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Delegations will find attached the partially declassified version of the EEAS document 00982/12 regarding the Final Report of the Head of Mission European Union Police Mission in Bosnia and Herzegovina, as transmitted by the Civilian Operations Commander.

EUROPEAN EXTERNAL ACTION SERVICE



**Civilian Planning and Conduct  
Capability – CPCC**

**Brussels, 8 June 2012**

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**NOTE**

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From: European External Action Service  
To: General Secretariat of the Council

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Subject: Final Report of the Head of Mission European Union Police Mission in Bosnia and Herzegovina

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The General Secretariat of the Council will find attached the EEAS document EEAS 00982/12 regarding the Final Report of the Head of Mission European Union Police Mission in Bosnia and Herzegovina, as transmitted by the Civilian Operations Commander, for further distribution.

## **CIVILIAN OPERATIONS COMMANDER OBSERVATIONS AND RECOMMENDATIONS ON EUPM FINAL REPORT**

### **A. INTRODUCTION**

1. On 30 June 2012, the mandate of the European Union Police Mission in Bosnia and Herzegovina will expire and the mission will close down, leaving on the ground a liquidation team to finalise administrative closure. In line with the "Concept paper on procedures for the termination, extension, refocusing of an EU civilian crisis management operation" (doc. 5136/06), the HoM hereby presents his Final Report to the PS.
2. The Final Report gives an overview of the entire lifespan of the mission, since its launch in January 2003 until June 2012. Against the backdrop of complicated political developments, the report tracks the implementation of different stages of the EUPM's mandate and highlights both successes and deficiencies in achieving the mission's objectives. The report also draws lessons to be learned from EUPM's experience and in this regard it is an invaluable contribution for improvement of the future work of CSDP structures.
3. The Final Report of the HoM is preceded by observations and recommendations of the Civilian Operations Commander.

### **B. OBSERVATIONS**

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## C. RECOMMENDATIONS

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## 1. EXECUTIVE SUMMARY

- The conflicts in the Western Balkans, particularly the war in Bosnia and Herzegovina (BiH), acted as the trigger for the EU to develop a Common Security and Defence Policy (CSDP).
- European Union Police Mission (EUPM) started as a novel instrument of EU civilian crisis management, working directly with local stakeholders and other international organisations in theatre. EUPM will come to an end nearly 10 years after its inception in 2003. In that respect, EUPM has served as a reference for lessons learned processes.
- While EUPM was deployed in theatre, the EU civilian crisis management structures have been reorganized and strengthened. Civilian Planning and Conduct Capability (CPCC) was given a mandate to plan and conduct civilian operations under CSDP since 2007.
- Implementation of EUPM's primary objective to establish sustainable policing arrangements in line with best European and international practice has been strongly influenced by political developments in BiH.
- EUPM action was delivered predominantly by mentoring, monitoring and inspecting. From an initial strong emphasis on police reform and police accountability, the focus later shifted towards support in the fight against organized crime and corruption (OCC) and fostering of the police-prosecutors relationships.
- At a later stage, EUPM focused primarily on support of state-level rule of law institutions in the fight against organized crime and corruption and advice on new police laws. It strived to enhance strategic coordination, communication and cohesion between the main elements of the fragmented internal security architecture.
- With a thorough assessment of operational capability of individual law enforcement agencies (LEAs), EUPM came closer to reach the desired end-state of its mandate.
- In 2012, EUPM started implementing its exit strategy in the context of the EU single presence in BiH. While the civilian crisis management instrument is coming to an end, the EU Delegation/EUSR will take over strategic support to law enforcement in BiH and a sector-specific support, implemented through the Instrument for Pre-Accession Assistance (IPA).

This will guarantee the continuity of certain tasks started by EUPM in the areas where further development is needed, not least with respect to the EU accession process.

- Further support will be required notably in fighting OCC.
- EUPM also remains concerned about a continued politicization of policing and the rule of law.

## **2. COMMENTS BY THE HOM**

With the planning process for establishing EUPM in Bosnia and Herzegovina in 2002, the European Union (EU) aimed at following on the tasks that were considered as completed by the United Nations International Police Task Force (IPTF). IPTF operated for seven years until the end of 2002, and carried out and imposed rigorous reforms such as physical separation of the police from the intelligence services, certification of local police through a vetting procedure, or accreditation of Law Enforcement Agencies (LEAs) according to basic democratic standards. During that time, the overall strength of police forces fell from estimated 80,000 to the current approximately 17,000 staff.

IPTF had laid the groundwork for building a democratic and sustainable police service in the country. Member states of the EU decided to follow on that work and establish EUPM, the first ever EU mission within the framework of the European Security and Defence Policy (ESDP), the predecessor of the post-Lisbon Treaty Common Security and Defence Policy (CSDP).

Throughout the ten years of contribution to assisting BiH counterparts, the overarching objective of the mission was to establish sustainable policing arrangements under BiH ownership. EUPM's mandate was originally foreseen to last for three years, but it received four adjustments between 2006 and 2011. Whilst some changes were the result of adjustments to the developing progress, significant changes also widened the role of EUPM: Increasingly, EUPM was tasked to assist a larger nexus of LEAs and to also address the criminal justice system, in order to support

development of capacities to fight organized and other serious crime and corruption.

Today, EUPM looks back on the ten years of an increasingly challenging work with partners at all levels of the complex administrative system of BiH:

- (1) At the state level, our assistance was rendered to five agencies with law enforcement tasks: The State Investigation and Protection Agency (SIPA), the Border Police (BP), the Directorate for Coordination of Police Bodies (DPC), the Indirect Taxation Authority (ITA) and the Service for Foreigners Affairs (SFA). In addition, EUPM collaborated with other support agencies created as a result of the police reform laws from 2008, including the still insufficiently developed Agency for Anti-Corruption (ACA). Within the criminal justice system, our assistance was rendered to the High Judicial and Prosecutorial Council (HJPC) and the State Prosecutors Office (SPO).
- (2) At the entity level, in Brcko District and at cantonal level, EUPM assisted overall thirteen police services, of which 10 were cantonal. Frequent collaboration was established with respective prosecutor's offices.
- (3) For several years, EUPM provided special expertise to support progress in the penal-management system, which is mainly organised at the entity level.
- (4) EUPM's work would not have been possible without regular communication of its leadership with ministers of security/interior on state and entity levels.

By way of this introduction, I wanted to draw attention to the complexity of EUPM's work in order to outline the limitations of this and other contributions to the legacy of our work. It is not possible to deliver a single comprehensive document covering all strategic aspects of the work into which more than 2200 seconded experts from the EU and the third states have contributed since 2002.

I wish to remind that the authors of this report are the remainder of a mission that started with approximately 550 international experts and, through several downsizing steps, retained 133 international and 155 national staff until the end of 2011. Today, a total of less than 30 international and less than 49 national staff remain.

The ambition of this document is limited therefore: It is meant to be the most comprehensive contribution possible to a legacy and lessons learned process considering the limitations by the capacity and capability remaining in theatre. It is suggested to read this document as a part of our overarching current work, which includes: the conduct of a Legacy Seminar between 6 and 8 June 2012, a hand-over of knowledge and relevant documentation to follow-on mechanisms under the Instrument for Pre-Accession Assistance (IPA) and the upcoming police/rule of law section of the European Union Special Representative (EUSR), and my hand-over note to the EUSR and the Civilian Operations Commander, as the fourth and last Head of Mission of the EUPM.

We also advise to put this work into the larger context of previous legacy documentation, which was established under the respective Heads of Mission in 2006 and 2008.

I wish to put my sincere appreciation on record for the dedication of each and every national and international staff member who has contributed to this CSDP mission of the EU.

My gratitude goes to the EU family in Sarajevo and to the previous Directors of DGE IX and Civilian Operations Commanders in Brussels. I wholeheartedly include all EUPM desk officers, members of the CPCC Mission Support Unit and the staff of the EEAS Foreign Policy Instrument Unit (FPI) in my appreciation. Without their unrelenting support, our work would have never been possible. I always felt being a part of a larger team.

My mentioning of critical factors for our success would by far not be complete without stressing the importance of our partnerships within the larger international community.

Finally, this is the place to record the respect that we have for our national partners within law enforcement and criminal justice. We know it is mutual, and we understand it is due to the openness, transparency, neutrality, and understanding of assistance, which are the underlying principles of our work.

I have the honour and privilege to conclude the European Union Police Mission, and remain in debt to the late Police Commissioner/Head of Mission Sven Frederiksen of Denmark, Police Commissioner/Head of Mission Kevin Carty of Ireland and Police Commissioner/Head of Mission Vincenzo Coppola of Italy.

### **3. INTRODUCTION**

This report serves the purpose of helping safeguard the institutional memory and legacy of the so far longest and oldest CSDP crisis management operation. It also allows us to understand why the EU has been a decisive player in civil crisis management, and how a civilian mission fits into a comprehensive EU policy within the EU institutional framework of external intervention.

EUPM's presence can be divided into phases with adjusted mandates of mainly two year periods, based on concurrent reviews. Most commonly it is referred to as EUPM I from 2003 to 2005, EUPM II from 2006 to 2007, EUPM III from 2008 to 2009, EUPM IV from 2010 to 2011, and the transition phase until June 2012 as EUPM V.

An overview of the political dimension is provided first, to understand in which environment EUPM has worked and what was the impact of political developments on EUPM action during different mandates.

The report then concentrates on the accomplishments of mission implementation, covering the early years, continuing with the period of police reform and the final years of a refocused mandate. The final part will be predominate, building on the two earlier periods. Description of each implementation phase is preceded by an introduction explaining the specific mission mandate for this period.

Specific chapter is devoted to security. A chapter on mission administration explains issues of budget, human resources and training.

Before concluding the report, an important chapter is devoted to lessons learned and best practices identified with respect to implementation of different EUPM's mandates, but also in relation to other areas of mission's activity, including administration, finances, human resources etc.

