



Council of the  
European Union

Brussels, 15 December 2014  
(OR. en)

8950/08  
EXT 1

COPS 130  
PESC 512  
CIVCOM 207  
COSDP 341  
RELEX 271  
COWEB 126  
JAI 212  
EUPM 9

#### **PARTIAL DECLASSIFICATION**

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of document:	8950/08
dated:	14 May 2008
new status:	Public

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Subject:	European Union Police Mission in Bosnia and Herzegovina: Fifth Six-Monthly Review report
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Delegations will find attached the partially declassified version of the above-mentioned document.



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THE EUROPEAN UNION**

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**8950/08  
EXT 1 (15.12.2014)**

**RESTREINT UE**

**COPS 130  
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JAI 212  
EUPM 9**

**NOTE**

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

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Subject : European Union Police Mission in Bosnia and Herzegovina: Fifth Six-Monthly  
Review report

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Delegations will find attached the Six-Monthly Review report of the European Union Police Mission in Bosnia and Herzegovina.

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**Six-Monthly Review Report of the Head of Mission  
of the European Union Police Mission in Bosnia and Herzegovina**

**Background**

- A. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) is subject to a Six-Monthly Review process, as provided for by the Joint Action on EUPM of 19 November 2007 (2007/749/CFSP). The review shall be carried out in accordance with the criteria set out in the Concept of Operations (CONOPS) of 25 October 2007 and the Operation Plan (OPLAN) of 21 January 2008 and take into account recent developments in police reform. It shall enable adjustments to be made to the Mission's activity as necessary.
- B. In order to maintain the rhythm of parallel reviews of the EUPM and Operation ALTHEA, the Political and Security Committee invited the EUPM Head of Mission to present his next Six-Monthly Review report covering the period 16 October 2007 to 15 April 2008.
- C. The European Union Special Representative was consulted and subscribes to the assessments and conclusions of this review. The Commander of European Union Forces (EUFOR) and the Head of the EC Delegation were also consulted by the EUPM Head of Mission.

**Date and time of report:** 29 April 2008, 12h00 CET

**Report type:** Routine

**Mission Strength:** 162 International Police Officers, 31 International Civilian Experts, 219 National Staff

**Reporting period:** 16 October 2007 – 15 April 2008

**Report number:** EUPM Six-Monthly Review #5

## **I. Executive summary**

1. Although the political situation remained difficult during the reporting period, police services in Bosnia and Herzegovina have proven continued willingness and capacity to uphold public peace and order, including in complex situations such as the aftermath of the Kosovo declaration of independence.
2. Mission progress in support of the fight against organised crime has been slow but steady, as highlighted by the arrest of a major organised crime figure in Sarajevo mid January but also by the difficulties encountered in other cases, for instance in the Republika Srpska.
3. The adoption of the two police reform laws on 16 April is considered a major step forward. Their implementation also opens new potential for continuous police reform efforts combined with the harmonisation of the legislative framework of the various law enforcement agencies. It may be expected in the coming period that policing questions will move out of the political limelight which opens the opportunity to come back to a technical expert agenda.
4. For the coming six months period no adjustments of the Mission are recommended. However, the level of progress of the Stabilisation and Association process should be central to considerations about the future EU engagement, including the role of ESDP instruments beyond 2009.

## II. Analysis of progress against agreed six-monthly objectives

5. The most important event of the last six months with regard to EUPM's objectives has been the agreement and adoption of the two police reform laws in line with the Mostar Declaration and the Action Plan. The Parliamentary Assembly of Bosnia and Herzegovina passed these laws in April 2008. At this stage, the two laws will not result in a comprehensive police reform encompassing the entities, cantons and Brcko District, as relations between the State and other levels are to be addressed after constitutional reform.
  
6. The laws will establish seven new bodies at state level to coordinate and support the two state level police agencies, i.e. the State Investigation and Protection Agency (SIPA) and Border Police (*annex 1 for a more detailed assessment*). However, there are important elements in the law, which allow EUPM to come to a cautiously optimistic assessment. First, the laws make reference to the three EU principles for police reform in Bosnia and Herzegovina. Second, there is a commitment to take further steps after constitutional reform. Third, the institutions established by the two laws could be "upgraded" in the future to play a more important role vis-à-vis entity, cantonal and Brcko District police. The slow progress of the police reform can be attributed to the generally tense political atmosphere that has prevailed in the last two years and significant disagreements among the political parties of the government coalition. Against this background it was not possible to achieve a more profound police reform at this time. However, the three elements highlighted above, indicate to EUPM that the process is heading in the right direction. In close coordination with the EUSR/HR, the Mission will from now on assist in implementing the laws together with the European Commission. The European Commission has foreseen to provide technical assistance and EUPM will be able to provide police experts.

