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Assessment report for the month of December 2008

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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**NOTE**

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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 December 2008

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Delegations will find attached the EUPM Monthly Assessment report for the month of December 2008.



## EUROPEAN UNION POLICE MISSION

### Analysis and Reporting Cell

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Monthly Assessment Report 12/08

1- 31 December 2008

### Executive Summary

Significant drug seizures made in fight against organised crime. Naser Oric placed back in detention. Death by suicide of well known criminal. Adoption of National War Crimes Strategy. BiH Council of Ministers (CoM) adopts package of Laws Harmonized with Police reform Laws. EUPM produced Legal Assessment of the Law on Salaries By-Laws. Strategic Planning Workshops completed. Canton 7 (Mostar) police officers protest. EUPM organises joint workshop and seminar for Prison Directors and participates in joint meeting with Council of Europe and OSCE on prison and detention issues. EUPM meeting with Service for Foreigners Affairs (SFA). Two day Border Police risk analysis seminar held. EC Delegation hosts meeting regarding monitoring of Visa Liberalization Roadmap. Continuing issues regarding Fazlagica Kula Mosque fire. Protest in Brcko District regarding juvenile delinquency. Accountability Campaign approved. HoM presents EUPM Strategy for 2009 to Entity Ministers and Police Directors.

### Comments by Head of Mission

The reporting period saw intensified focus on strategic objectives for 2009 both internally within EUPM and externally through a series of meetings with all relevant stakeholders and the wider EU family. Methodology and policy of maximum local ownership were explained and welcomed. First discussions with representatives of the civil society took place. In a first meeting with the acting State Prosecutor EUPM's intention to continue and to increase frequent meetings was warmly

welcomed. Following HoM's presentation to CPCC and EU Member States (Civcom, 15 December) on EUPM's and BiH LEA joint objectives for 2009, the reporting period was used for preparation of the operationalization into strategic activities, which is to come early in January. In two meetings with the respective Minister of Interior and the respective Director of Police of the Federation and the RS, HoM received confirmation for the affirmative view of both entities on the objectives and broad support for the next steps ahead.

The period was overshadowed by the fire incident at a mosque in Fazlagica Kula (eastern Republika Srpska) destroying the mosque that had been rebuilt in June 2006 after the 1992-1995 conflict. The case required EUPM to carefully monitor the proceedings and to step in with calming press statements. The significant media attention given to the ongoing controversial discussion of the Fazlagica Kula mosque fire and the result of the work of an expert commissioned by the Islamic Community required attention by HoM. This finding is diametrically the opposite of that carried out by the official investigation, which indicated the fire was accidental due to faulty electrical installation. EUPM continued to positively assess the ongoing investigation carried out by PSC Trebinje and District Prosecutors Office and emphasized good cooperation of those authorities with EUPM.

## **Mandate Implementation**

### **Support in the Fight against Organised Crime**

During the reporting period a number of significant incidents occurred which saw EUPM work in close cooperation with police counterparts.

**Border Police Unit (BPU) in Hum seized 1, 6 kg of suspected heroin** – On 2 December, BPU Hum officers arrested a BiH citizen residing in Tuzla (Canton 3) while conducting a vehicle check in which they found 1,6 kg of suspected heroin. The suspect entered BiH having arrived from Montenegro. A second suspect, residing in Doboje, believed to be an accomplice was also arrested. Both suspects were handed over to the State Prosecutor's Office. EUPM assesses this detection and subsequent arrests as indicative of a professional approach by border police officers in cooperation with other LEAs.

**Naser Oric placed back in detention** – On 6 December, Naser Oric was taken back to the detention centre following his release on 27 November based upon a decision made by the Sarajevo

Municipal Court. He is accused of extortion and illegal possession of weapons. Oric was arrested on 3 October in an operation conducted by FMOI officers who arrested six persons suspected of being involved in organized crime (See *MAR 10/08*). EUPM Criminal Justice Unit liaised closely with the Prosecutors office on this matter.

**Shooting incident in Tuzla (Canton 3)** - On 7 December, in a shooting incident in Tuzla three persons were injured one of whom died due to serious injuries after the occupants from a car passing by 'Interauto' car park opened fire at a parked vehicle with two persons inside. It is believed the shooting follows a dispute between criminals involved in organized crime. EUPM advised to expand the investigation in the aspect of organized crime issues and incidents that occurred in the past in other areas of BiH. EUPM is liaising closely with counterparts in this investigation.

