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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

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

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To Third States contributing to EUPM

Delegations will find attached the European Union Police Mission in Bosnia Herzegovina  
Six - monthly review report.



## EUROPEAN UNION POLICE MISSION

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Six-monthly review report

16 April- 24 September 2008

**Report number:** EUPM Six Months Review

### 1. Executive summary

Bosnia and Herzegovina made progress on its European integration path. Two police reform laws were adopted by the Parliamentary Assembly of Bosnia and Herzegovina on 16 April 2008. Their adoption opened the way for the signature of the Stabilisation and Association Agreement on 16 June. An interim agreement with the European Community, gradually establishing a common market, entered into force on 01 July. In addition, the European Commission released a road map for visa liberalisation. The Peace Implementation Council Steering Board welcomed on 25 June positive developments as well as the progress made by the BiH authorities to deliver on the two conditions and five objectives of OHR-EUSR transition.

These developments contributed to calming the political situation temporarily. The complex political structure of Bosnia and Herzegovina and the diverging views of the government parties halted a steady progress of reforms. Tensions remain and resurfaced by the end of summer. Several concurrent and controversial processes dominate the political landscape: the run-up to the municipal elections, the transition from the Office of the High Representative to a reinforced EU engagement, the debate about constitutional reform and socio-economic consequences of an economic slow-down, inflationary pressure in combination with the gradual opening of the BiH market to EU competitors.

Municipal elections are scheduled for 05 October 2008. The pre-election campaign is as anticipated

divisive. Rhetoric focuses on inter-ethnic questions at the expense of local development issues. Police services in Bosnia and Herzegovina improved their willingness and capacity to uphold public peace and order, including in complex situations such as the securing the commemoration ceremonies in Srebrenica and Eastern Bosnia and the aftermath of the arrest of Radovan Karadzic. An exception remains Mostar where political tensions between leading political parties prevent the appointment of a police commissioner. This has continued to hamper the daily functioning of the police.

Mission progress in support of the fight against organised crime continued. Several high-level investigations were opened by SIPA and entity police. The investigation of identity fraud cases in the Citizen Identification Protection System (CIPS) led to the arrest of RS police officials in September and is expected to lead to further arrests and indictments during the coming period. On 22 September, the main trial against the leaders of a key organised crime group in Sarajevo was opened.

The European Union Coordination Board met regularly and as of June with the presence of BiH police officials. BiH police services, supported by EUPM, launched a public awareness campaign on major and organised crime on 19 September.

The Ministry of Security, advised by EUPM and EUSR/OHR, started the implementation of the two police reform laws. Implementation is one month behind schedule due to lacking decisions by the Council of Ministers. The harmonisation of police legislation and regulations continued, with the Ministry of Security drafting amendments to bring existing legislation in line with the police reform laws. The police reform laws require this exercise to be completed by November 2008.

EUPM advised the Ministry of Security and law enforcement agencies on the implementation of the Integrated Border Management strategy and on the introduction of measures required for visa facilitation and liberalisation. Inspections continued and confirmed previous observations that internal control mechanisms have developed to a satisfactory level but are held back by political interference, affecting both operational and institutional aspects.

## **2. Analysis of progress against agreed six-monthly objectives**

With regard to police reform, the mission advised on the implementation of the two laws and continued its 'bottom-up' approach. However, the difficult political situation slowed down progress and led to delays. Harmonization and coordination efforts were also slowed down by the summer recess and were taken hostage by the pre-election campaign, particularly at cantonal level.

The support to the fight against organized crime progressed operationally and at institution-building

level. EUPM advised on key operations and on the development of technical capabilities, including special investigative measures. Essential technical capabilities provided through the CARDS programme were made operational during the reporting period. The mission undertook preparatory steps to streamline its support to local authorities internally and enhance local ownership in the application of the targeted approach, including in the field of police-prosecution relations.

### **3. Mission state**

#### **3.1. Overview of activities carried out**

EUPM continued its support of the police restructuring and police reform processes. The police restructuring efforts focused on the implementation of the Law on the Directorate for Coordination of Police Bodies and Agencies for Support of Police Structure of BiH and the Law on Independent and Supervisory Bodies of Police Structure of BiH (Police Reform Laws). While EUPM expects the implementation of those laws to be partially fulfilled by the end of 2008, the full implementation of this first phase of police reform, which foresees the completion of staffing and full functioning of these new institutions, is likely to last longer. The harmonization of legislation regulating the institutional aspects of police matters has not yet been completed. While providing support to the police restructuring process, EUPM also continued the *'bottom-up approach'* to advocate for, and advise on the harmonization and development of the legislation to reform the existing police bodies in the entities, cantons and the Brcko District. EUPM expects to achieve significant progress in the area of police reform by the end of 2009. Nevertheless, delays cannot be avoided due to political obstruction to enhanced policing standards. (See annex 1.)

