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



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**NOTE**

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From Secretariat  
To Political and Security Committee  
Third States contributing to EUPM

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Delegations will find attached the EUPM Monthly Assessment report for the month of May 2007.



## EUROPEAN UNION POLICE MISSION

### Analysis and Reporting Cell

#### EUPM Headquarters

PO BOX 90  
Aleja Bosne Srebrene bb  
71000 – SARAJEVO (BiH)  
**Tel:** +387 (0) 33 752 685  
**Fax:** +387 (0) 33 752 734  
**Email:** reports@eupm.org

Monthly Assessment Report 05/07

May 2007

### **EUSR assessment on the Rule of Law (RoL) in Bosnia and Herzegovina (BiH)**

The following actions were taken by the High Representative/European Union Special Representative during **May 2007**, which relate to the functioning of the rule of law in Bosnia and Herzegovina:

- OHR/EUSR continued its participation, with EUPM, in the Rule of Law 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. The meetings in May took place on the 3<sup>rd</sup>, the 17<sup>th</sup>, and the 31<sup>st</sup>.
- The second conference on cooperation between the police and prosecutors, and best practices took place at the *Terme* hotel in Sarajevo. It has been estimated that the conference will have an important impact on the cooperation between the two services, as well as the establishment and implementation of best practices. The estimate is based on the experiences of EUSR prosecutorial advisers after the completion of field trips together with the representatives from the EUPM CJIU during the first half of this year. In comparison with a field trip carried out last year, before the first conference, the answers from chief and senior prosecutors indicated that noticeable improvements had been accomplished when it comes to cooperation and best

practices. Last year's conference on cooperation between the police and prosecutors might fairly be assessed to be a major contributor to this result.

## 1. General Situation

**RS demands revision of competencies transferred to BiH level** - On 4 May, at a press conference in Banja Luka, the RS PM Milorad Dodik stated that he intends to initiate a procedure for withdrawal of agreements on competencies transferred to the state level. It was stated that a number of reforms that had implied a transfer of competences from the entity level had not produced the anticipated results. The request was also substantiated by the allegation of unequal distribution of VAT revenues between the entities. As yet, there is no information that such procedures (before the constitutional court) have been initiated.

**New High Representative announced** - On 11 May, the Peace Implementation Council Steering Board announced its decision to appoint Ambassador Miroslav Lajčák as the next High Representative. He will succeed Dr. Christian Schwarz Schilling when his mandate expires on 30 June. Ambassador Lajčák, the current Director-General for Political Affairs in the Slovak Ministry of Foreign Affairs, is a career diplomat with extensive experience in the region. He is best known for his role as mediator and personal representative of the EU High Representative for the Common Foreign and Security Policy, Mr. Javier Solana, in Montenegro last year in which he oversaw the Montenegrin referendum. It is also anticipated that Mr. Lajcak will be appointed as EU Special Representative next month.

**US State Department talks with Presidency members** - On 22-24 May, in an attempt to revitalize the reform process, the US State Department used the opportunity of RS Prime Minister Milorad Dodik's and Bosniac member of the BiH Presidency Haris Siljadic's visits to Washington to have them jointly discuss constitutional and police reform with US officials. The Principle Deputy High Representative, representing the HR/EUSR was also in attendance. The US position sought a solution through agreement, with emphasis that Dayton could not be annulled, but could be built upon through agreement and consensus. The talks did not produce the desired breakthrough and the two protagonists' public positions remained the same, still far from any compromise that could move the process forward.

**Council General Secretariat delegation visits EUPM** - On 23 May, Brigadier General Stefan Feller, Head of the Police Unit within the Directorate for Civilian Crisis Management arrived for a two-day visit of EUPM and BiH law enforcement agencies. The delegation met with senior State and entity level LEA representatives, the EUSR, EUFOR and the EC delegation in Sarajevo. On 24 May he visited the EUPM Field Office Trebinje to get an insight into the mission's targeted and regionalized approach, as well as into progress and challenges of law enforcement agency cooperation in BiH. In addition, Mr. Feller discussed the achievements of BiH toward EU integration with regard to policing aspects with the BiH Directorate for European Integration, the BiH Ministry of Security and the Ministry of Justice.