**Large quantity of marijuana seized in Mostar (Canton 7)** – On 13 December, following intelligence received and based upon an order issued by the State Prosecutor and the State Court, FMOI officers assisted by FMOI Support Unit, searched a house in Mostar. During the search, the police found and seized 90 packages of suspected marijuana, four cell phones as well as personal identification and travel documents issued by the authorities of Republic of Croatia. A suspect was arrested and subsequently the police searched another location in Mostar. During the search, they found and seized an additional 64 packages of suspected marijuana, vehicle registration plates, traffic license issued by the authorities of Republic of Croatia and a vehicle booklet. The total quantity of seized marijuana was 163 kg valued at approximately 250,000 Euro.

*EUPM Comment: The operation was a result of an agreement between the Republic of Croatia, BiH Intelligence Agency and BiH Prosecutor's Office. The suspects are known to the police and were previously charged with drug offences trafficking. The aim of this operation was to disrupt a drug trafficking ring which led from Albania, Montenegro and BiH to Croatia. EUPM assesses this operation as another example of excellent cooperation between MoI of Republic of Croatia and FMOI who previously cooperated in a successful operation on 25 November when 4 kilos of marijuana was seized in the Mostar area.*

**Death of well known criminal in Sarajevo (Canton 9)** - In the context of organised crime, the death of Ismet Bajramovic (aka Celo) who was found dead in his apartment in Sarajevo on 17 December is noteworthy as it featured as a significant media item. The autopsy confirmed that the

cause of his death was suicide.

*Background: Ismet Bajramovic was a well known criminal from Sarajevo and the leader of a criminal group. During the war he was a commander of BiH Army Military Police. After the war, he was linked with many criminal activities such as murder, racketeering, use of fire arms, impairing security, etc. However, in recent years he has been in poor health and there is no recent intelligence that he has been involved in specific criminality.*

## **Criminal Justice**

**National War Crimes Strategy adopted** – On 30 December, BiH Council of Ministers adopted the National War Crimes Strategy. The Chair of Council of Ministers Mr. Spiric called upon the International Community to assist with funding the implementation of the strategy. According to the adopted strategy, it will take 15 years to complete all remaining war crimes cases, namely several thousands, and around 7 years to complete the most serious war crime cases. EUPM is reviewing the final strategy.

## **Police Reform**

**The BiH Council of Ministers (CoM) Adopted the Package of Laws Harmonized with the Police Reform Laws** - The Laws on amendments and changes to the Law on State Investigation and Protection Agency (SIPA), the Law on Border Police and the Law on Ministries and other Administrative Bodies were adopted by the BiH CoM at its 70<sup>th</sup> session that took place on 23 December. The Law on Amendments and Changes to the Law on Police Officials was adopted on 71<sup>st</sup> session that took place on 29 December. While the Law on Ministries and other Administrative Bodies and the Law on Police Officials were adopted in the same wording as proposed by the Ministry of Security, the Law on SIPA and the Law on Border Police were subject to amendments and changes during the CoM session. Pending official information on the changes that have been introduced to the said Laws, EUPM finds that these changes are related to the role of the Ministry over procurement of material-technical means for the needs of SIPA and Border Police which would be in line with the wording that was agreed upon by the working group.

**Working Group on Amendments and Changes to the SIPA** - The Working Group on Amendments and Changes to the Law on SIPA, established by the Decision of the Minister of Security of BiH on 10 September which was obliged to propose one or more models of SIPA

internal structure within a period of three months, has finalised its work after 13 sessions. According to the agreed amendments and changes to the Law on SIPA, this Agency shall be structured into Sector for Investigation, Sector for Investigation Support and Sector for Administrative and Internal Support. Besides the three Sectors, SIPA shall have regional offices established by the Law or by the decision of the CoM of BiH as well as other organisational units established by the Book of Rules on Internal Organisation of SIPA. Furthermore, proposed amendments and changes have introduced different management structures within the Agency by changing the appointing authority of the Assistant Directors. They are currently appointed by the CoM while the proposed Law regulates that the Director of SIPA shall appoint them. As the Working Group could not reach an agreement on certain areas (such as a role of the Minister over SIPA in relation to annual report, budget proposal, and procurement; number of regional offices determined by the Law; and appointment procedure of Heads of Sector for Investigation and Sector for Investigation Support) they have decided to come up with different proposals (i.e. alternatives) to be included in the draft Law. EUPM shall continue close cooperation with the Ministry of Security (MoS) in order to ensure that the Director of SIPA is consulted prior to taking of any decision by the Minister in relation to alternative articles.