The support to the fight against organised crime focussed on specific cases which EUPM monitored and advised upon as well as institution-building aspects. The mission undertook further steps to transition its targeted approach to local police bodies, with SIPA performing a lead function. Police-prosecution relations were further developed through specific case work and through the development of investigation management and other coordination mechanisms under the auspices of the High Judicial and Prosecutorial Council (HJPC). From May to July, the mission organised specific media workshops for prosecutors, helping them to enhance their skills in communicating with the public on major and organised crime. Links between the police and the penitentiary system were strengthened. (See annex 2.)

The presentation of the road map for visa liberalisation by the European Commission brought a refreshed dynamic to border control and migration management questions. The importance to further develop Border Police, the Service of Foreigners' Affairs and other agencies was

highlighted again. The reporting period saw the adoption of the Law on Movement and Stay of Aliens and Asylum. These include revised rules on removal of aliens and on standards of functioning of the immigration centre. Effective detention and removal procedures are a critical element of any migration system. The Immigration Centre (detention centre) was opened in May and took in its first detainees in July (these have been EU conditions since 2003). Finally, the Council of Ministers adopted the integrated border management strategy for BiH, along with action plans for its implementation. The Service for Foreigners' Affairs continued with operational activity and started to bring its work in line with European practice. In summary, nearly all of the elements of the system have been put in place, therefore EUPM will increase monitoring and mentoring to put them into effective use in order to assist Bosnia and Herzegovina to manage legal migration and tackle illegal migration. (See annex 3.)

The mission carried out general and targeted inspections, including of private and police duty weapons' registration and issuance of licenses, registration and supervision of private security companies and of the use and deployment of donated equipment by ICITAP. Inspections resulted in a number of observations which are being addressed by the mission in cooperation with the relevant police authorities and the public prosecutors, as appropriate. The mission has started a thorough review of complaints about police conduct. Atypically in a European context, almost all complaints by the general public investigated by police internal control units were closed as unfounded. The review will be carried out in the coming period.

### **3.2. Human resources**

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. 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. Together with UNIFEM, EUFOR and a local NGO, the mission will promote gender questions in law enforcement agencies with a project starting in October and running through 2009.

The ratio between the sexes remained stable among seconded mission personnel. On 23 September 2008, the Mission was composed of 167 international police officers (out of which 14 female), 30 international civilian experts (7 female) and 221 national staff (133 female and 88 male). The Mission's focus is to continue improving the gender ratio for management positions.<sup>1</sup>

During the reporting period, there were seven disciplinary cases concerning the code of conduct (two), traffic accidents (three) and negligence related to mission assets (two). Two cases were concluded resulting in verbal warning while for the other no negligence was found.

### **3.3. Financial update**

On 26 December 2007, the Head of Mission signed the contract as Special Advisor for EUPM with the European Commission for 2008. The second instalment of pre-financing, approximately 7.8 million, of EUPM's 14.8 million Euro budget has been requested in June and is due to be received in September. The Mission is adequately funded. A draft budget for 2009 has been prepared, foreseeing the same level of financing as in 2008.

### **3.4. Visibility: how is the mission perceived by stakeholders and other actors?**

The general public and media continued to perceive EUPM as a credible actor. Press statements by the Head of Mission were regularly printed and reporting about EUPM and its activities was generally accurate and fair. During summer, EUPM produced three TV spots and provided them to cantonal, entity and Brcko District police. The spots were aimed at the general public in order to raise awareness on property crime and juvenile delinquency and to advise on preventive measures. In line with EUPM's local ownership strategy, police secured broadcasting space from local and regional media outlets. The mission supported visibility activities of police on community policing questions at the occasion of the "Kid's Festival" in June and the Sarajevo Film Festival in August. On 19 September the mission launched, together with all BiH police agencies, a public information campaign on major and organised crime, supporting in particular SIPA. In the context of the campaign, easily accessible crime reporting mechanisms, such as the EUPM-initiated "Crime Hotline" and the TV show "Unsolved Cases", shall further be developed.