Two annexes are provided - the first one covers gender, with gender mainstreaming touching on both internal and external issues, and the second one describes public information campaigns and other cross-cutting topics.

The various adjustments in the mission's mandate and structure did not only take into account the changing situation in BiH, but were also rooted in strategic processes of CSDP development. The closure of EUPM offers an opportunity to look into lessons learned and impartially observe what has been achieved. The assessment of impact, lessons learned and the best practice is an integral part of further improvement of the EU crisis management performance and for tailoring missions to their respective environments, in line with the implementation of the existing Civilian Headline Goal beyond 2010.

#### **4. POLITICAL DIMENSION**

Bosnia and Herzegovina (BiH) is one of the six Republics emanating from the former Socialist Federal Republic of Yugoslavia. It declared independence in 1992 with the same borders of the former Yugoslav Republic of Bosnia and Herzegovina. This happened at the beginning of a four year long war that confronted the three ethnic groups that inhabit the country: BiH Bosniacs, BiH Croats and BiH Serbs.

The war ended in 1995 with the General Framework Agreement for Peace (GFAP), also known as the Dayton or the Dayton/Paris Agreement. BiH was defined in the GFAP as a multi-ethnic country with equal rights for all its citizens. The agreement foresaw a decentralised structure with two strong and autonomous entities: The Federation, which concentrated the large majority of BiH



Bosniac and BiH Croat population and included the capital city Sarajevo, and the Republika Srpska (RS), with a Serb majority. The status of Brcko, a small but critically located territory in the North of the country, was not finalized in the Agreement. This happened only in 1999 (Annex to Brcko Final Award) with its establishment as a District with special status under BiH sovereignty, with its own government, assembly, judiciary and police force.

BiH has a number of common institutions that form a state-level administration. The executive branch consists of a tri-partite Presidency and a Council of Ministers. The members of the Presidency, one BiH Bosniac, one BiH Croat and one BiH Serb, rotate each eight months. The chair of the Council of Ministers is nominated by the Presidency. The legislative branch is made up of a bicameral parliamentary assembly; the House of Representatives, comprising 42 members directly elected from each entity, and the House of Peoples, comprising 15 members selected by the parliamentary assemblies of each entity. With regards to the judicial power, BiH has a Constitutional Court, a Human Rights Chamber and a State Court with a War Crimes Chamber, and a High Judicial and Prosecutorial Council (HJPC) constituted in 2005.

In addition, each entity has a presidency and a number of ministries. Legislative branches differ: the Federation follows the same scheme as the state level, i.e. a House of Representatives and a House of People. The RS has a unicameral parliament, the RS National Assembly. The entities have different administrative structures. The Federation is divided into 10 cantons that enjoy substantial autonomy, their own local governments and unicameral parliamentary assemblies. The RS has a centralised structure. In both entities the lower layer of administration is vested in the municipalities. The entities have their own judicial branch with judicial and prosecutorial areas that follow their administrative structure. The Federation has 10 cantonal courts and 10 prosecutorial areas and the RS has 5 district courts and 5 prosecutorial areas. Both entities have a number of municipal courts, their own constitutional courts and although they had their own (separate) high judicial and prosecutorial councils, these were merged in 2004.

The GFAP, which included the BiH and entities constitutions in its annexes, granted many of the characteristics of state competencies to the entities, leaving a weak state-level structure with only those competencies considered essential, such as foreign affairs, defence and financial competencies.

The agreement also foresaw a presence of an international High Representative (HR), heading the Office of the High Representative (OHR), with a mandate to ensure the implementation of the civilian part of the GFAP. The HR was vested with important executive powers including the right to remove public officials and pass legislation. A Peace Implementation Council (PIC) was established to monitor and ensure the full implementation of the GFAP. The Steering Board of the Council meets on a six-monthly basis. Under the auspices of the HR and the PIC, a series of reforms aiming at state-building by transferring competencies to the state level and developing common institutions were undertaken. By 2004, *inter alia*, a judicial reform, a defence forces reform and a reform of the tax administration were completed.

State-level ministries and institutions were set up prior to EUPM's arrival. At that time, there were seven state-level ministries, including a state-level Ministry of Security (MoS). The MoS was established under the *Law on the Council of Ministers* imposed by the HR in 2002. Its competencies were determined in the *Law on Ministries and Other Bodies of Administration* and adopted in 2003. It was seen as an umbrella ministry with ambitious competencies and a coordinating role on security issues for the entire territory. It was the first time that BiH had a central body to follow up on security related issues at the state-level. Recognition of the ministry's role was also contained in the National Action Plan to fight organised crime in 2003. In addition, the country was going to be represented in regional fora for the first time by a state-level ministry.

Nevertheless, police competencies in BiH reside in a fragmented structure of 16 police bodies, which follow the BiH administrative structure and cohabit under a non-hierarchical structure. There are three state-level police bodies - the State Investigation and Protection Agency (SIPA), the Directorate for Coordination of Police Bodies (DPC) and the Border Police (BP), one police body in

each entity, one in each canton and one in Brcko District. There is also a Service for Foreigners Affairs, dealing with immigration and asylum issues and the Indirect Taxation Authority (ITA), which resulted from the merger of the separate entity customs agencies. Both have a law enforcement capacity.

In former Yugoslavia, policing did not just cover usual policing duties, but also involved ensuring the political and social control by the governing party. This was naturally maintained during the war as the three ethnic groups needed in times of crisis to maintain and consolidate their power. In addition to this tradition of political control, there has been an economic imperative too. Control over the police has allowed a degree of protection from investigation and the ability to exert pressure over rival politicians and businessmen in an effort to gain political or economic advantage. Additionally, the multilayered levels of political representation increased the opportunity for political interference in policing.

In the context of the peace consolidation process, the UN established the United Nations Mission in Bosnia and Herzegovina (UNMIBH). According to the GFAP, the UNMIBH had been given the competency to assist the police to rectify the above mentioned issues. An International Police Task Force (IPTF) was set up and vested with executive powers. The UN used those powers to undertake a so-called certification process, which vetted every police official in BiH. Among other reforms, IPTF aimed at setting the necessary grounds to transform the police from what was believed to be a war-time militia into an international standard police force.

In 2000, the EU drew up a so-called 'Road Map', which set out 18 essential steps to be undertaken by BiH in the short term, before a Feasibility Study for opening the negotiations on a Stabilisation and Association Agreement (SAA) could be undertaken. An analysis of BiH readiness to negotiate in the Stabilisation and Association Process (SAP) was prepared and published by the European Commission (EC).<sup>1</sup>

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<sup>1</sup> The Stabilisation and Association Process (SAP) is a long-term commitment to the Western Balkan region, in terms of political effort and financial and human resources. The SAA is the key element of the SAP and represents a contractual relationship between the EU and each Western Balkan country individually, therefore offering tailor-made conditions, set in formal mechanisms and agreed benchmarks.

The Feasibility Study itself established that, before any negotiations for an SAA could begin, among other things, there was a need to tackle crime, especially organised crime and to strengthen the state-level law enforcement capacities.

#### **4.1 EUPM I (2003 - 2005)**

The aim of the Feasibility Study was to pass enough competencies to the central level from the other layers of power (canton and entities), in order to establish a state that one day would begin a process towards the EU membership. The model chosen was that delineated at the GFAP, namely a decentralized country with some transfer of power to the central level in areas which, although essential, were not covered by the GFAP. As part of this overall plan, a MoS was established in 2003, at the same time that EUPM was being established.

In addition to accepting the above mentioned transfers of competencies, developments in both the RS and the Federation indicated a more positive move towards reconciliation and enhanced inter-entity and inter-ethnic cooperation. The RS authorities officially recognized the 1995 Srebrenica genocide and commenced cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

In the Federation, an agreement was reached on the reunification of the City of Mostar in 2004 and, on a more symbolic level, the reconstruction of the Old Bridge.

Although the mission did not have an executive mandate, the strong and continuous support and close cooperation with the OHR/EUSR gave EUPM a good political authority to influence decisions and mentor the BiH police forces. The aim was to bring the different police forces to a point when no further permanent international supervision would be necessary.

The EUPM projects, although intended to technically develop the police forces, needed political

agreement of the BiH authorities (government and parliaments), which first had to accept them as their own. In many cases this would require the passing or amending of legislation that would allow for their implementation, and also for appointment of senior officials in key positions within the bodies that would oversee the work of the police forces.

In 2003, the OHR declared that reforming the security sector would be a priority for 2004. Progress was made and it continued in many areas of reform, notably defence and intelligence, reform of the tax administration (ITA), unification of the entity HJPCs and establishment of the state court and prosecution system. Substantial competencies were transferred from the lower to the state level.

Things started to change during the middle of EUPM's first mandate with the introduction of a new concept - police reform. This would later prove detrimental to some of the efforts made at that time. The term 'police reform' started being used as opposed to the 'reform of the police forces', which had prevailed until that moment. In the local context, however, the term police reform can trigger negative reactions, because it is often understood in a narrow sense of police restructuring, rather than a broad concept of reform including procedural, managerial, educational and administrative aspects.

The EU financed a Final Assessment Report 2004, outlining deficiencies of the police forces. The major problem identified in the report was not the number of police bodies, but rather a lack of coordination and cooperation among them. The international community in theatre felt emboldened to propose an overall reform of the police. The report was interpreted as a call to centralize the police, which many understood as a first step towards transforming BiH into a centralised country.

Talks about a constitutional reform started at the same time. Despite the tendency to use the term 'local ownership', the actual process was run by internationals, e.g. the OHR, EU and the PIC. Encouraged by the apparent success of the defence reform, negotiators believed that the reform of the police could be conducted under similar terms. However, there was a failure to understand the evolution of the BiH political scene, especially in the RS, who wished to maintain its police force

without further centralization.