**EUPM produced legal assessment of the Law on Salaries By-Laws** - As a result of the adoption of the Law on Salaries and Remunerations in the Institutions of BiH the Council of Ministers of BiH is obliged to adopt by-laws regulating, inter alia, the manner and procedure of exercising the right to compensation for overtime, work on non-working days, night work and work on public holidays as well as on the amount, manner and procedure of exercising the right to compensation for transportation to and from work in institutions of BiH. The Ministry of Finance and Treasury of BiH has, as a proponent of the said by-laws, prepared the draft of the two Decisions in coordination with BiH police bodies - mainly Border Police. In order to further improve the solutions given by the said by-laws the Ministry asked for EUPM opinion. Following this request EUPM prepared legal assessment by which certain changes have been recommended and should be presented to the Ministry of Finance. The Ministry shall introduce some amendments and changes proposed by EUPM during the next session of the CoM.

**The Law on Agencies and Internal Services for Protection of Persons and Property in FBiH published** - The Law on Agencies and Internal Services for Protection of Persons and Property in FBiH was published in the Official Gazette of FBiH, No.78/08 and entered into force on 18 December. The Law regulates conditions for foundation of agencies for protection of persons and

property, tasks of the agencies, requirements for issuance of the certificate, mandatory organization of internal services, manner of work of the agencies, records keeping and other matters of importance for functioning of those agencies.

**EUPM assessing amendments Proposed to the Law on Police Officials and Book of Rules on Internal Organization (BoRIO) in Canton 5** - EUPM has received a proposal of the amendments to the LoPO in Canton 5 where changes in relation to the promotion system and ranks were introduced. The proposal aims to harmonize the educational requirements for promotion with other LoPOs in FBiH where more rigid educational requirements have been foreseen. Also, in the same letter a proposal of the amendments to the BoRIO has been sent. The proposal of the amendments to the BoRIO is mainly focused on some personnel changes, rather than structural changes. The proposed changes shall not increase the number of authorised officials and ranks in the Administration of Police, nor shall they require additional financial means for implementation. EUPM is in the process of assessing these changes.

**“How to Design a Strategic Plan” Workshops completed** - EUPM, in cooperation with ICITAP, completed a series of workshops on strategic planning for senior LEA managers. The last of the three one-day-workshops took place on 11 December in Mostar following the two that were held in Sarajevo, and Banja Luka. The participants in these workshops were Police Commissioners and all Directors in BiH.

**Final Agreement reached on the joint basis for creating a framework model for the Collective Contracts of Police Unions in BiH** - At the meeting organised by EUPM on 16 December, unions' representatives reached a compromise on remaining issues that were related to the Joint Basis for Creating a Framework Model for the Collective Contracts of Police Unions in BiH. They decided to sign the Agreement on Implementing Obligations of Police Unions during the Process of Creating, Negotiating and Signing Collective Agreements. It was also agreed that the signing ceremony will take place on 27 January, 2009.

### **Police Accountability**

**Canton 7 (Mostar) police officers protest** – On 12 December, approximately 70 off-duty MoI Canton 7 police officers held a protest outside the Cantonal Government Assembly Building in Mostar to express their discontent regarding salaries and working conditions. This move was

provoked by unresolved issues related to wages but also many other issues in the MoI. One of these being is the lack of BoRIO and systematization of positions. The Police Trade Union also announced that strike is one of the possible options if the Government and Assembly do not undertake necessary steps. Canton 7 Police Trade Union held similar protests in July and August, but their demands were not met.

### **Detention Centres**

**EUPM organized a joint Workshop and Seminar for Prison Directors** – On 5 December, EUPM hosted the planned workshop for Prison Directors, Ministries of Justice and International counterparts involved in prison activities. The program included presentation on solution of combined prison and probation service, a practical model of cooperation between police and prison service, some prison and prisoner statistics from BiH as well as a cooperation agreement between police and prison service presented for most of the stakeholders in the country.

**EUPM participates in joint meeting with Council of Europe and OSCE** – On 19 December, EUPM participated in joint meeting between CoE and OSCE regarding prison and detention activities for the coming year. EUPM will focus on implementation of the Memorandum of Understanding (MoU) and support to management of prison and detention facilities. EUPM was requested to deal with prison director training. The Training Institute for Prison and Probation Services in Helsinki would like to join the training as a partner in a twinning project.