EUPM supported the BiH Missing Persons Institute's at the occasion of the International Day of the Disappeared (30 August) and their campaign "*I have the right to know*". The Head of Mission

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

attended the special session of the BiH Parliamentary Assembly and called upon the public to come forward with information about the fate of the more than 13,000 persons still missing from the war. On 05 and 06 June 2008, the mission organised together with the Slovenian Presidency in Sarajevo and the Centre for European Perspective in Ljubljana (CEP) a seminar on “*Police Reform in Bosnia and Herzegovina – Security Sector Reform and the Stabilisation and Association process*”. The seminar brought together members of the Committee for the Civilian Aspects of Crisis Management, representatives of the European Commission and the General Secretariat of the Council, European and BiH Parliamentarians, police experts from and working in the Western Balkans as well as civil society representatives. The seminar contributed to an informed debate about complex reform questions and received ample local media coverage. A report will be issued jointly by EUPM and CEP during October 2008.

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.

The Head of Mission provided policing advice to the European Union Special Representative 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.

#### **4. Political and security update**

A meeting of the leaders of the six government parties took place in Sarajevo in late August and remained inconclusive. While the meeting was conducted in a non-confrontational manner, it highlighted the underlying political differences and disagreements within the government and on the political scene in general. Following the municipal elections, the political debate is again expected to shift to the future of the Office of the High Representative and constitutional questions. The political situation remained complex and characterised by fragile State institutions. Secessionist rhetoric and efforts of the RS government continued with the aim to solidify and enlarge the entity’s



administrative and political autonomy. To an overall negative political atmosphere contributed statements coming from Federation politicians questioning the legitimacy and existence of the entities.

EUPM continued to observe police investigative, operational and prosecutorial activity by RS authorities in areas clearly within state competencies. These activities were not coordinated with the competent State agencies. Political interference in the broader rule of law area in the RS resulted in a feeling of fear among those critical of the government, culminating in Transparency International staff temporarily suspending activities in Banja Luka.

Within the Federation, particularly in Mostar, the discord between the leading Bosniak and Croat political parties remained prevalent. Lack of agreement continued to block progress both at cantonal as well as city levels. The inability to select a police commissioner in Mostar impacted on the operational readiness of the cantonal police.

The political and security situation in Brcko itself remained unchanged. However, earlier optimism about solving the District's status within the current constitutional structure of BiH evaporated during summer.

Organised crime and corruption remained a challenge to Bosnia and Herzegovina's development. Fewer violent incidents attributable to organised criminal activity occurred than during the previous six months. Several hundred identity fraud cases with criminal intent, facilitated possibly by public officials working in entity and Brcko District administrations, surfaced during July. These cases highlighted yet again the necessity to strengthen State supervision and control of sensitive areas. The fragmented policing, law-enforcement and judicial system, continued to lack solid coordination and cooperation mechanisms, resulting therefore only in limited overall progress in the fight against organised crime.

The general security situation did not change, remaining calm and stable. Police managed public peace and order in a satisfactory manner and continued to demonstrate enhanced operational readiness. The reporting period saw development in this regard. Minor security concerns were raised regarding potential consequences in the RS after the arrest of Radovan Karadzic. However, barring small and peaceful demonstrations of his supporters in the RS, the arrest had minimal impact on Bosnia and Herzegovina.

The main criminal security indicators remained unchanged. Compared to the previous six months there were no significant changes in quantity and type of incidents. The most frequent incidents remained in first place shootings; second, explosions and third, robberies at gun point, etc. Compared to the previous reporting period, there was a further decrease of the number of

explosions and shootings, confirming the long-term trend since January 2004. These violent incidents have not been targeting representatives of the international community.

“Inter-ethnic” incidents increased slightly, while their patterns remained unchanged (damages against community facilities and symbols and inter-personal verbal and physical assault). The seasonal increase of such tensions has been characteristic for the summer due to increased outdoor activities and the influx of “Diaspora” population. An increase of inter-ethnic tensions can be expected to continue as part of the electoral campaign ahead of the October municipal elections.

Overall, the reporting period confirmed the long-term trend of decreasing politically and ethnically motivated violence and a low level of violent criminal acts and an increase of property-related crime. The latter is in line with European trends, as property-related crime may be a consequence of increasing socio-economic disparities, a result of the transition to a full market economy.

Against this background, 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. Police have reached the threshold which allows them to deal with all, but the most extreme, security challenges.

No relevant incidents regarding staff security occurred. The staff security situation is expected to remain unchanged.

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

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

Police reform implementation, operational support to fight against organized crime and a pro-active inspection programme remain the priorities. In all three areas EUPM will aim to strengthen local ownership and initiative.