A Police Restructuring Commission (PRC) was established by the HR with the objective of elaborating proposals for a single structure of policing, under the overall political oversight of a ministry or ministries in the Council of Ministers. EUPM participated actively in the work of the commission, based on three principles to guide the future discussion of the police structure. They would be referred to as the EU principles, being understood as indispensable for the EU accession of BiH. These were:

1. All legislative and budgetary authority on police related issues shall be at the state level
2. Local police shall operate in policing areas designed according to technical and functional police criteria
3. Political influence shall be removed from police operational work.

The second principle meant in practice that the inter-entity border line (IEBL) would be crossed in some areas. RS in a belief that its integrity was in danger strongly opposed the the whole process. The PRC finished its work without solving these issues, i.e. the police regions were not defined. Agreement was becoming impossible as the policy of conditionality, translated as ‘the three principles or no EU’, did not seem to be working.

#### **4.2 EUPM II (2006/2007) and EUPM III (2008/2009)**

These years were characterised by a climate of political confrontation, mired in divisive rhetoric. The talks on constitutional reform further contributed to different concepts of state among the major political parties. Talk of RS secession openly appeared for the first time. Regional development with the independence of Montenegro and talks concerning Kosovo independence did not help either. In this period, more than in any other, the work of EUPM would be influenced, most of the time negatively, by political events.

As the work of the PRC managed to overshadow many other aspects of the mission already in EUPM I, the so-called police reform/police restructuring process that followed became a main objective of EUPM II.

The Directorate for the Implementation of Police Reform (DIPR) was established. The Head of Mission (HoM) was a member equipped with special authorities and voting rights. What was supposed to be an implementation body, to which EUPM would contribute mainly with technical advice, became a highly polarised and politicized forum. A two year period of hard negotiations took place in parallel with a deterioration of the political climate. The evolution of the DIPR appeared to reflect the developments taking place in the BiH political arena. The RS representatives questioned the terms of reference of the Directorate and remained mere observers. The issue of cross-IEBL police regions was characterised by the lack of political support from the RS side.

Despite this, the DIPR continued its job to the end and even produced a final report, proposing unrealistic arrangements that ignored the most serious institutional and political crisis since the end of the war. By way of example, while the RS was already talking about transfer of competencies back to the RS and claiming rights to higher autonomy and even independence, the DIPR was proposing to essentially make the RS police disappear and create a unique security space with regions and arrangements that questioned the existing administrative structures of the country. The report should have been adopted by the state and entity governments and parliaments by 2007. However, the RS government and assembly adopted conclusions to reject the proposal of the DIPR. The EUSR/HR then consulted EUPM on his draft *'protocol on meeting the police reform requirements necessary for initiating and signing a SAA'*, which constituted the basis for political negotiations later in 2007.

In parallel, the policy of non-intervention and non-imposition from the HR/EUSR characterised this period. There was no progress on BiH's way to EU accession. It was clear that the conditionality of the EU with the three principles for police reform that were not based on the EU acquis was not bearing fruit as described above. The police reform was at standstill.

In 2006, together with Serbia and Montenegro, BiH was invited to join the NATO Partnership for Peace. The EU was willing to start the negotiation with BiH, but did not find a way to overcome the miscalculation concerning police reform. It became clear that the RS was not willing to accept the three principles. So, emphasising the concept of local ownership, but under a lot of pressure from the IC, the political leaders from the three main parties finally accepted a compromise on police reform.

It was a minimum, but it did unblock the situation. The so-called Mostar Declaration of 2007, proposed necessary legislation, which would guarantee the independence of police, put in place civilian oversight mechanisms and delineate police areas that would be determined by technical criteria. Seven state-level institutions were envisioned. These were:

- 1) A Directorate for Police Coordination
- 2) An Agency for Forensics
- 3) An Agency for the Establishment and Professional Upgrading of Personnel (Police Academy)
- 4) A Police Support Agency
- 5) An Independent Board
- 6) A Citizen's Complaint Board, and
- 7) A Police Officials Complaint Board.

This agreement which would basically freeze and delay any subsequent reform of the police until the BiH constitution could be amended, was nevertheless accepted by the EU as meeting its conditions.

Two police reform laws (*Law on Directorate for Coordination of Police Bodies and Agencies for Support to of Police Structure of BiH* and the *Law on Independent and Supervisory Bodies of Police Structure of BiH*) were adopted by the Parliamentary Assembly in 2008, in line with the Mostar Declaration. The laws did not result in a comprehensive police reform encompassing the entities, cantons and Brcko District, as it was agreed to address the relations between the state and other levels only after constitutional reform.



The laws established four new institutions at state level: the Directorate for Coordination of Police Bodies of BiH, Agency for Forensic Examinations and Expertise, Agency for Education and Advanced Training of Personnel and Agency for Police Support, and three oversight bodies: Independent Board, Public Complaints Board and Board for Complaints of Police Officials.

Adoption of these laws formally opened the way for a signature of the SAA in June 2008, which resulted in an interim agreement with the EC entering into force on 1 July 2008. There was hope that implementation of these laws would open new potential for continuous police reform efforts combined with the harmonization of the legislative framework of the various LEAs.

Reference to three EU principles, along with a commitment to take further steps after constitutional reform, and a possibility to upgrade the institutions in the future to play a more important role vis-a-vis the entities, cantons and Brcko District, were among the elements in these laws that allowed EUPM to come to a cautiously optimistic assessment.

The 2008 election results altered the power relations among the six governing parties at the state level and reignited support for each ethnic/national group to predominantly one party (SDA, SNSD and HDZ BiH). In this situation, the three party leaders appeared more confident about prospects to enter negotiations and reach compromises.

SNSD leader Milorad Dodik, SDA leader Sulejman Tihic and HDZ BiH leader Dragan Covic agreed a joint declaration (the so-called Prud Agreement), demonstrating an apparent willingness to reach a political compromise on certain key issues facing the country. The Agreement addressed constitutional reform, resolution of the so called 'state property issue', implementation of Annex 7 of the Dayton/Paris Agreement related to return of refugees and displaced persons, organisation of a new census, a constitutional solution for Brcko's Final Award and BiH Fiscal Council and budget issues. Progress was made towards delivering on the five objectives and two conditions (5 + 2) set

by the PIC Steering Board for the closure of the OHR.<sup>2</sup> Although it produced limited results and represented an important domestic process, the Prud Agreement was not implemented.

In 2009, the EC did not include BiH in the list of countries proposed for visa free travel. This resulted in harsh reactions from the erstwhile more pro-EU Sarajevo political bodies, adding to earlier EU criticism. Concerns were voiced about double standards, the favouring of Serbia and the EU abandoning BiH Bosniacs. The EC decision then appeared to spur activity by authorities to catch the next possible train.

Due to concerns that BiH would fall behind in the Euro-Atlantic integration process, the EU and the US initiated a process aiming at a constitutional reform and addressing conditions for OHR's closure. However, the BiH political leaders failed to reach agreement on the proposed reform package. It was therefore unlikely that a constitutional reform or agreement on the 5+2 agenda would be achieved in advance of general elections scheduled for October 2010.

The RS challenged the state court, blocking an extension of international judicial mandates. The opposition was entangled by a SIPA investigation into RS government corruption, led by an international prosecutor. The HR extended the mandates only of international judges and prosecutors working on war crimes. The mandates of international judges and prosecutors working on organised crime, corruption and terrorism (OCCT) were not extended. The PIC Steering Board invited BiH to maintain internationals in a non-executive advisory function in the latter area.

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<sup>2</sup> The objectives that need to be delivered by the BiH authorities prior to OHR closure are:

- Acceptable and Sustainable Resolution of the Issue of Apportionment of Property between State and other levels of government;
- Acceptable and Sustainable Resolution of Defence Property;
- Completion of the Breko Final Award;
- Fiscal Sustainability (promoted through an Agreement on a Permanent ITA Co-efficient methodology and establishment of a National Fiscal Council); and
- Entrenchment of the Rule of Law (demonstrated through Adoption of National War Crimes Strategy, passage of Law on Aliens and Asylum, and adoption of National Justice Sector Reform Strategy).

In addition to these objectives, the PIC SB agreed that two conditions need to be fulfilled prior to OHR closure;

- Signing of the SAA; and
- a positive assessment of the situation in BiH by the PIC SB based on full compliance with the Dayton Peace Agreement.

Although not in a position to exercise executive powers, the 300 strong EUPM was perceived as the reference point on police issues. That meant that the mission's stance on issues, especially those related to mission priorities, namely police reform and fight against organised crime, did matter. Nevertheless, the police reform process was seen as a prime example of how the EU deviated from the regular accession conditions only to later settle for a diluted package. Throughout the process, the negotiating position of the EUPM on institution building weakened, resulting ultimately in a lack of achievements on police-related institution building.

### **4.3 EUPM IV (2010–2011) and EUPM V (2012)**

The final phase of EUPM commenced with a 'calm, yet tense' political environment. All political actors began to accept that the police reform would not be implemented in the way originally foreseen and that any greater constitutional reform would be difficult to achieve. The internal political agenda was also marked by the effects of the global economic crisis. However, the state and entity governments soon adopted measures which would curtail public spending and would ensure budgetary support from the IMF, the World Bank and the EU. There were occasional protests against these measures by affected groups, however, these remained peaceful.

The country was also making concrete progress in addressing the requirements of the visa liberalisation road map. This foresaw implementation of important reforms, many of them related to law enforcement, to which EUPM would contribute largely and which included combating organised crime and corruption and development of the Border Police.

In 2010, a terrorist attack carried out on a police station in Bugojno, Central Bosnia, leaving one police officer dead and injuring six others, acted as a jolt to both internal and external actors. The incident was linked to an individual belonging to the Wahhabi movement and opened questions of how vulnerable Bosnia might be in the future if subjected to similar attacks. Discussion centred on the need for the Bosniac political establishment to acknowledge that a potential terrorist threat exists, and how to deal with it. Despite the incident, a visa-free regime for BiH citizens was granted

in 2010. That year also saw the country commemorate the 15<sup>th</sup> anniversary of the Srebrenica genocide. As in previous years, the RS police managed the security of the event and similarly to other recent years no security related incidents happened.