### **Immigration**

The process of monitoring the **Visa Liberalization Roadmap** was the subject of a meeting hosted by the EC Delegation on 4 December. Assessments teams will be sent to BiH during 2009 and EUPM indicated it had some resources on the ground that could assist these teams. It was agreed by the Delegation that EUPM would be included in meetings where appropriate and would see draft reports before they were submitted by the assessment teams.

*EUPM Comment: There are some within BiH, not least some sections of the media and thus many citizens, who believe that visa liberalization is a done deal and who will be surprised when assessment teams arrive to actually see how the Roadmap is being implemented. This Roadmap is a useful tool for EUPM in encouraging counterparts to move forward with various issues contained therein and it is already having some effect.*

**A two day risk analysis seminar** was hosted jointly by Border Police Field Office West and EUPM in Livno on 10/11 December. EUPM delivered a presentation on profiling and interview skills and led a role play session to test the knowledge of the seminar participants.

*EUPM Comment: Although the seminar was considered to be very useful both by EUPM and local counterparts, the real proof of its usefulness will be in improved results on the ground in the field of refusal of entry to those who do not meet the conditions and in an improvement in the quality of interviews conducted with illegal migrants.*

**Agreement on establishment of Joint Risk Analysis Center signed** – On 22 December, an official signing ceremony of the Agreement on establishment of Joint Risk Analysis Center (JRAC) within the Border Police (BP) HQ was held at the Joint Institutions Building. The ceremony was hosted by the Minister of Security and agreement was signed by all respective national authorities who participated.

*EUPM comment: this successful stage following the SAA, Road Map for Liberalization of Visa Regime, both signed in June 2008 and Financial Agreement BiH CoM and EC Delegation in BiH is leading into factual establishment of JRAC within BP. Clearly the signing of the Agreement is not in itself a notable landmark and does not satisfy the condition in the Visa Liberalisation Roadmap but is a move in the right direction. This will be achieved when the JRAC is fully operational.*

**EUPM meeting with the Service for Foreigners Affairs (SFA)** – EUPM met with the Director of the SFA on 23 December. Amongst other topics discussed were EUPM's Strategic Objectives for 2009. The Director agreed with the overall process and the SFA specific goals and was keen to act as the host of the next meeting of the state level directors along with EUPM HoM.

*EUPM Comment: The Service should be seen as of equal importance as the other state level LEAs even though currently it is much smaller in size. The stepping back of the EC at the start of 2008 left a hiatus in the assistance being offered to the SFA by the EU family and the Director seems genuinely encouraged that EUPM is trying to fill this gap. Of course ICITAP is also interested in the development of the Service but there is currently an excellent cooperation between the SFA and the (departing) ICITAP advisor and this will hopefully continue when the new ICITAP Advisor arrives in mid January.*

## Political and Security Update

### Political/Security Issues

**Mosque in Fazlagica Kula burned down** - On 8 December, PS Gacko was informed by the local Imam that a mosque in Fazlagica Kula (Gacko municipality) was burned down during the night 7/8 December. PSC Trebinje CID officers conducted the scene investigation and experts of Banja Luka Police performed further investigations to determine the cause of the incident. EUPM attended the scene. The incident raised significant media attention. On 10 December EUPM had a second meeting with the Chief of PSC Trebinje who informed that the investigation was completed the night before, 9 December, and the first analyses made by the expert teams have reached the same conclusion; all primary traces indicate that the fire started in the area of the roof structure as a result of an electrical fault. It should be noted that the traces of burnt substances have been seized from several spots of the fire incident scene and sent to a Banja Luka Laboratory in order to determine potential presence of traces of inflammable liquids. The scene investigation continued and was conducted by: authorized officers of the Gacko PS, an inspector in charge of explosive substances and fire protection within the PSC Trebinje, a court expert for establishing causes of fires and explosions and a court expert in electric engineering hired by the Trebinje District Prosecutor's Office. EUPM supported the professional investigation and handling of the security related aspects of the situation through a co-ordinated media strategy. EUPM urged the public to refrain from speculating on the cause of the fire until the investigation is completed and all facts have been established.

On 31 December PSC Trebinje delivered to Trebinje Prosecutor's Office the results of an independent report which was carried out by a fire expert who had been hired by the Trebinje Imam. According to the report the cause of the fire which broke out on 8 December in the facility of mosque Fazlagica Kula, **was professionally and premeditatedly arson** committed, most probably by the use of flammable liquid.