## **7. Comments by HoM**

As Head of Mission, I would like to thank first and foremost EUPM's international and national staff who has continued to display professional and personal commitment to the mission and its aims. I am also grateful to the Member and Contributing states for the personnel they are providing to the Mission. Furthermore, I am grateful for the support of the EU family in Sarajevo over the last period, namely the EUSR and his team, the Slovenian and the French 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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## Police Reform Update

### Introduction

EUPM progress in support of police restructuring and the police reform processes has been consistent. The police restructuring efforts included the implementation of the Law on the Directorate for Coordination of Police Bodies, Agencies for Support of Police Structure of BiH and the Law on Independent and Supervisory Bodies of Police Structure of BiH (Police Reform Laws). While EUPM can expect the implementation of those laws to be partially fulfilled by the end of 2008, the full implementation of this first phase, which foresees the completion of staffing and full functioning of the new institutions, will most likely take more time.

Having in mind that the legislation regulating the institutional aspects of police matters is not fully harmonized yet, while providing support to the police restructuring process, EUPM continues the *'bottom-up approach'* to advocate and advise the harmonization and development of the legislation to reform the existing police bodies in the entities, cantons and the Brcko District. In this context EUPM expects to achieve significant progress in the area of police reform by the end of 2009.

Nevertheless, while there are goals which can be achieved by the end of 2009, it should be noted that due to the various political obstructions encountered during attempts to enhance policing standards, delays are likely to occur within the planned timeframe.

### Police Restructuring

#### **Law on the Directorate for Coordination of Police Bodies and Agencies for Support of Police Structure of BiH and Law on Independent and Supervisory Bodies of Police Structure of BiH**

After the adoption by the BiH Parliamentary Assembly on 16 April 2008, the Law on the Directorate for Coordination of Police Bodies and Agencies for Support of Police Structure of BiH

and the Law on Independent and Supervisory Bodies of Police Structure of BiH (PR Laws) came into force on 14 May 2008. With the adoption of PR Laws, four new coordination and support institutions as well as three supervisory and oversight bodies will be established at state level<sup>1</sup>.

The initiation of the implementation of this process lay with the BiH Parliamentary Assembly and the BiH Ministry of Security.

The BiH Ministry of Security established the Selection Commission in charge of selecting the Directors and the Deputy Directors of the Agency for Police Support, the Agency for Education and the Agency for Forensic Expertise as envisaged in the Law on the Directorate for Coordination of Police Bodies and Agencies for Support to Police Structure of BiH. The Selection Commission completed its task and forwarded the Ranking Lists to the Minister of Security on 25 July 08, who should propose it to the BiH Council of Ministers for the final appointment. The Minister's proposal has not been sent for further procedure yet.

The BiH Parliamentary Assembly appointed the *ad hoc* Joint Commission for conducting the procedure for appointing the Independent Board and the Public Complaints Board, as envisaged in the Law on Independent and Supervisory Bodies of the Police Structure of BiH. The Independent Board shall select the Director and Deputies of the Directorate for Coordination of the Police Bodies of BiH. Although the establishment of the Commission was done in a timely manner, the *ad hoc* Commission failed to complete its task within the set legal deadlines (14 August 2008). Moreover, the *ad hoc* Commission asked for EUPM's assistance in drafting the necessary decisions and fulfilling its task. EUPM will continue to assist the Commission and further monitor the process.

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<sup>1</sup> Directorate for Coordination of Police Bodies of BiH, Agency for Forensic Examinations and Expertise, Agency for Education and Advanced Training of Personnel Police Support Agency, Independent Board, Board for Complaints of Police Officials, Public Complaint Board.

The actual appointments will depend on political will and arrangements between the political parties. Forthcoming municipal elections scheduled for the beginning of October 2008 could slow down the process, as parties traditionally strive to win votes by exhibiting more obstructionist behavior. EUPM currently has no evidence of possible obstructions, but such developments could never be completely disregarded. Additionally, decisions on the location and establishment dates of the newly established agencies, which should be made by BiH CoM, could easily turn into political rivalry.