Nevertheless, soon after the commencement of the EUPM IV mandate, an increase in tension between the RS authorities and the OHR affected the political atmosphere. In the increasing pursuit of re-acquiring authorities previously transferred to the state level, the RS outlined plans for calling a referendum on several HR's decisions and subsequently an RS referendum law was adopted in 2011. This was justified by the alleged failure of the international community and the BiH judiciary to fairly deal with war crimes against the Serbs. The RS authorities also maintained a nearly continuous criticism of the state-level judiciary in this period, culminating in an announced intention to hold a referendum on it.

This threat, the endless debates on wartime-related issues and continuous and growing RS attacks on the numerous state-level institutions dominated the first half of the mandate, and brought the country to the brink of a real crisis. The EU managed to quell the situation by initiating a 'Structured Dialogue' on justice.

Overall, political tensions resulted in a serious delay in addressing key reforms, affecting all the sectors, including the security sector and therefore the implementation of EUPM's mandate. However, the MoS became a consolidated ministry, a reference of security issues inside and outside the country, and a pivotal partner for security sector reform issues.

## **5. MISSION IMPLEMENTATION**

This section will describe planning and establishment of the mission and examine the results of mandate implementation, following chronologically the mandate adjustments and thematic actions. Also, an overview of mission implementation of state state-level LEAs is provided.

## **5.1 Planning and launch of the mission**

The Balkan tragedy triggered the decision of the EU member states to improve the Europeans' military capabilities and to take on Petersberg missions. In the European Council in Cologne in 1999 the member states concluded that they "intend to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence ... the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO." This led important institutional development, establishing the role of the High Representative for CFSP and the Political and Security Committee (PSC) to manage the new EU policy. At a more operational level, the Council decision of 22 May 2000 established a Committee for Civilian Aspects of Crisis Management (CivCom).

The Council of June 2000 at Feira defined the following civilian priority areas for ESDP: Police; Rule of Law (RoL); Civilian Administration and Civil Protection. Afterwards, the Gothenburg Council of June 2001 adopted the Police Action Plan to secure a volume of law enforcement personnel to be deployed in ESDP crisis management operations. Finally, the at-the-time DGE IX of the General Secretariat of the Council was reinforced with a Police Unit of originally eight senior police officers to help planning civilian ESDP missions.

In 2001, talks started between the EU and the UN Department of Peacekeeping Operations regarding a possible follow on to IPTF, due to close at the end of 2002, by an EU mission. The UN considered that the objectives set in their Mission Implementation Plan would be achieved at the end of the 7th year of IPTF mandate, with the establishment of a new law enforcement structures able to operate according to basic international standards, including the vetting and certification process of local police officers that downsized the overall strength of BiH police services. The discussion was mainly based on the fact that additional assistance was required and on the assumption that the future of BiH lied in Europe, and that the EU had a specific interest - inter alia - in the security structures of the country.

Indeed, despite significant IPTF achievements, there was a wide consensus between both the local authorities and the international community that the police reform required further consolidation and that local police standards and practices needed to be further enhanced.

In January 2002, the EU deployed a Fact Finding Mission (FFM) to Sarajevo to explore the feasibility of an EU follow on mission, under the auspices of the recently established ESDP. In parallel to the technical FFM, a number of contacts were undertaken at political level with local authorities and the international community. As a result of these contacts and of an internal EU debate, the Council announced its readiness to ensure a follow on mission to the IPTF on 18 February 2002.

The PIC Steering Board accepted on 28 February 2002 the Union's offer concerning establishment of a European Union Police Mission, and an invitation letter by the BiH authorities was received on 4 March 2002. On 5 March 2002, the UN Security Council Resolution 1396 (2002) welcomed the EU readiness to ensure the follow on to IPTF.

The decision to follow on IPTF with an EU mission was challenging at that moment as the EU did not have in place any appropriate instruments to launch an ESDP mission (internal structure, planning capability, procedures, etc.). However, at the beginning of 2002, the decision making process was completed<sup>3</sup> and the planning phase started with a strong common will to give a positive answer to the UN and to show the overall readiness of the EU to implement the newly defined ESDP.

To ensure a proper mission planning as well as a smooth transition, a Planning Team was established in Brussels in mid April 2002 and was deployed in BiH as of May 2002. It was also decided that the last IPTF Commissioner would be double-hatted as Head of the EUPM Planning Team and later the first EUPM Head of Mission as of January 2003.

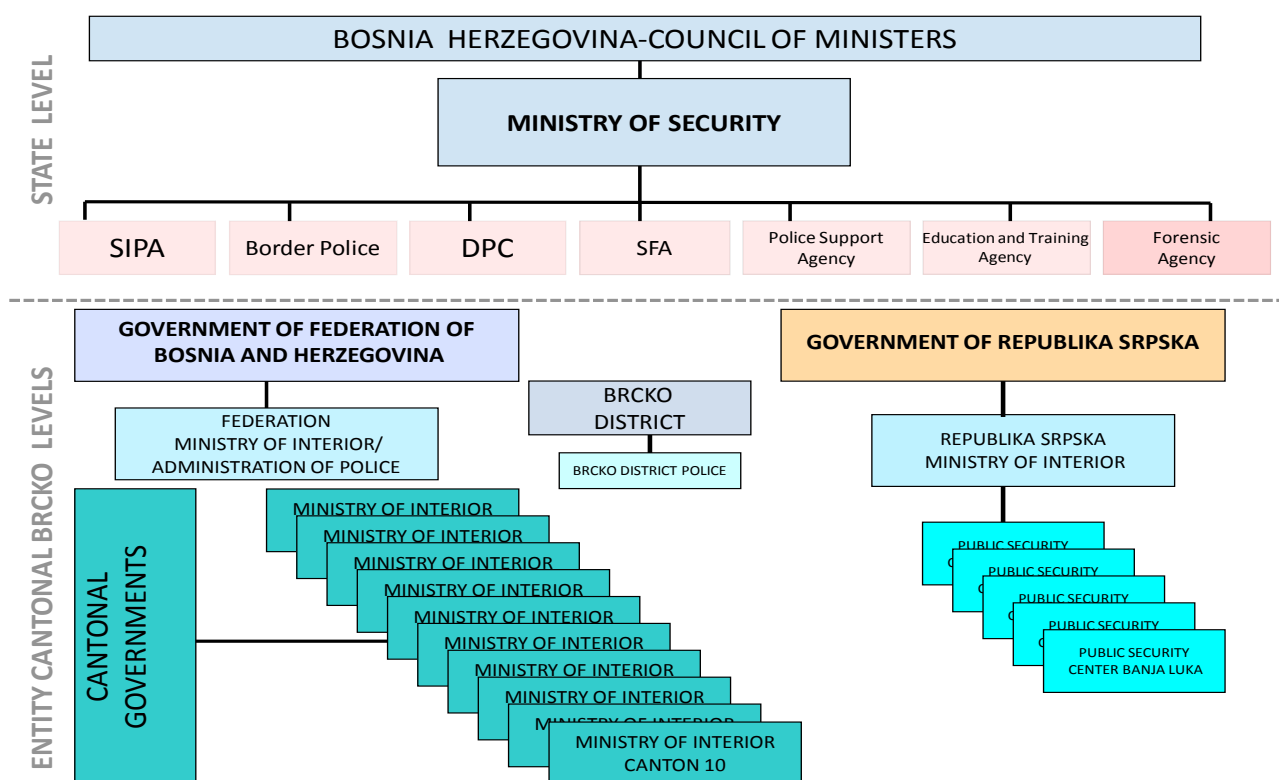
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<sup>3</sup> All legal documents on EUPM can be retrieved from <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eupm/legal-basis?lang=en>.

The Planning Team took care of developing an OPLAN and elaborating all necessary operational and logistical measures, including the migration of 80 European police officers (about 10% of the future Mission strength) to preserve the IPTF legacy and ensure continuity of the work. This aspect will be later covered in the lessons learnt chapter.

The effective Mission deployment started at the end of November 2002 and EUPM reached full operational capability at the end of February 2003.

Table 3: Current Police Structures in BiH



## **5.2 Mandate Details and Implementation**

### **5.2.1 EUPM I (2003 - 2005) Mandate Details**

Since its launch in January 2003 EUPM's mandate aimed at establishing sustainable, professional and multiethnic policing arrangements in BiH, under BiH ownership, in accordance with best European and international practice. This was also defined as the desired end-state. The objectives at operational level were defined in the Council Joint Action in March 2002 and are listed in Annex A. Importantly, EUPM was also designed to monitor the exercise of political control of BiH policing and ensure that such control was appropriate and relevant. To see the organisation structure of EUPM and its changes over the different mandates please refer to Annex B.

The mission was supported by the EC's institution building programmes and the other members of the EU family in theatre. Notably the HR/EUSR contributed to the general peace implementation as well as to the achievement of the overall EU policy in the region.

As mentioned, EUPM took over from the IPTF, which had an executive mandate. Comparisons were invariably made between EUPM and its predecessor. There was a significant blurring of the demarcation lines between the missions. Also, best European and international standards, as key concept, were at best subjective and as no definition was provided, different contributing national police services interpreted these terms differently (see also Best Practice and Lessons Learned chapter).

The primary methodology for EUPM's action was a programmatic approach, reflecting the strategic priorities, and by the end of 2002 a Mission Strategy Implementation Plan (SIP) was developed. The SIP ensured that the mission statement was articulated into a course of action capable of achieving following goals, defined in four actionable strategic priorities:

1. Development of police independence and accountability under political oversight
2. Fight against organised crime and corruption (OCC)
3. Financial viability and sustainability
4. Institution and capacity building at management level.