### III. Mission state

#### III. a. Overview of activities carried out

7. In parallel to its work on the two laws, EUPM continued its “bottom-up” approach in police reform. The preparation of harmonised laws on internal affairs and laws on police officials has advanced well during the reporting period. EUPM expects the ongoing process of passing the harmonised legislation in the entities, cantons and the Brcko District to be concluded by the end of 2008. Institution-building in SIPA and the Border Police remained a key activity. Although the last two years have seen slow progress, achievements can mainly be registered on the operational side, while structural problems remain. A new SIPA director was appointed in January 2008. The previous director left in February 2007. That it took almost a year to fill the vacancy shows again the political nature of such appointments. SIPA and the Border Police need more staff and equipment to become fully operational and capable of running their complex operations; this is a situation which is not going to change quickly.
  
8. A key aspect of institution-building for EUPM has remained the Bosnia and Herzegovina Police Steering Board. The Board gained some momentum earlier and it serves as an indispensable platform for key police managers. In the absence of other institutionalized mechanisms, it is a key tool to gather views of the police and to steer police reform projects across and for the whole country. EUPM has developed together with the domestic police partners new terms of reference for the Board which are currently under review by the Bosnia and Herzegovina Council of Ministers. A revitalised working methodology is indispensable to make the Police Steering Board a tool for improving the performance and coordination of police.
  
9. Despite these positive steps in the broader police reform arena, progress has remained generally slow. The Mission is expecting, however, that the adoption of the two police laws will move police reform out of the limelight of the daily political difficulties and allow for a swifter implementation of EUPM’s technical expert agenda.

10. Over the last six months, EUPM has achieved continuous progress and results in the operational support to the fight against organised crime. As the police and judicial system continued to face problems due to their fragmentation, Mission activities were instrumental in keeping police work on track. EUPM continued to initiate the necessary coordination for tackling organised crime. The reporting period saw significant results, such as the arrest of a high-level criminal and his associates in Sarajevo. On the other hand, for two high-level cases with links into governmental and business circles in the Republika Srpska, no significant progress can be reported. EUPM has witnessed that, from a certain level onwards, Republika Srpska police may not be able to work independently of political influence (*see annex 2 on key anti-organised crime activities*).
11. The EU-ESDP Coordination Board mobilised additional support for investigations, in particular by EUFOR on the basis of the Common Operational Guidelines. The Mission has started preparations to merge the EU-ESDP Board with the national criminal intelligence system existing at state level, and to fully hand over to SIPA in the coming twelve months the methodology of targeting alleged criminal offenders involved in organised criminal activities. Crime advisors remain in position all over the country and are supported by criminal justice experts who nurture better relations between police and prosecution. The mission has also gained expertise in monitoring the conditions of high-risk individuals in pre-trial custody and when serving their prison sentences. EUPM continued, in close coordination with the EUSR, to support the High Judicial and Prosecutorial Council in establishing enhanced mechanisms of cooperation between the police and the prosecutors' offices. After a series of stock-taking conferences and thematic workshops held during 2007 and carried out in cooperation with EUPM, four strands of work will be pursued during 2008: first, the development of secondary legislation (by-laws, instructions etc.); second, development of a curriculum for joint police-prosecutors' training; third, harmonisation of records and statistics and last, a feasibility study to establish a system of unified criminal records across the criminal justice system in Bosnia and Herzegovina. The Mission is contributing to all aspects of this work and has witnessed a further increased willingness of all stake-holders to cooperate in these standard-setting projects.

12. The inspection teams carried out in-depth inspections of police misbehaviour, instances of corruption, reluctance to investigate and general obstruction of the criminal justice system. Through inspections and audits systemic short-comings are being identified which lead to specific EUPM recommendations to rectify them. Outcomes of inspection activities contributed to Mission policies related to police reform efforts in general, e.g. regarding the status of the employees of police academy and forensic laboratory of the Federation of Bosnia and Herzegovina, the role of police in controlling private security companies, and the maintenance and use of police databases.

### **III. b. Human resources**

13. The mission continued to implement the Generic Standards of Behaviour for ESDP Operations. EUPM personnel have made particular efforts to maintain and gain the confidence of the population of Bosnia and Herzegovina through adequate and professional conduct of its personnel. EUPM personnel continued to apply a high standard of behaviour. The Mission continued to take forward the implementation of UNSCR 1325 on women, peace and conflict, which in many aspects is linked to the Generic Standards of Behaviour.