Additionally, the Commission for Harmonisation was established by the Ministry of Security on 1 July 2008 in order to harmonise relevant laws with the Law on the Directorate for Coordination of Police Bodies and Agencies for Support to the Police Structure of BiH, and the Law on Independent and Supervisory Bodies of BiH. According to the Decision on the establishment the Commission was tasked to finalize the harmonization process by 31 August 2008. Considering the number of Laws that need to be adjusted to the provisions of the Law on the Directorate for Coordination of Police Bodies and Agencies for Support to the Police Structure of BiH and the Law on Independent and Supervisory Bodies of BiH, the Commission could not finalize the work within the given deadline. Therefore the Commission has asked to extend its mandate for another 15 days. The Minister accepted the proposal and passed “*The Decision on Extension of the Mandate of the Commission for Harmonization*” according to which the Commission is obliged to finalize the harmonization of the relevant legislation with the newly adopted Laws by 15 September 2008. The Commission completed its work and submitted the final proposals to Minister for approval EUPM participates in the work of the Commission and follows all related developments.

Observations: A key aspect to address in EUPM’s efforts towards institution-building is an enhanced coordination among the police bodies of BiH. EUPM considers that the Police Reform Laws provide a very limited role in the future of the Directorate with regard to the coordination of all police bodies in BiH, particularly the entities and cantonal police bodies. The Directorate for Coordination will not be able to fill all the gaps related to the coordination and the cooperation among all the police bodies in BiH.

Therefore, EUPM is recommending to revitalize the Police Steering Board (PSB) concept to ensure the strategic operational coordination and cooperation among the police bodies in BiH, as well as developing solutions for common operational matters to enable the efficient work of police bodies

in BiH. This body would work on issues over which the Directorate for Coordination will not have the competency. The new PSB would have a temporary mandate which would be valid until the second phase of the police reform will be implemented, after constitutional reform. EUPM is working with the MoS to reinitiate the process.

## **Police Reform Efforts**

Besides providing support to the police restructuring process, EUPM is proactively engaged in harmonizing and developing the existing legislative framework related to police bodies.

At State level, the PR Laws were pivotal in prompting a review of SIPAs structure and functioning which led to amending the SIPA Law and establishing a commission to work on streamlining the structure. EUPM is providing assistance in the institution-building of the Border Police by monitoring and advising the police in implementing the Integrated Boarder Management Strategy funded by EC CARDS. Related to this strategy the Law on Boarder Control is in the legislative procedure. EUPM assisted SIPA and Border Police in enhancing relations with competent institutions drafting the Law on Salaries at the state level which, among others, regulates the salaries of police bodies at the state level. Besides, EUPM provided technical assistance to the Ministries of Security and Finance in harmonizing the Law on Salaries with police related legislation. At entity level EUPM is steadily engaged in assisting drafting the Law on Police Officials and the Law on Internal Affairs of the RS, which ultimately will lead to the harmonization of these key laws related to police in both entities. In Brcko District (BD) EUPM is assisting the local authorities in drafting the BD Law on Police regulating the police structure and functioning. At Cantonal level EUPM is continuously assisting the Cantonal authorities in finalizing the Cantonal Law on Internal Affairs whose process was halted due to discrepancies on key issues.

## **State Level**

### **SIPA**

Amendments were drafted to the Law on SIPA with the aim of harmonizing it with the Law on the Directorate for Coordination of Police Bodies and Agencies for Support of Police Structure of BiH and the Law on Independent and Supervisory Bodies of Police Structure of BiH. Upon review of





the SIPA structure, the Minister of Security recently appointed a working group that will be in charge of proposing one or more models of SIPAs internal re-organization. This working group will have the first session 10 September. According to the proposed model, either the Law on SIPA will be amended or a new SIPA Law will be considered. EUPM will participate in the work of the Commission.

### **The Law on Border Control**

The draft Law on Border Control, which is to replace the existing Law on Surveillance and Control of the State Border, was forwarded to the Parliament at the beginning of 2008. A number of objections against the Law had been addressed to the MoS and the JSDC primarily by the Border Police. The crucial objections came from the Democratic Control of Armed Forces (DCAF) which pointed out a number of technical omissions and significant problems with some of the provisions in terms of their harmonisation with EU standards. The JSDC discussed the Law and the objections several times in an attempt to “save the Law” and as an alternative to returning the Law to the drafting phase offered to the Minister of Security to withdraw the Law. The Minister however rejected this option and the Commission voted against the principles of the Law twice questioning the quality of the procedure and the law itself as a final product. The House of Representatives (HoR) both times rejected the JSDC’s opinion. EUPM closely monitored the developments.