The SIP was operationalized in a Programme Action Plan (PAP) in 2003. Insufficient consideration was given to employing more suitably qualified civilian personal to assist in this complex task. This resulted in a lack of benchmarking tools or mechanisms by which performance could be measured and assessed. It was left to the mission to improvise and design a system of implementation and benchmarking suitable to its needs. By the time this was achieved, there was less than one year left of the initial three-year mandate.

Although it was not determined among the strategic priorities, EUPM started extensively dealing with the police restructuring process, through participating in the Police Restructuring Commission (PRC).

A novelty for EU crisis management was the presence in one country of a civilian mission, a military mission and the EUSR. To ensure a good co-operation and no overlap or misunderstanding about their respective roles and mandates, the Political and Security Committee (PSC) adopted conclusions in 2005, called the *‘Seven Principles and Guidelines for Increasing Co-operation between EUPM - EUFOR and EUSR’*. These defined for EUPM to play a more pro-active role and to take *‘the lead in coordinating policing aspects of ESDP in BiH’*, *‘looking at ways in which it can assist the local authorities by monitoring and mentoring the planning of counter-organised crime activities’*, and for EUFOR to *‘coordinate and align its future anti-OC operations with EUPM - and favour operations that rely on local authorities, in order to ensure that they are compatible with BiH law.’* The overall responsibility in coordination was defined to be with the EUSR. This led to the *‘Common Operational Guidelines’* (s. chapter Lessons Learned and Best Practice).

### **5.2.2 EUPM I (2003 - 2005) Mandate Implementation**

- **Development Of Police Independence And Accountability Under Political Oversight**

The efforts to implement this priority were considerably hindered by the presence of 15 different independent police agencies with separate accountability mechanisms to separate governments. Despite the presence of EUPM and other international actors, political interference continued virtually unabated.

Although upon EUPM's initial deployment internal control units had already been working in every EUPM location, political interference or inappropriate influence from supervisors was widespread. In response, EUPM promoted the formation of professional standards units (PSU) and produced a framework document with the aim to harmonise practice across the board.

The development of the two state-level police agencies, SIPA and BP, was an essential part of specially assigned programs. The support to the MoS, although not delineated as a specific EUPM project, was a relevant priority for the mission. The first state-level Law on Police Officials (LoPO), which harmonised police powers and working relations of the state-level police officials, was negotiated, drafted and passed with strong technical as well as political assistance of EUPM.

EUPM maintained and further developed institutions that had been put in place under the auspices of IPTF. These aimed at improving the accountability of the police forces, guaranteeing their independence and making them free from political interference. During the last months of its mandate, IPTF drafted laws on internal affairs (LIAs) for all police agencies. These foresaw, besides the harmonising of structures, the creation of institutions such as the police commissioners (PC) and some civilian oversight mechanisms such as the police complaints bureaus (PCBs) and independent selection and review boards (ISRBs). These were created with the intent of decreasing political interference in the work of the police. The laws were imposed by the HR.

The appointment of state-level directors was based solely on political and ethnic allegiance and not on experience and professional qualification of the candidates, as would be expected. EUPM gave considerable support and provided practical recommendations to the ISRB to review directors' and police commissioners' work, as well as to carry out selection, appointment and removal procedures, when requested.

After an extensive needs assessment in 2003, projects were developed and agreed with national police authorities. A mechanism was established to monitor the implementation of the programs and projects and to evaluate results at the highest level of police management, called the Police Steering

Board (PSB). Meetings of the PSB were organized by EUPM, which held its Secretariat and EUPM HoM co-chaired the board (together with a rotating Head of a BiH LEA).

Coordination and cooperation of police agencies was since the beginning also a priority for EUPM. Ministries of interior and police managers used the PSB as a forum to exchange ideas and agree on minimums. To enhance that coordination, EUPM encouraged the establishment of a Ministerial Council for Cooperation on Police Matters (MCCPM). Originally established under the UN as the Ministerial Consultative Meeting on Police Matters (MCMPM), the new body started to work on establishing/improving coordination and cooperation between police agencies and passing decisions and instructions that would be binding for the PSB.

- Organized Crime And Corruption (OCC)

EUPM recognised from the outset that OCC was prevalent and represented a significant obstacle in the development of a functional state and criminal links. Corrupt officials and practices were still significantly inhibiting the establishment of the rule of law.

Recognising that there was no BiH coordinated approach to reduce harm caused to communities by OCC, EUPM engaged in a number of different thematic activities to strengthen co-operation and coordination between LEAs, improve the flow of intelligence, update the relevant legal frameworks, develop the planning and conduct of organised crime investigations, establish a countrywide crime intelligence network and anti-corruption departments within the police.

- Financial Viability And Sustainability

An important goal throughout this period was to work towards the police being financially viable and sustainable through local resources, including the use of financial audits. Declared priorities were implementation of a fixed financial framework with verification mechanisms and standardisation of police salaries and benefits. EUPM provided training on strategic budget planning as well as procurement training. It supported decentralised budget planning and execution in the RS and assisted the Federation to establish an independent budget for the police.

Ministers of interior at various levels still controlled the budgets and thereby had the potential to wield influence over operational components of law enforcement. However, recognising that politicians have an important role in ensuring that public funds are spent appropriately, EUPM assisted them in drafting legislation in both entities and the Brcko District to make budget control more transparent. This work was intended to promote the police practice of utilising funds for operational purposes, not without placing safeguards to ensure oversight that enabled financial management to note any unlawful or inappropriate spending. Unfortunately, progress was not made regarding the issue of linking the obtained salaries to education and the position in the existing structures (which proved unhelpful in the fight against corruption). Salaries were also often paid with delay.

- Institution And Capacity Building At Managerial Level

EUPM supervised the establishment of more transparent recruitment and promotion practices and procedures. EUPM co-located staff with middle and upper police management to directly mentor and monitor the implementation. This approach was supplemented by ensuring the work was coordinated with the programme development at headquarters, as well as the strategic guidance set by the BiH Police Steering Board (PSB). The issues of police salaries and other factors impacted on the efforts to establish truly multiethnic police agencies. Against the difficult political background many pieces of legislation supported and often drafted by EUPM did not gain sufficient support to be adopted.

### **5.2.3 EUPM II (2006 - 2007) Mandate Details**

With the end of EUPM I, the mission had not reached the desired end-state which was to put in place a modern, sustainable, professional and multiethnic police force. It was diagnosed that EUPM I had too many programmes, which eventually led to a refocused strategy. Towards the end of 2006, a bottom-up approach to optimize existing structures was decided, rather than a top-down approach. The strategy changed from the programmatic and project based approach into working on selected key tasks. As a result, three pillars of EUPM focus were selected: police restructuring, organized crime and accountability.

The mission was also reshaped with a reduced work force and field offices, in accordance with commitments made as part of the SAP to strengthen the fight against organised crime. This resulted furthermore in transferring resources, personnel and energy into police reform/restructuring, under the consideration that this would transform the police to a point where other tasks could be reduced in relevance.

The duration of EUPM II was set for two years. The desired end–state was defined by the planning documents of the mission as follows:

- 1) Police reform is well underway and is on the way to being self-sustaining
- 2) The establishment of state-level agencies is completed and the work of the State Border Service (SBS, later on renamed Border Police), and (SIPA) is meeting BiH’s commitments and obligations in respect of international co-operation
- 3) The overall performance of policing is compliant with European and international standards
- 4) A sustainable, effective capability has been developed by the BiH authorities in the fight against organised crime, including regional cooperation and cooperation with EU member states police authorities.

While waiting for the outcome of the police restructuring process, EUPM also launched police reform efforts with an aim to improve the legal framework of existing police structures within the constitutional and administrative boundaries. Since then EUPM focused on strengthening its coordination function, meaning to build up and strengthen state-level police authorities, a condition to fulfil the SAA criteria. However, the laws for police restructuring and the adoption of the SAA fell into another period, EUPM III.

Further mission tasks were oriented to support LEAs in enhancing police accountability, including through inspections. During the mandate of EUPM II, the so far less addressed support for a reinforced and more effective BIH criminal justice/police interface took root, which further developed during EUPM III with the provision of more criminal justice expertise.

The external dimension in the area of justice, freedom and security, a nexus of internal and external EU security, gained momentum during EUPM II and particularly during EUPM III.

#### **5.2.4 EUPM II (2006 – 2007) Mandate Implementation**

- Police Restructuring

EUPM aimed to provide support to the police restructuring process and also supported the PSB to continue the process of harmonisation. Knowing that police restructuring was a contentious political issue, EUPM's work in this area was conducted mainly from a technical support perspective.

The HoM, as a member of the DIPR, provided support for development of the DIPR's proposal for determining the organisational structure and other important features of the system. The DIPR completed its work by the end of 2006, although the result was rejected at the political level.

As part of EUPM's aim to continue broader police reform efforts, the mission supported legislative developments on police issues and managed to be in the driving seat of the drafting and negotiation of laws on police officials (LoPOs) for the police bodies. EUPM identified and promoted changes to state, entity and cantonal laws as well as internal rules and guidelines to enhance effective operational capability and capacity. These processes, which aimed to harmonise police powers and working relations for all police officials, involved consistent work of EUPM with governments, ministries of interior, directors of police, police commissioners and parliamentary assemblies.

EUPM also developed concepts for revising the internal structure of SIPA, and promoted and advised on the development of a BiH-wide collective agreement for police trade unions.

Shortcomings in the police database were identified and recommendations for improvements were developed.

EUPM developed a concept for reforming the Interpol National Central Bureau (NCB) of BiH. The intention of MoS to detach the Europol section from the NCB Office was raised as a concern by the

mission, which resulted in EUSR/OHR intervention to stop the process with an aim to develop an improved concept through a working group.