### *Eastern Republika Srpska / Srebrenica*

**RS Director of Police letter to State Prosecutors Office** - On 2 May, EUPM received from the RS DoP Mr. Uros Pena a copy of a letter he sent to the BiH State Prosecutors office some days earlier in which he reminded them of a document sent to them in 2004 relating to the implementation of the conclusions of the RS Working Group of the Commission for Srebrenica, tasked with looking into events that took place there between 11 and 19 July 1995. The Commission compiled a list of approximately 28,000 individuals serving with Republika Srpska authorities in the Srebrenica region at the time. A condensed list of approximately 800 of these individuals, who were still thought to be employed by RS government bodies, including the RS police, was forwarded to the Prosecutors Office in March 2005. Mr Pena enquired in the letter whether or not any current employees of the MoI had been identified from this list by the Prosecutors' office as being unsuitable for employment in the police. He promised the Prosecutors his full support and assistance if any such persons were identified.

**Envoy to Srebrenica region appointed** - On 2 May, the HR appointed Mr. Clifford Bond, former US Ambassador to BiH, as his Envoy to the Srebrenica Region. Ambassador Bond will serve, on behalf of the High Representative, as his contact point with local authorities on issues related to the Srebrenica area, will play a key role in coordinating the international community activities in and around Srebrenica and will follow through on relevant decisions of the HR regarding the region. Additionally, he will ensure that BiH authorities establish and maintain effective coordination

arrangements for implementation of agreements made on the basis of the recommendations of the international community's Assessment Group for Srebrenica.

**Tent camp Sarajevo** - On 09 May, a Bosniac returnee from the Srebrenica village of Ljeskovik reported to the police that three armed persons had attacked and threatened him. The police investigation which followed and which was led by the Bosniac Deputy Station Commander did not discover any evidence of an attack. The local police suspect that this was a malicious false report and submitted a report against the returnee to the prosecutor. In reaction, on 10 May, a group of around fifty persons (mostly women and children) left the village for the tent camp of Srebrenica citizens located in Sarajevo, while Bosniak veterans suggested they might put up a permanent surveillance camp. While the plan is not off the table, there is information that the Veterans currently do not intend to follow through on this idea. Following attempts to convince people to return, in which EUPM was involved, some people did return to their homes. The population of the tent camp varies on a daily basis and to date there is no firm indication that people are departing. The entire situation has become extremely politicised and aggravates an already difficult situation in the eastern RS.

On 16 May, the Station Commander from PS Srebrenica together with his Deputy and High Representative's Envoy to the Srebrenica Region Mr. Clifford Bond with EUPM presence visited the encampment. The purpose of the visit was to convince those gathered that it is safe and secure to return to Srebrenica, contrary to rumour and attempts to manipulate the ethnic divisions, illustrated by the false report on 9 May. EUPM assess that the situation in Srebrenica at present remains calm. Nevertheless, EUPM have organized their own regular patrols in Srebrenica and other affected areas to actively monitor and assess the situation and the activities and performance of the LP as the commemorative events draw near.

**Bratunac burials passed without incident** - On 12 May, the planned burial of Bosniac war crime victims took place in Bratunac attended by between 2-3000 people. The event was closely monitored by a team of EUPM staff who reported that the 300 local police officers on duty carried out their tasks in a professional and sensitive manner resulting in there being no reported incidents. Mr. Refik Begic, chairman of the Initiation Board speaking on behalf of the Bosniac community reported that he was 'very pleased' with the performance of the local police.

**Srebrenica commemoration 11 July** - The RS Minister of Interior, Mr. Stanislav Cadjo reiterated that responsibility for the security arrangements of the Srebrenica commemoration lie with RS MoI. He would not oppose any additional authority, such as SIPA, yet the ultimate responsibility must rest with the RS MoI, which would act in accordance with their legal mandate and provide the necessary security arrangements. The Director of Police, Mr. Uros Pena, has begun to establish a task force which will be responsible for the security in Srebrenica on 11 July.

### *War crimes*

**RS MoI search premises of company director** - On 8 May, RS MoI Special Investigation Unit assisted by Support Unit Banja Luka, conducted a search of private and business premises of Mr. Drasko Gligoric a director of a health company, who is believed to be part of the network supporting the ICTY fugitive Zupljanin Stojan. During the search a computer, mobile phones, CDs, pictures and notes were seized and forwarded to the respective court. The suspect was interviewed following the searches.

