when creating the new police regions. This message was echoed by the RS PM when he visited Brcko, stating that police reform must reflect the constitutional organisation of BiH.

HoM addresses RSNA Defence and Security Committee on police reform - On 28 April, the HoM addressed the RS National Assembly (RSNA) Defense and Security Committee, which was attended by all major RS politicians. He reiterated that, in October 2005, all parties, including the RS, endorsed the Political Agreement with three main EC principals. Further, the DIPR works on the basis of this agreement, which provides its parameters, without the authority to deviate from it. The HoM explained that, despite the Directorate's nine meetings, not one major element of its implementation plan has been achieved because the RS has neither accepted nor offered a proposal that meets the first principle; giving the State authority over all legislative and budgetary competencies for all police matters. RS

Prime Minister Milorad Dodik, RS President Dragan Cavic and BiH Minister of Foreign Affairs Mladen Ivanic (the leaders of the three main RS political parties), all stood united in stating that the RS will not accept a forced decision based on a majority vote of the DIPR. They recognized the need for reform but their vision includes the retention of the RS MoI.

HoM concerns over lack of political agreement and interpretation of the 3 EC principles

- The HoM is deeply concerned over problems being experienced in attempts to achieve results in police reform. It is clear to him that, despite the existence on paper of the October 2005 'Political Agreement', there is currently no meaningful political agreement as a basis for police reform. Moreover, the 3 EC principles can be, and are being, interpreted in very different ways. The RS government is openly critical of the formation of the DIPR Steering Board, and in particular the HoM's presence and his special veto capacity, and now states that it was unaware of the implications of October Political Agreement and what the three EC principles meant for the EC. EUPM recalls that this is not the case, as Milorad Dodik (the then RS opposition leader) and RS President Dragan Cavic clearly understood the implications of the Agreement and the 3 EC principles when they signed it.

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5. Press and Public Information activities

First case solved due to *Unsolved Case* TV show - A call from a citizen following the ‘*Nerijesen slučaj*’ (*Unsolved Case*) television programme has led to the arrest of a murder suspect; the first case solved due to the show. Reacting to the information received, Police Security Centre Doboj officers arrested a man on 26 April in Kotorsko, wanted by Interpol for a murder in Slovenia in 1997. Following this news, the HoM praised the show’s importance and reiterated the call for citizens to help the police solve crimes by calling the hotline.

Letters to prosecutors - As a follow up to the first law enforcement agency spokespersons workshop (see *March MAR*), a letter emphasising the importance of clear communication between prosecutors, police and the media was sent to all prosecutors across BiH on 19 April, on behalf of the EUPM and the UK Embassy.

EUPM prepares for European Institutions Open Day - A EUPM delegation will attend the European Institutions Open Day in Brussels on 6 May. Films, trailers, and other promotion/publicity material have been prepared for distribution to the public. Local police representatives from BiH will also attend.

6. Outlook

The HoM and DHoM will meet with EUFOR on 11 May to formally sign the agreed guidelines for EUPM/EUFOR coordination, in accordance with the 7 principles for joint operations.

The HoM has supported the organisation of a study trip to Rome on 15-19 May and will accompany representatives from the DIPR, OHR and EUPM to discuss restructuring issues. The participants will be received by high ranking representatives of the MoI, Carabinieri, State Police and Guardia di Finanza, with briefings given on different aspects of coordination and cooperation between police organisations.

In early May, EUPM, in conjunction with the police authorities of BiH, will launch a country-wide anti-drugs campaign. Local police authorities are expected to take the lead role, and the campaign will see a number of information activities on drug-related crime and the effects of illicit drugs, with presentations given in schools before the summer holidays begin.

_____ **END of REPORT** _____