- Fight Against Organised Crime

EUPM focused on strengthening the operational capacity, providing assistance in planning and conducting major and OC investigations, facilitating police coordination and information exchange as well as improving the police-prosecution relations through EUPM's newly established criminal justice interface unit.

EUPM's advice on the planning and conduct of investigations and operations focussed on the 20 main 'targets'. An EUPM-led EU Coordination Board, including representatives of the office of the EUSR, EUFOR, the Special Department for OC of the Office of the State Prosecutor, defined consolidated operational advice to local authorities on specific targets and identified follow-up measures. This new approach led to results, despite persistent systemic shortcomings. EUPM identified issues which were causing delays or hindering OCC investigations. A comprehensive OC situation assessment was produced.

Special emphasis was given to the overall criminal justice system and support for the legislative and regulatory framework for major and organised crime investigations. EUPM continued to strengthen the links between police and prosecutor offices, which resulted in an improved work flow. Conferences organised by EUPM were also instrumental in this development.

Assistance was provided in a number of areas essential for effective OCC investigations, such as witness protection, interception of telecommunications, financial investigation, surveillance, proper use of DNA evidences. EUPM's support in starting to use and manage informants and undercover officers resulted in significantly improved capabilities in the main agencies. The mission assisted in resolving problems related to the technical infrastructure donation projects, e.g. tetra radio systems, DNA laboratory, automated fingerprint identification system (AFIS), surveillance tracking devices, electronic databases (criminal records, intelligence and firearms) and telephone interception

systems. Together with the PSB EUPM continued to identify donors for necessary support.

- Accountability

The main aim was to strengthen the internal and external control, inspection and accountability of police bodies in BiH. Inspection methodology was applied to various aspects of police accountability. As part of a broader framework of the mission's efforts to promote police accountability, EUPM identified a set of recommendations to all police administrations to adopt specific anti-corruption strategies.

EUPM assisted in the establishment of an Independent Board and the Police Complaints Board. The Independent Board is an independent body of the BiH parliamentary assembly, which selects and proposes dismissal of heads and deputies of the police bodies. The Board for Complaints of Police Officials is an independent body of the Council of Ministers, which decides on appeals submitted by police officials, pertaining to their police status.

The mission continued to work with civilian oversight institutions like the independent selection review boards (ISRBs). The ISRBs were established as an important tool against inappropriate political interference. They were envisioned as autonomous and apolitical mechanisms to select entity directors of police and cantonal police commissioners, propose their appointment/removal and monitor their work. ISRBs were expected to be composed of seven civilians, respected members of society with academic qualifications, appointed for a four year mandate by respective assemblies/parliaments.

Given that the appointments of the first ISRBs and heads of police to be proposed and selected were carried out under the oversight of IPTF (who wielded the leverage of non-compliance) and the OHR, the mechanism in most instances supported respective heads of police, but did not necessarily resisted inappropriate political influence/interference. Following the expiration of the first ISRB's mandates and in line with the principle of local ownership, local authorities took charge of the next appointments.



EUPM's political role in influencing the potential vetting of individuals was diminished at this time and despite the work of the mission with the legislative bodies, some parliamentary assemblies managed to appoint people who in many cases turned out to be directly involved in politics, so hardly able to act independently. A number of ISRBs proved to be under strong guidance from political parties.

### **5.2.5 EUPM III (2008-2009) Mandate Details**

During EUPM II, little progress was registered on police reform and achievements were limited to mainly the operational side, while structural problems remained. In view of the remaining challenges, EUPM was extended for another two years, whilst maintaining the staff, the organisation and also the mandate of EUPM II: similar key tasks were therefore determined, providing support to the police restructuring process and police reform efforts, assistance in the fight against organised crime and strengthening the internal and external control, inspection and accountability of the local police. EUPM also continued to deal with institution building tasks and continued its "*bottom up approach*," towards the police reform process.

The Council agreed on the extension of the mission activities with a perspective of a transfer to EC assistance as of 2010. The goal was to bring open reform projects to an end.

The signing of the SAA in 2008 was the most important step towards the EU membership. With the subsequent implementation of the SAA, the country was going to approximate its legislation to the major rules of the EU internal market, based on further EU conditionality (accession or the '*Kopenhagen criteria*', e.g. the acceptance of the Community *acquis*).

In terms of police work, a major stumbling block consisted in a lack of organisational structure at entity, cantonal and Brcko District police, which had not been covered by the police reform. EUPM therefore continued to apply its '*bottom-up approach*' to advocate for harmonization of the legislation, so as to reform these existing police bodies. The issue of political interference of entity and cantonal politicians persisted.

More attention was paid to the EUPM's leading role in coordination of the policing aspects of the fight against organised crime, in particular in the areas of criminal justice, capacity building and support of the integrated border management.

This led EUPM and its counterparts to jointly foster further development of communication, coordination and cooperation among police authorities themselves and with the other components of the criminal justice system, to strengthen joint capacities and capabilities. It was already expected that the mission would enter a new phase and reorganisation post-2009, in line with a refocused mandate to mainly support the fight against OCC.

### **5.2.6 EUPM III (2008-2009) Mandate Implementation**

The preparation of harmonized laws on internal affairs (LIAs) and laws on police officials (LoPOs) had advanced well, but was not complete. EUPM provided support in preparing amendments to the law on SIPA and a new law on internal affairs in the RS, FBiH and cantonal levels.

While progress was limited in the institution building of SIPA and BP as the key activities, some achievements were registered on operational matters. A key aspect of institution building has remained the Police Steering Board. Together with the MoS, EUPM developed new terms of reference for the PSB. However, the drafting process was not completed due to difference of views between EUPM and the MoS.

Mission progress in support of fight against organized crime continued and progressed at a significant pace, with good results reached. Several high level investigations were conducted by SIPA and entity police. EUPM advised on key operations and on development of technical capabilities, including the application of special investigative measures (SIMs).

EUPM took further steps to enhance local ownership in application of the targeted approach, with SIPA performing a lead function. The mission continued to initiate the necessary coordination for tackling organized crime. The EU Coordination Board mobilised additional support for

investigations, in particular by EUFOR, on the basis of the common operational guidelines. The mission conducted preparations to merge the board with the national criminal intelligence system.

In 2008, police bodies supported an EUPM-launched public awareness campaign on serious and organized crime.

In close coordination with the EUSR, EUPM continued to support the High Judicial and Prosecutorial Council (HJPC) in enhancing mechanisms of cooperation between the police and the prosecutor's office. Conferences and thematic workshops were held and relations were further developed through mentoring on specific case work, through the development of improved investigation management and other coordination mechanism under the auspices of the HJPC. Links between the police and the prison system were also strengthened.

EUPM carried out general and targeted inspections, including on police misbehaviour, corruption, reluctance to investigate and general obstruction within the criminal justice system. This included private and police duty weapons registration, issuance of licences, registration and supervision of private security companies and the use and deployment of donated equipment. The mission started a thorough review of complaints about the police conduct. Through inspections and audits systematic shortcomings were identified and recommendations were provided. Inspection activities contributed to mission policies related to police reform efforts in general.

### **5.2.7 EUPM IV (2010 - 2011) Mandate Details**

EUPM adjusted to a refocused mandate to *“strengthen the operational capacity and joint capability of Law Enforcement Agencies engaged in the fight against organised crime and corruption”* and to *“assist and support in the planning and conduct of investigations in the fight against organised crime and corruption in a systematic approach.”*

The mission continued to further assist in the enhanced police-prosecution cooperation and the strengthening of the police-penitentiary system cooperation.

The mission extension took place at the time when the visa-free regime for BiH citizens was established, based on a roadmap for the implementation of major reforms aiming at strengthening the rule of law, combating OCC, fighting illegal migration and improving the administrative capacity in border control and document security. Determination of the BiH authorities to fulfil the visa liberalization road map has served as a catalyst for finding solutions regarding a number of outstanding requirements in the law enforcement sector.

The OPLAN introduced a number of novel elements to EUPM. It established new units, such as the Policy Office, including the Mission Analytical Capability (MAC), and introduced the Deputy Head of Mission into the operational chain of command of the regional offices and the Strategic Advisory Unit.

During this part of the mandate, the European External Action Service (EEAS) was also established, in September 2011. In the context of streamlining the overall EU presence, the EUSR mandate was de-coupled from the OHR and linked to the mandate of the Head of EU Delegation.

By the end of 2010, EU member states decided to conduct a review on the strategic level, which was carried out under the lead of the Crisis Management and Planning Directorate (CMPD). The Review on strategic level on the future of EUPM identified that the mission has achieved significant progress in all areas of its mandate. The review assessed that satisfactory progress was made towards sustainable development on the level of individual institutions, but that the development in the area of joint capacities was not sustainable yet.

A new element was to progressively start developing an exit strategy, in the context of the overall EU presence. The EC worked on a sector-specific support project financed through IPA 2010, in close cooperation with EUPM, to ensure that upon the closure of EUPM there would be a continuation of certain technical tasks where further EU engagement was needed. The IPA package on police issues required further consideration, and the originally foreseen launch scheduled for mid-2011 was delayed.

Despite the progress and results achieved, the law enforcement system remained insufficiently cohesive and subject to political pressure. To assure the irreversibility of existing processes and to preserve EUPM's achievements, it was decided in December 2011 that the mission should continue, with a much reduced staff, until June 2012, to ensure a smooth transition to the above mentioned EU engagement.

#### **5.2.8 EUPM V TRANSITION (2012) Mandate Details**

The key tasks of EUPM in the remaining months were defined by the Council to *“provide strategic advice to LEAs and political authorities in BiH on combating organised crime and corruption”*, to *“promote and facilitate coordination and cooperation mechanisms vertically as well as horizontally between relevant LEAs, with a particular focus on State level agencies, and to “ensure a successful hand-over between EUPM and the EUSR Office.”*

With reduced staff both at the headquarters and throughout the country, EUPM focused on the preparation of handing over the remaining tasks to the EUSR Office/EU Delegation. This included the provision of operational advice.