**SIPA arrests of war crime suspects in Bratunac** - On 23 May, pursuant to search and arrests warrants issued by the BiH State Prosecutor's office, SIPA's War Crimes Department and Special Support Unit conducted an operation in the Bratunac area where two men were arrested on suspicion of committing crimes against Bosniak civilians in the Bratunac area in 1992 and 1993. They were handed over to the BiH State Prosecutor for further proceedings. Officers later searched accommodation and business premises of those arrested and seized a firearm and documents. EUPM is monitoring this investigation.

**Convicted War Criminal Escapes** - On 25 May, convicted war criminal Radovan Stankovic escaped from custody while being taken to Foca Hospital from Foca Prison for a dental appointment. A total of nine prison guards had been assigned to the escort. While exiting the prison van in front of the Hospital, Stankovic attacked two guards and in the following confusion made his escape in a white VW Golf driven by an unknown male. The license plates of the Golf could not be confirmed by witnesses, including the prison guards. Local police reportedly had not been informed of the visit to the hospital. The prisoner Radovan Stankovic (alias Rasa) arrived at Foca

Penitentiary on the 18th April 2007 having been sentenced to twenty years imprisonment for crimes of enslavement, rape, torture and imprisonment by the State Court of BiH on the 28 March 2007. There are unconfirmed reports that Stankovic could now be in Montenegro. EUPM are closely monitoring this investigation and have assigned an inspection team to the case. On 31 May, the Chief of PS Foca CID confirmed to EUPM that nine Foca prison guards, who escorted Stankovic at the time of escape, were suspended immediately after the incident while the Foca prison director and the chief of security guards were removed from their posts on 30 May.

**Arrest of Zdravko Tolimir** - On 31 May, on the border between Serbia and BiH near Bratunac, the RS MoI in cooperation with MoI Serbia arrested Zdravko Tolimir (Assistant Commander for Intelligence and Security of the Main Staff of the Bosnian Serb Army) who was one of seven Assistant Commanders who reported directly to the Commander of the Main Staff, General Ratko Mladic. In February 2005, the ICTY confirmed an indictment against Tolimir for responsibility for murdering more than 7,000 Bosnian Muslim men and boys from Srebrenica in July 1995. The indictment also accuses him with making life unbearable for the civilian inhabitants of Srebrenica and Žepa and forcing them to leave the UN protected areas. He has since been transported to The Hague.

### *Other*

**EUPM monitors security situation in Stolac and Kotorsko** - EUPM continues to monitor the situation in Stolac following the damage on 14 May to several foundations for crosses which local Croats plan to erect. Members of the Stolac Youth Forum (Bosniacs) claimed responsibility, as a reaction against the "planned illegal installing of 13 crosses". The police interviewed the Forum's president, Mr. Nerin Dizdar, who refused to give a statement, but a report will be submitted to the Prosecutor. On 29 May, Dizdar sent a letter to Canton 7 MoI, international agencies and local institutions in protest against the actions of the Cantonal MoI. While the Forum's actions do not contribute to establishment of better inter-ethnic relations, it is acknowledged that the target of their hostility is illegal. The post-war history of Stolac is littered with such incidents, which over the past few years, have fortunately become less and less violent. Even though tensions remain, negative reactions are not expected, but EUPM will continue to monitor events. The issue in Stolac mirrors



disputes over the location of post-war constructed churches in parts of the RS, notably Konjevic Polje, Divicic and Kotorsko, where the lack of will from local authorities to apply due process in their construction or removal, has helped burden relations with returnee communities.

**Removal of Orthodox Church foundations in Kotorsko postponed** - On 18 May, PSC Doboj Deputy Chief informed EUPM that Doboj Municipality had postponed the planned operation of removal of the Orthodox Church foundations in Trnovo Polije 1 scheduled to take place on 21 May (see *WMR 20/07*). The contractors tasked with the removal informed the municipality that they lacked the necessary equipment to complete the contract. This postponement has raised tensions among the citizens to the extent that official representatives of the Local Community of Kotorsko officially informed the respective authorities that they do not want to take responsibility for repercussions arising from this new situation. A further complication surrounds malicious rumours that are circulating about an undisclosed plan of the municipality to initiate a bidding process to sell the land plot on which the church foundation lies. According to the MA Speaker Mr. Enes Suljkanovic, this is unlikely to occur knowing that the municipal assembly would never approve it. Mr. Suljkanovic is positive about the Mayor's eagerness to go ahead with the removal. A new date of 25 June has been set for the removal. EUPM will continue to monitor this situation to its conclusion.