14. The Legal Counsel was appointed Gender and Human Rights focal point. The gender ratio remained stable among seconded mission personnel. On 15 April 2008, the Mission was composed of 162 international police officers (out of which 16 female), 31 international civilian experts (8 female) and 219 national staff (133 female and 86 male). The Mission's focus is to continue improving the gender ratio for management positions.<sup>1</sup>

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<sup>1</sup> The following management positions were held by women: Deputy Chief Inspections Department, Deputy Chief Police Reform Department, Coordinator of Government and Parliament Liaison Unit (Police Reform Department) and Coordinator of the Criminal Justice Unit (Anti-Organised Crime Department), Chief of Personnel (Administration and Support Department).



### **III. c. Financial update**

15. On 26 December 2007, the Head of Mission signed the contract as Special Advisor for EUPM with the European Commission for 2008. The first instalment of pre-financing, approximately 5.5 million Euro of 2008's budget of 14.8 million Euro, was paid in due time. The Mission is adequately funded.

### **III. d. Visibility: how the mission is perceived by stakeholders and other actors**

16. The general public and media continued to perceive EUPM as a credible actor on the ground with a good reputation. Press statements by the Head of Mission were regularly printed and reporting about EUPM and its activities was generally accurate and fair.

17. The Mission continued to enjoy a good working relationship with police counterparts throughout Bosnia and Herzegovina. Relations with public prosecutors have been further strengthened, not least through joint activities with the High Judicial and Prosecutorial Council, as well as through cooperation on particular investigations. In line with the Mission's mandate to curb political interference into operational policing, a critical dialogue was maintained with entity and cantonal Ministries of Interior and the Bosnia and Herzegovina Ministry of Security. The Mission also maintained regular contact with the BiH Directorate for European Integration, including for the coordination of donor activities in the field of police.

18. The Head of Mission provided policing advice to the EUSR who in turn provided local political guidance to EUPM. The mission continued to enjoy excellent working relationships with the European Commission Delegation and the EUFOR (Operation Althea) and continued its close cooperation with the OHR, ICITAP, OSCE and other bi-and multi-lateral initiatives.

#### IV. Political and security update

19. The security situation in Bosnia and Herzegovina remained calm and stable. Despite a lack of political progress and political tensions, police managed public peace and order events in a satisfactory manner. Though EUPM continued to identify short-comings, police overall demonstrated enhanced operational readiness in preparing for complex situations, including during the aftermath of Kosovo's declaration of independence, when violent demonstrations targeted a number of Western diplomatic missions in Banja Luka.
20. EUPM positively assessed the increased willingness and ability of the police to manage public peace and order as a key requirement for lasting stability in Bosnia and Herzegovina. Local police have reached the threshold which allows them to deal with all, but the most extreme, security challenges. The reporting period also saw development and improvement of their general public peace and order capability. The adoption of the police reform laws further consolidates the establishment of democratically controlled security forces in Bosnia and Herzegovina.
21. Organised crime and corruption remained a challenge to Bosnia and Herzegovina's development. During the reporting period a number of violent incidents attributable to organised criminal activity occurred. Bosnia and Herzegovina remained on a route, albeit not the principal route, used for smuggling of drugs, cigarettes, weapons as well as for trafficking and smuggling of persons. The fragmented policing, law-enforcement and judicial system lacks solid coordination and cooperation mechanisms, resulting only in slow albeit steady progress in the fight against organised crime and illegal migration.
22. The political atmosphere has been tense since last October. The High Representative announced a range of measures to improve the functionality of Bosnia and Herzegovina's institutions, prompting strong reactions from the Republika Srpska. Despite the resulting tensions, on 28 October 2007 leaders of Bosnia and Herzegovina's governing parties signed the Mostar Declaration agreeing to take necessary steps to implement police reform as a requirement to sign the Stabilisation and Associations Agreement. In November, political leaders agreed to an Action Plan for police reform, defining the necessary detail and legal solutions. The Council of

Ministers subsequently adopted the Mostar Declaration and Action Plan. This brought Bosnia and Herzegovina back on track towards EU integration. The Stabilisation and Association Agreement was initialed on 4 December 2007 by the Enlargement Commissioner in Sarajevo.

23. In early February 2008, however, the decision of the leading Bosniak party to walk away from the Mostar Declaration and the Action Plan caused major difficulties. In parallel to this, the RS National Assembly adopted a resolution claiming the right of self-determination. The Steering Board of the Peace Implementation Council met at the end of February 2008 in Brussels and reacted strongly to these serious developments and decided to keep the Office of the High Representative in place until a set of five objectives and two conditions were met. With the adoption of the two police reform laws, prospects for the signature of the Stabilisation and Association Agreement increased, thereby significantly improving the chances to meet one of the two conditions. The second condition is a positive assessment of the situation in Bosnia and Herzegovina by the Peace Implementation Council.