EUPM carried out its tasks to further support relevant LEAs and the criminal justice system in the fight against OCC. The mission remained focused on the systematic development of state-level LEAs, which was again linked to the political situation that led to a decrease in the overall support for their functioning. The mission enhanced the interaction between police and prosecutors and fostered regional and international co-operation.

#### **5.2.9 EUPM IV & V (2010 - 2012) Mandate Implementation**

The mission, together with the US police training program ICITAP, placed much effort into developing an informal system of coordination between the high-level managers of the police bodies, which led to a so-called LEA directors meetings. These included the newly established DPC. The periodic meetings contributed to ease tension and promote dialogue at the policy level between police managers, without contesting the existing structures of the police in the country.

Any attempt to institutionalise these gatherings remained unproductive.

Even though the desired end-state has been achieved in technical aspects and the policing brought much closer to EU standards, some issues will remain beyond the closure of EUPM. The transition period was used to adapt and redefine the mission's role vis-à-vis its partners, both domestic and international. This minimized the impact of EUPM closing its doors with the transfer of the mission's coordination mechanisms to local arrangements and international partners.

- Strengthen the Operational Capacity and Joint Capability of LEAs in the Fight Against OCC  
In relation to the legal framework for effective identification, investigation and prosecution of OCC, the mission was active in important initiatives. The consistent participation in and assistance to the BiH Ministry of Justice (MoJ) and the HJPC Criminal Codes Implementation and Assessment Team (CCIAT), whereby important improvements to the Criminal Code (CC), particularly in relation to OCC definitions and sanctions were drafted, proposed and adopted as law. The amended CC and Criminal Procedure Code (CPC) have since been fully harmonised at State, Entity and Brcko District level, considerably strengthening the legal framework for the fight against OCC.

New laws on narcotic drug control were drafted, and EUPM initiated a debate on the inadequacy of existing CPC provisions on covert evidence gathering techniques (SIMs), which were severely restricting their effective use, particularly in large, complicated OCC cases. The mission facilitated local practitioner forums of judges, prosecutors and investigators and assisted in drafting amendments to the CPC. Local partners from within these forums have progressed the amendments through the CCIAT with EUPM's support and they should be presented to the government in 2012.

EUPM initiated similar discussions to identify the reasons for the extremely poor use of asset seizure provisions. The approach was two-pronged:

1. To improve the understanding of the existing system and find ways to increase the use of such measures in practice
2. To examine the legislation and to identify recommendations.

EUPM advised and assisted in the drafting of bilateral agreements between BiH, Serbia and Croatia on mutual enforcement of court decisions in criminal matters. This will prevent the use of dual citizenship in the former Yugoslavian states to evade justice. This is an important improvement, because it will stop what was a frequent practice by OCC suspects.

In 2011, the BiH House of Representatives finally appointed the directors of the Anti-Corruption Agency (ACA), ending a major delay in establishing the agency. However, delays in the state-level budget approval had so far prevented any further establishment of the agency, so it has not yet reached operational capacity. EUPM supported the directors in promoting the agency's existence and the importance of its work.

The Police Support Agency is operational and already facilitating agreements across LEAs on the standardisation of some police equipment. The mission assisted to plan a central human resources Database, in key areas similar to the Police Education Agency, which is operational and has already trained some SIPA cadets.

- Assist and Support in the Planning and Conduct of Investigations in the Fight Against OCC

EUPM continued to monitor and mentor major OCC investigations from both the police investigatory and prosecutorial sides. This work helped to process important cases and a number of notable successes, including some operations against public officials accused of corruption.

EUPM supported the implementation of SIMs in OCC investigations by assessing the use of budgetary measures to perform such activities, as well as dealing with restrictions in regulations and available funds. The mission facilitated training and study visits to increase expertise and the use of best practice in using SIMs, such as telecom interceptions, surveillance and the use of undercover officers and informants.

EUPM assessed that joint agency operations led by the State Prosecutor's Office (SPO) have been successful, well planned and effectively coordinated.

The most effective tool in the prosecution against OCC is the financial investigation. The number of posts for such specialists within LEAs is inadequate and existing skill level and experience requires further specialized training. EUPM advocated the need for LEAs to establish more posts and deliver specific training in the area. The RS MoI has now established a Financial Investigation Unit.

EUPM in partnership with ICITAP provided training and also worked with all three police academies and local experts to adapt and produce a relevant, comprehensive and practical Financial Investigation Manual for the use of 'train the trainers' seminars in the state-level education agency. The efforts to better connect the three training academies at entity and state-level have resulted in an agreement to work together to avoid duplication in all areas of training.

In relation to corruption cases EUPM established a working relationship with the office of the Disciplinary Prosecutor (DP) within the HJPC to improve efficiency and effectiveness in prosecutors' offices. EUPM took the DP and other key members of the HJPC to Romania to examine the methodology and structure of its anti-corruption measures. Although under-resourced to cover the whole country at all levels, HJPC is functional to carry out its key tasks. This was evidenced by its First Instance Disciplinary Commission's suspension and demotion of the Chief State Prosecutor for improper contacts in a recent high profile case.

- Assist and Promote Development of Intelligence Capacities

The national intelligence model (NIM) has been promoted by EUPM since 2003 and remains a key element to develop investigative capacity utilising intelligence-led policing principles. EUPM supported and advised on the NIM, from the bottom to the top level, and suggested the establishment of single points of contact at each location for the purpose of sharing information. Even at local level the police have designated intelligence officers, although some still have to rely on paper based systems. However, NIM usage remains generally underdeveloped, with the noteworthy exception of the Tuzla region.



The flow of intelligence is increasing albeit often using paper based systems only and forums meetings. The intelligence forum meetings of state and entity level to discuss organised crime and exchange intelligence, in accordance with the NIM, are now well attended and show great potential to be the source of actionable information exchange. With the mission's closure, a concern regarding sustainability remains.

In the area of integrated border management (IBM), EUPM has supported the establishment of the Joint Risk Analyses Centre (JRAC, see BP section below) and the supporting local risk analysis centres (LRACs, see BP section below) within each participating agency. EUPM has provided expertise and training to this initiative and worked closely with IPA funded EU twinning projects to foster progress. These units now have nascent functionality, while further technical assistance from other projects remains necessary.

EUPM has also provided and sourced joint agency training for analysts within many LEAs and assessed that such capability within some agencies (particularly the BP) is beneficial and produces actionable operational results. The limitations relate to inter-agency intelligence sharing which (with the exception of JRAC) limits the analyst's information base to their own agencies. Analysis products are not yet used for strategic planning at any level, and no credible threat assessment for OCC based on intelligence is produced or could be produced within the current system in BiH.

EUPM, in partnership with the EU Delegation and ICITAP, has supported and assisted in the provision and utilisation of electronic intelligence databases. The original concept was to link all agencies with one system, which would be an effective solution to the requirements for BiH to eventually join and contribute to the manifold EU Justice and Home Affairs (JHA) coordination and cooperation mechanisms and institutions. However, this continues to be politically blocked. With many different agencies, this is a basic requirement for the use of effective intelligence-led policing against serious and OCC to be effective. Therefore, separate Criminal Intelligence Data Application (CIDA) systems have been installed in all state-level agencies except the DPC and ITA.

The work to broker an agreement for all cantons and the Federation to share and use one database was almost completed and the server has been installed, soon to be operational. The RS and Brcko District have similar and compatible systems in place. Work is still in progress to broker an agreement for the linking of state-level systems and the provision of CIDA to the DPC, followed by an eventual linking of all agencies.

- Enhance Police –Prosecutor Cooperation

Following the refocusing of the EUPM mandate, more criminal justice advisor posts were created throughout the mission.

Different projects continued to be carried out with the HJPC, developing and updating practical guidelines for improving the police-prosecutor cooperation. The state prosecutor, federation and cantonal police signed a Memorandum of Understanding (MoU) on cooperation in detecting, reporting and criminal proceedings of criminal acts, defining work procedures and police conduct towards prosecutors. EUPM continued to monitor major OCC cases in all prosecutors offices and in particular within the SPO, to mentor the prosecutors in handling these complicated cases.

EUPM worked closely and intensely with the HJPC police-prosecutor cooperation project funded by Norway and the UK. The work continued with a follow-on project *“Support to the Judiciary in Bosnia and Herzegovina – Strengthening the Capacity of Prosecutors in the Criminal Justice System”*, funded by Switzerland. EUPM supported the HJPC Project *“Establishment of Better Mechanisms between Police and Prosecutors in BiH”*, finalised in 2010, and followed on by a project *“Implementation on joint education of police and prosecutors”*. EUPM participated in a number of joint seminars and trainings on different topics in order to strengthen the police-prosecutors joint investigations and to better understand their respective roles and requirements.

EUPM’s suggestions regarding changes in the remuneration system for prosecutors to reward the expert knowledge and effectiveness are being considered and so are recommendations to amend the criminal codes to impose stronger requirements (such as stricter time limits and criteria) on how

prosecutors open and close investigations. Mission's monitoring activities on the ongoing cases (until the end of 2011) indicated that cooperation has been improving. Some systemic problems remain, with respective roles inadequately understood.

- Strengthen Police – Penitentiary System Cooperation

The MoJ defined as a strategic objective for 2008-2012 to develop a more harmonised system of criminal sanctions, ensuring humane treatment and an effective re-integration of prisoners into society. Written strategies for the entity's MoJs are still absent.

In 2011, at EUPM's suggestion, the assistant entity and state-level ministers of justice agreed to set up a joint Working Group in order to develop a security strategy for prison services. EUPM facilitated meetings and after its closure the work on this strategy is expected to continue with the MoJ in the lead. In cooperation with the Technical Assistance and Information Exchange instrument (TAIEX), managed by DG Enlargement), EUPM organized a training on security management for ministries' officials, prison directors and assistants. TAIEX provides technical assistance and advice on the transposition or approximation of EU legislation into national legislation. Three study visits were organised to familiarise officials with EU standards in practice, within a Finnish prison service. In addition EUPM organised meetings with lecturers from abroad.