### **The Law on Salaries**

The BiH Parliament adopted the Law on Salaries of the Employees in the BiH (state level) Institutions in June 2008. The Law caused extensive public debate and numerous objections and comments from both local and International Community (IC) institutions. The Ministry of Finance and Treasury (MoFT) accepted all EUPM suggestions related to technical aspects of the Law especially those concerning its compatibility with the Law on Police Officials (LOPO). EUPM advocated for a reasonable increase of coefficients for the lowest ranked police officers arguing that it would not significantly impact the budget but would be of great benefit to the institutional building process of the state level police bodies. To that extent, EUPM has sent letters to the Commission for Budget and Finances of BiH HoR, to the Commission for Budget and Finances of BiH House of Peoples (HoP) and to the Collegium of BiH HoR and Collegium of BiH HoP. These efforts have not produced the expected results. The Police Syndicates were also heavily involved in

the process drafting letters, addressing the public through the media, lobbying with the Parliament members all without significant results. As a result of major IC intervention, the Parliament agreed to exclude judicial institutions from the Law. At the moment, the MoFT is in the process of drafting necessary by-laws and EUPM is still acting as technical support in the process when it comes to police related legislation.

## **Entity Level**

### **RS Law on Internal Affairs (RS LIA)**

Simultaneously with the Cantonal Law on Internal Affairs, EUPM is following the process of drafting the RS LIA, which is still at the working group level. Due to the political sensitivity of its content, EUPM received signals that significant progress cannot be expected till after the October elections. A positive signal that RS MoI might follow EUPM proposal on budget separation is that the draft Law on Republican Administration foresees that the Directorate of Police shall be a republic administration, which usually has a status of independent budgetary user.

### **RS Law on Police Officials (RS LOPO)**

RS LOPO is still in the form of a draft. Similar to the LIA all activities are halted until after the elections. Although this law is politically less important than the LIA, it could be expected that solutions envisaged in LIA should reflection on the LOPO, especially in regard to the concept of the police body, which has to be included in both laws.

## **Brcko District**

### **Brcko District Law on Police (BLOP)**

The first draft was produced by EUPM in June 2008. The draft is essentially based on the template of the Cantonal Law on Internal Affairs in order to ensure a maximum harmonization throughout the country, while also being tailored to the legal and political specificities of the Brcko District. However, the Working Group established by the Brcko District Chief of Police has made some important changes to the EUPM's template on the grounds that it cannot copy all CLIA solutions

due to the different political structure (such as the absence of the Minister of Interior in the District). EUPM was actively involved, with OHR, in discussing with the working group the final draft, advocating the use of the CLIA template to the most possible extent while reflecting the District's specificities. The draft BLoP is still pending. EUPM, together with OHR, shall continue to work with the Working Group and the Chief of Police to further develop and finalize the draft.

## **Cantonal Level**

### **Cantonal Law on Internal Affairs (CLIA)**

The working group composed of representatives of all cantons under the auspices of EUPM drafted the model CLIA, which includes the already existing practices from other European countries. Operational and budgetary independence of police envisaged in the draft would strengthen the second EU principle of "no interference in operational policing." Two substantial issues remain contentious: the establishment of the Administration of Police (AoP) as a cantonal police body with a separate budget, and a reshaped mechanism of functioning of the Independent Board (IB), which would better define the role of the Minister in the Police Commissioner's selection process. The budget separation proved to be especially contentious, as most Ministers disagreed with the proposed changes. EUPM used every opportunity to promote the draft CLIA and its principles, from operational and ministerial to the highest political level. However, ministers, and parties that appointed them, did not change their stance: almost all of them still find the separation of budget unacceptable. EUPM produced another version of the CLIA in attempt to compromise. EUPM will continue to advocate for the version that reflects the best policing practices. The whole process will probably be delayed until after the October elections. If it is concluded that the concept of budget separation is not acceptable for cantons at all, EUPM will deliberate on alternative options.

## **Developing Projects**

EUPM is addressing a number of areas pertaining to the police to enhance a better coordination and cooperation of relevant institutions in the country. As complementing the main institution building activities the following project is worth mentioning

Police Unions - In order to facilitate the best coordination on police matters, EUPM facilitated and advised the work of the Police Unions' representatives in BiH which produced the "*Draft Joint Basis for Creating a Framework Model for Collective Contracts of Police Trade Unions in BiH*" and drafted a "*Declaration on Commitments of the Police Unions to assist in the procedure of drafting, negotiation and signing the collective agreements*"; the second document being designed to give a framework to the Joint Basis and clarify the working methodology which shall be used in concluding specific collective contracts with their employers, as well as to develop a coordination among the Unions to follow up the work that has been done collectively so far.

Update on the support to the fight against organised crime

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**(page 60)**

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