*EUPM comments: EUPM obtained the document from the Prosecutor's Office in Trebinje. An investigation carried out by the prosecutor's office concluded that the fire was started near the mosque's roof by an electrical fault. It should be noted however that the full forensic results are still awaited, but the local Islamic Community disputed these findings and commissioned another expert. A history of attacks and harassment of Bosniaks in the area of Fazlagica Kula who returned there after the 1992-1995 conflict is on record. Prominent Bosniak political and religious*

leaders viewed this incident as a deliberate attack on Bosniak returnees to the area. According to local police the situation in Kula is safe and calm and there are no indications that the safety of Bosniak returnees in Kula has worsened. There is a clear difference in the results of the investigations/analysis carried out on behalf of the Prosecutor and that carried out on behalf of the Imam. At this stage the Prosecutor has confirmed through EUPM that she is not aware of how the second examination was carried out, what samples were examined given all those previously seized from the scene are in the possession of local police. There is no indication at this stage of when the second examination was carried out and therefore no guarantee of the continuity of any evidence gathered. Contrary to some recent media reports regarding the issue of Bosniak 'returnees' to the Gacko area, EUPM and EUFOR report no other inter-ethnic issues at present. EUPM will continue to work closely with local police and the prosecutor, and monitor the community interactions until the situation is finally resolved. EUPM will be mentoring counterparts in the establishment of community policing initiatives particularly in Gacko

**Protests in Brcko District against juvenile delinquency** - Following the brutal murder of a 68 year old man in Maoca near Brcko by three juveniles (aged 16, 14 and 13), several hundreds of citizens gathered in Maoca on 13 December to protest against juvenile delinquency. The aim of the protest was to urge all relevant institutions, families, schools and social institutions to come up with a harmonised plan to fight growing juvenile delinquency and delinquent behaviour. Representatives of several local communities who joined the protesters commended the Brcko District police for their swift reaction and arrest of the perpetrators, but they also emphasized that the police should be the last authority to address this issue, and comprehensive action of the entire community is the only solution in the prevention of this growing problem. Two suspects of the above mentioned murder were arrested whilst the third was released due to the fact that he is underage and can not be prosecuted. It has been established that the suspects were brought up in families with criminal and violent backgrounds. Although underage, they were known for violent behaviour and have been perpetrators in crimes such as robberies, burglaries and thefts. Brcko District police previously reported their case to relevant institutions but, due to the lack of legislation in juvenile delinquency, they could not be arrested or held in custody.

### **Security:**

The EUPM security situation remains stable.

## Media

**Accountability Campaign 122 tender approved; preparations begin** - Early December saw approval of the tender documentation for the fifth public information campaign to be jointly implemented with the BiH law enforcement agencies, envisaged to start in February 2009. In order to start a planning phase before the holiday season, EUPM organized a two-day meeting of the Forum of Law Enforcement Agencies (LEAs) Spokespersons on 17-18 December. The Forum decided that the initial Accountability Campaign 122 creative concept is still applicable and will be used. The Forum developed an outline of PR activities to be implemented at the regional level as well as topics which will be communicated. In addition, the LEA Spokespersons presented individual 2009 communication strategies and plans of activities, which will be combined with the joint EUPM&LEA activities throughout 2009.

### Relations with Host Country authorities

*As EUPM is an established mission, currently there are no issues to report under this heading*

### Relations with EU, other IC organisations and representatives

*As EUPM is an established mission, currently there are no issues to report under this heading*

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## **Other aspects**

### **Capacity Building**

**HoM presents EUPM's Strategy for 2009 to FBiH and RS Police** – On 24 December, HoM met with the FBiH Minister of Interior and FBiH Police Director, and on 30 December with the RS Minister of Interior and the RS Police Director to present EUPM's 2009 Strategy. One of the main goals for EUPM is to strengthen police capacity and capability through joint work, coordination and cooperation between all law enforcement agencies in BiH, with adequate attention both to the political and operational level. Both the FBiH Minister of Interior and the FBiH Director of Police supported EUPM's strategy which should be applied at all levels in the territory of BiH. The FBiH Minister shared EUPM's view that integration is a priority. Likewise, the RS Minister of Interior and Director of Police fully supported the ongoing process and welcomed the initiative of HoM to hold open dialogue with local counterparts.

**Approved by Stefan Feller**

**Head of Mission**

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