## **V. What possible changes should CPCC consider for the next reporting period**

### **V. a. Mandate extension/new financing period**

24. The current financing period expires on 31 December 2008 and the Joint Action on 31 December 2009.

### **V. b. Suggestions for PSC discussions and strategic guidance**

25. In the light of progress in the Stabilisation and Association process, future EU engagement requires reflection and planning. The anticipated signing of the Stabilisation and Association Agreement will mark a turning point towards more local ownership. In line with EUPM's mandate, certain institution-building and police reform follow-on tasks could possibly be transferred to Community instruments.

26. Given certain weaknesses of the current policing system, including in SIPA and the Border Police, the withdrawal of EUPM's operational support to the fight against organised crime will need to be carefully assessed. Although positive and incremental progress has been registered,

the limitations of the criminal justice system, in particular at the interface between the judiciary and police, in tackling the most serious forms of crime and corruption requires continuous monitoring and review to identify the most suitable EU approach.

27. The parallel review process of Operation ALTHEA, EUPM and the input of the EUSR offer an opportunity to start a reflection process about the future role of ESDP in Bosnia and Herzegovina.

## **VI. Planning the next six months: including mission objectives for next reporting period**

28. Police reform implementation, operational support to the fight against organized crime, and a pro-active inspection programme are set as priorities for the coming six months. In all three areas EUPM will aim to strengthen local ownership and initiative. In addition to EUPM's coordination and harmonisation efforts and in order to contribute to lasting stability, the Mission will encourage ministries and police to develop comprehensive intelligence-based security strategies from the state to local level in order support a better allocation of resource and pro-active planning of all kinds of security measures across Bosnia and Herzegovina. The Police Steering Board will have to play a leading role in this process together with the Ministry of Security.
29. The Mission will particularly aim at building bridges for closer police and judiciary co-operation with the EU in line with the Stabilisation and Association Agreement and other instruments, including EUROPOL (with which a strategic agreement already exist) and FRONTEX (which is establishing preliminary contacts).

## **VII. Comments by HoM**

30. As Head of Mission, I would like to thank first and foremost EUPM's international and national staff, who has continued to display the high degree of professional and personal behaviour and conduct. I am also grateful to the Member and Contributing states for the excellent personnel they are providing to the Mission. Furthermore, I am grateful for the support of the EU family in Sarajevo over the last six months, namely the EUSR and his team, the Portuguese and Slovenian Presidencies, the Commander of EUFOR and the operational partnership based on the Common

Operational Guidelines, and the Head of the Delegation of the European Commission and his team.

The EUSR was consulted and subscribes to the assessments and conclusions of this review. I also consulted with the Commander of EUFOR and the Head of the European Commission Delegation.

Approved by BG Vincenzo COPPOLA  
Head of Mission

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## Annex 1

# Assessment of the Police Reform Laws adopted on 16 April 2008

## 1. BACKGROUND

On 10 and 16 April 2008, the House of Representatives and the House of Peoples of the Bosnia and Herzegovina Parliamentary Assembly adopted two police reform laws. The laws will come into force after their publications in the official gazette of Bosnia and Herzegovina. The following provides an assessment of the two laws by the Head of Mission of the European Union Police Mission to Bosnia and Herzegovina.

## 2. GENERAL ASPECTS

### 2.1. Police Reform Law # 1

The *Law on Directorate for Coordination of Police and Agencies for Support to Police Structure of BiH* establishes the following four bodies: the *Directorate for Coordination of Police Bodies*, *Agency for Forensic Examinations and Expertise*, *Agency for Education and Advanced Training of Personnel* and *Agency for Police Support* as administrative organizations within the Ministry of Security.

The internal structures, including the level and type of staffing, of these bodies shall be determined by Books of Rules on Internal Organization issued by the head of each agency and approved by the Council of Ministries of Bosnia and Herzegovina.

EUPM recommended the Directorate for Coordination of Police Bodies to be explicitly established as a police body, in line *inter alia* with its protection tasks. It will continue to do so during the implementation phase. The other three bodies are foreseen to be solely administrative organisations, which will have no police powers.

## 2.2. Police Reform Law # 2

*The Law on Independent and Supervisory Bodies of the Police Structure of BiH* establishes three supervisory bodies of the police structure at the level of Bosnia and Herzegovina: *the Independent Board, the Public Complaint Board and the Police Complaints Board*.