## **2. Support to the Police Restructuring Process**

**EUPM issues guidelines to All Commissioners Meeting** - On 29 May, EUPM presented to the All Commissioners Meeting, a set of guidelines setting out a structure for coordinating their approach to internal affairs matters. On 19 February, an OHR/EUPM letter was circulated on the abolishment of the 'Moratorium Letter' a 2003 OHR and EUPM signed document suspending any amendments to cantonal legislation relating to internal affairs, to preserve the achievements of BiH police under IPTF (See *WMR 08/07*). Following the release of this letter EUPM took the lead in coordinating and ensuring a consistent approach throughout the Cantons on possible amendments to their legislation governing all ten cantonal laws on internal affairs. This initiative was taken in response to the request of a number of Cantons which were in favour of proposing a set of amendments to their BoRIOs independently which could have led to a fragmented and inconsistent approach. EUPM

took the view that any change to the BoRIOs should be postponed until after the amendments to the cantonal Laws on Internal Affairs.(CLIA) Should Cantons go ahead regardless, the guidelines will serve as basic principles for the drafting of the BoRIO (ensure a pyramidal structure of the police force, no new recruitment, ensuring that there is only one operational centre per Canton, ensuring that the ranking systems match the level of responsibility etc...) These guidelines are one of a number of initiatives undertaken by EUPM to harmonize the legal framework of all relevant pieces of legislation governing police matters throughout the country

**EU Commissioner for Enlargement letter criticises BiH authorities** - A growing dissatisfaction with the slow pace of reform in BiH has been expressed in a letter sent to BiH officials by the EU Commissioner for Enlargement, Olli Rehn on 8 May. Media outlets carried excerpts focusing on the SAA which depends on concrete and visible progress in police reform and cooperation with the ICTY. The media also highlighted concerns expressed in the letter concerning an aggravation of the political situation in BiH and a return to nationalistic rhetoric. While BiH political parties largely assessed the letter as well-intended, none have yet expressed a readiness to accept responsibility in the slowing down of the reforms process.

### **3. Support to Fight against Organised Crime**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

#### **4. Police Accountability**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

## **5. Horizontal Tasks**

**Proposed New Amendments to Law on SIPA and LOPO** - On May 18, EUPM and OHR discussed the amendments to the Law on SIPA and LOPO, apparently forwarded by the ICITAP which envisaged the possibility of having civilians as directors of the state level police agencies. If adopted this would be contrary to the current policy of police recruiting that was originally designed to minimize political influences in police work. Given the current, political blockade of the SIPA Director selection process, the question arises as to whether the amendments could help or further politically complicate that process. It could also impact on SIPA and BP functioning and work, both from the police and the organizational point of view.

## **6. Press and Public Information Activities**

**50<sup>th</sup> EU anniversary** - On 5 May, in Sarajevo, EUPM participated in the celebration of the 50<sup>th</sup> anniversary of the signing of the Treaties of Rome along with other EU family members in BiH.

**Media interviews by General Coppola** – On 30 May, HoM gave two interviews; to RTRS television and the newspaper *Oslobodjenje*. Both media were interested in the search for fugitive Radovan Stankovic, and the inspection into the mistakes made by Foca Prison. Also of interest was the status of decertified police officers and the possible solution to police reform.

## **7. Outlook**

**8 June** – The HoM and the Director of the Kids Festival will officially launch the fourth Kids Festival, a police/public relations event.

**15 June** – HoM to brief CIVCOM on progress in the support of the fight against organised crime

**18-19 June** – **Political Directors** of the Peace Implementation Council Steering Board meet in Sarajevo

**20-21 June-** EU-Western Balkans Police Liaison Officers meeting organised by the German Presidency in Sarajevo (supported by EUPM)

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