- The Independent Board is the independent body of the Bosnia and Herzegovina Parliamentary Assembly, which shall select and propose dismissal of Heads and Deputies of the police bodies.
- The Board for Complaints of Police Officials is the independent body of the Council of Ministers, which shall decide on appeals submitted by police officials, pertaining to their police status.
- The Public Complaints Board is the independent body of the Parliamentary Assembly of Bosnia and Herzegovina, which shall receive complaints against police officials.

## 2.3. Observations

The provisions of both laws do not foresee a coordination role of the newly established bodies with regard to the entities', cantonal and Brcko District police. For the time being, no agreement on a transfer of competence was reached, which would have been a requirement for a legally binding coordinating role. However, the new institutions create a positive momentum for improved cooperation and coordination on police matters and may become a platform for streamlining the overall police structure in the years to come. Implementation will require follow-up by EUPM, in close coordination with the EUSR. The Mission will closely monitor that the level of staffing of the new bodies will be appropriate for the prescribed tasks.

## 3. **TRANSITIONAL PROVISIONS**

Article 21 of the *Law on Independent and Supervisory Bodies of the Police Structure of BiH* and article 34 of the *Law on Directorate for Coordination of police and Agencies for support to police structure of BiH* were the most disputed ones and had been contentious since the beginning of the exercise.

EUPM attaches great relevance to the provisions that are foreseen in the two articles for the following reasons:

- These transitional provisions provide a link to the Mostar Declaration and the Action Plan, which however, are not explicitly referred to in the laws. In this way, a link between the commitment of the political leaders and the following implementation of the agreements has been established.
- They make reference to the three EU principles in order to link any future development of the police reform to the concepts that have been the base for the whole process.
- They determine that future police reform steps will be considered after the constitutional reform, thus making the adoption of the two laws the first part of a process that will continue. Although no deadline is set in the provisions, this approach is essential to determine that the full compliance with the three EU principles will be pursued over a longer period of time.

The provisions in both laws refer to a deadline determined by the need to adopt the *Law on Police Service in BiH* and *the Law on Police Officials of BiH* not later than one year after the adoption of a new constitution. This approach keeps the process open but does not yet allow for detailed planning of any future steps. Therefore, a “bottom-up” approach that will continue to address horizontal issues of common police interest will remain pivotal to achieve better coordination and control of the police work. Given that neither the Mostar Declaration nor the Action Plan were adopted by the Bosnia and Herzegovina Parliamentary Assembly itself, it is assessed as important to have included a reference in the laws themselves, to provide a link between the constitutional reform and the subsequent need to review the police structures.

#### **4. GENERAL CONCLUSION**

EUPM assesses as positive the adoption of the two laws, as articles 21 and 34 give a legal value to the political principles agreed in the Mostar Declaration and the Action Plan for the Implementation of the Mostar Declaration.

The laws establish new bodies which have the potential, if agreed among BiH authorities, to be upgraded in the future to play a more important role vis-à-vis entity, cantonal and Brecko District police. In line with its mandate, EUPM will advocate for a broad approach in implementing these laws.



EUPM considers the adopted laws as an important intermediate step of the police reform, as indicated in the transitional provisions. The next crucial phase of the reform should take place after the constitutional reform. Within a year following constitutional reform, additional laws will have to be adopted. In anticipation of further reform steps, EUPM, in close coordination with the EUSR, will continue a “bottom-up” approach to underpin the “top-down” approach represented by these two aforementioned laws and the establishment of the seven new bodies contained therein. EUPM will advocate and advise on the harmonisation of existing legislation, encourage new and increased coordination of existing police bodies through a revitalised Police Steering Board which the Council of Ministers should endorse during 2008, and support the further development of a BiH-wide technical infrastructure (such as police database, police communication system etc.), in order to create the basis for future steps toward a more efficient and functional police system in BiH.

## **5. TEXT OF TRANSITIONAL PROVISIONS**

### **Articles 21 and 34**

#### **Transitional Provision**

*“(1) The local level, as a part of the new single structure of BiH, and relevant matters of relationship between bodies established by this law and local police bodies, as well as other details of the police structure shall be regulated after constitutional reform in accordance with three principles of European Commission, and through the two fundamental laws: the Law on Police service in BiH and the Law on Police Officials of BiH.*

*(2) Laws from paragraph one of this article shall be based on the relevant provisions of the Constitution of BiH and shall be adopted no later than one year after the adoption on the Constitution of BiH*

*(3) Single police structure of BiH police forces shall be in accordance with the Constitutional structure of the country”.*

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