Before EUPM's active role in the process, there was no structured mechanism for cooperation between police agencies and prisons.. The information exchange on prisoners between the courts, police and prisons was non-existent. There was scant or no information on arrival, to properly assess and categorise prisoners, and they were released on privileged leave without information sharing with the police. Police could not interview or take any other action within a prison without a permission of the director, which often was not granted.

EUPM coordinated different actors within this system to draft, conclude and agree a BiH level cooperation agreement between the police and the prisons. In 2011 the mechanism for coordination, cooperation and communication between prison and police agencies was formally set up. This cooperation has been implemented, coordinating security board meetings at every prison.

- Accountability

EUPM continued to provide support in the drafting process of laws on internal affairs (LIA). Due to different views on crucial features of drafts, cantonal LIAs were adopted only in Brcko District and two cantons, while in other cantons only the drafting process could be completed. The initiative of the MoIs launched in 2011, made the drafting of the Federation LIA and CLIA a main priority of police legal and regulatory framework, opening more discussions on the interpretation of ‘civilian oversight’ and ‘operational autonomy’, as well as the balance between the two.

EUPM responded to requests for assistance to update laws on police officials (LoPO) in a harmonised manner. The mission facilitated a locally owned process which has thoroughly examined every provision of the existing laws and made recommendations. These are already being drafted for amendments in some jurisdictions. EUPM will attempt to cement this group into a sustainable legal consultation forum in 2012 in order to address future legal issues affecting all LEAs.

- Other Relevant Activities

EUPM has provided expertise in public finance to all BiH LEAs and assisted them in drafting their budgets, in order to better match their strategic and operational planning to the available budgets and to plan their budget applications according to such priorities.

The establishment of the Joint Terrorism Task Force (JTTF) is a direct consequence of studying similar models in the USA and Germany during study trips organised by ICITAP and EUPM, respectively for the agency directors, state prosecutors and the MoS.

EUPM also provided institutional assistance to the Indirect Taxation Authority (ITA), the Service for Foreigner’s Affairs (SFA) and the Forensics Agency by mentoring the senior management, with the provision of technical training and assistance to set up and reach operability. ITA and SFA will be described in more detail below.

The Forensic Agency has now trained expert staff and its equipment is functional for a number of

specialist examination techniques. However, an important issue for setting up a DNA database remained stalled, with a draft law rejected in BiH Parliament. A long-term running indecision regarding location and use of donated DNA analysis equipment leaves the situation unresolved.

- Handover of EUPM Legacy

The Council Decision of December 2011 extending the mandate of the EUPM until the end of June 2012 tasked the mission, inter alia, with providing a handover to the EUSR/EUDEL. During the last six months, EUPM has entertained a consultation and exchange process with the EUSR/EUDEL, aimed at defining the issues to be addressed after the mission closure and supporting the EUSR in designing and planning a new law enforcement section, to be established within the EUSR Office in July 2012.

A large-scale project on support to BiH law enforcement developed under Instrument for Pre-Accession (IPA 2010) was designed to start towards the end of 2011, in order to enable a smooth handover of expertise and experience from EUPM to the project team (based on the assumption that EUPM would close down at the end of 2011). EUPM provided support and advice to the EC services during the planning phase of the project (2009–2010) and, in line with the developments expected at the time, started preparing for the handover process with the project team by mid 2011.

Within this framework, detailed assessments of LEAs were prepared by the mission covering all aspects of law enforcement sectors. It was designed to provide IPA experts with a thorough insight into the history, the structure, the legal basis, the developments and the current state of play in each of the agencies, as well as assessments on issues still pending or calling for additional actions.

These assessments were finalized according to plan by October 2011, when the IPA project was expected to start its inception phase. An appeal on the EU Delegation's decision regarding the winning bidder for implementing the project caused several delays. Resulting thereof, the project team finally arrived in Sarajevo at the beginning of May 2012.

EUPM arranged and hosted a series of ten structured handover meetings with the IPA project team in May 2012. These were conducted in accordance with the different components of the IPA project, i.e. EUPM advisors were identified to meet with the relevant IPA component leaders in separate sessions and brief them respectively. At the beginning of this process, the complete handover documentation was delivered to the IPA team and served as the starting point for each component meeting. In order to ensure synchronization, the EU DEL/EUSR offices were invited as well and attended all meetings. The IPA team was furthermore encouraged to seek advice and support from EUPM advisors in more informal ways and a large number of additional meetings for clarification and additional information were conducted during and after this process.

### **5.3 Support provided by EUPM to State-level Agencies (2003 - 2012)**

#### **5.3.1 State Investigation and Protection Agency (SIPA)**

EUPM and the HR/EUSR identified the non-existence of law enforcement capacity at the state level as a major weakness in the capacity to deal effectively with security challenges of today. From the BiH perspective it was also needed to meet international obligations regarding enforcement capacity, i.e. SIPA had to acquire full executive police powers. Addressing this at the political level, the HR/EUSR and EUPM initiated a Working Group to draft the necessary set of laws, defining the role and competencies of SIPA. During EUPM's first mandate, the SIPA was nominally established with the appointment of three directors, but without staff, premises or legal basis. There was a lack of political support and other LEAs feared losing some of their competencies.

Appointment of SIPA director, similar to other agencies, is a highly politicized process and is unofficially reserved to one constituent people. This prevents other suitable candidates from applying. The selection process can take up to a year (which actually happened in 2007). Over the next few years, SIPA became involved in intelligence gathering and carried out high-profile investigations and operations in conjunction with the SPO, significantly improving its capacities and competencies.

SIPA's relationship with the SPO has been beset by various issues throughout the whole period of EUPM's presence. SIPA frequently complained about SPO's understaffing and delays. In 2009, SIPA submitted a high-profile investigation report to the SPO against the then RS Prime Minister and a number of other RS ministers and officials. Circumstances surrounding the submission of the report raised fierce controversy at the political level, the media and the SIPA management.

Despite the politicized BiH arena, SIPA remained operational and carried out important and successful activities and it continues to evolve, albeit slowly. With the establishment of DPC in 2010, SIPA lost its competencies for VIP protection. All non-specialist uniformed officers were transferred to DPC. SIPA currently deals solely with intelligence and investigations.

From its very set up, SIPA had within its structure a Special Support Unit (SSU) for arrests and searches as well as the response to any major security issues. EUPM in its early years invested considerable expertise into bringing the SSU to the standard that is highly regarded amongst peers. SIPA's Financial Investigation Department (FID) is striving to increase its capacity and meet peer recognition as part of the MONEYVAL requirements<sup>4</sup>. The status of FID within SIPA has been called into question. There is a draft law to create an independent agency to undertake this function, which has not passed the parliament discussions. This resulted in FID being without a budget, staff or technical resources.

EUPM, along with other international actors, advised on a more effective and efficient SIPA structure, considerably the existing one as too horizontal, with 14 departments reporting directly to the director. The draft law and necessary changes to the book of rules on internal organization were completed.

SIPA's capacity still remains severely limited by the lack of intelligence sharing between police agencies. The use of intelligence-led policing principles is not properly implemented, while all

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<sup>4</sup> MONEYVAL, working under the Council of Europe, certifies that its member states comply with international standards, e.g. money laundering, through a peer review process).

agencies at state level have compatible systems. Political support for this vital tool to fight OCC remains the major issue. To this date, SIPA suffers from understaffing and a lack of interoperability with other LEAs' systematic intelligence mechanisms.

In addition to monitoring and advising on major cases, EUPM assisted in drawing up annual plans and multi-year strategies and linking them to national strategies, financial planning and budget systems. The mission provided legal and regulatory support in developing the legal framework. The mission set up, ran and transferred a crime hotline and an internet-based crime stoppers system, and assisted in the development of external cooperation and national intelligence and analysis systems.

SIPA has now developed into a functioning state-level agency. It has operational capability and is able to carry out the tasks set within the BiH organised crime strategy. The challenge is to further continue its improvement and to enable SIPA to more effectively counter OCC in BiH in a political environment where its jurisdiction has sometimes been challenged, where there is a lack of consensus and no funding for strengthening of state-level agencies.

### **5.3.2 Border Police (BP)**

The BP was established on the basis of the law on State Border Service (SBS) and started its operational work in 2000. The new Law on SBS, adopted in 2004, defined the BP as an administrative organisation with operational independence within the MoS. The BP was established to perform police tasks linked to border surveillance and border crossing control, including other tasks regulated by law. By amendment of the law in 2007, the name SBS was changed to BP.

EUPM focused on issues related to improvement of the quality and effectiveness of border control such as introducing European Best Practice in Standard Operational Procedures (SOPs) on border checks, the use of optical character readers (OCR – passport scanners) at border crossing points, fingerprint and automatic fingerprint information system (AFIS) usage. Having assisted BiH to reach the requirements for the EU visa free regime at the end of 2010, EUPM monitored the visa



liberalization situation for BiH citizens. A cornerstone of an efficient post visa liberalization policy is the use of OCR for travel documents at the border. With EUPM assistance donors were identified and BP was monitored and advised repeatedly to urge officers to use OCR in a correct and systematic manner. Statistics have subsequently revealed a large increase in the number of documents processed through the readers, reaching an average of close to 50% in 2011. Although there are still some IT problems, EUPM continued to provide solutions until its very last day.

EUPM observed deficiencies in the procedure for interviewing illegal migrants. EUPM in cooperation with BP, UNHCR, ICRC and IOM worked on a multilingual handbook to help officers interrogate illegal immigrants and properly address cases of organised human smuggling.

Inter-agency and cross-border cooperation is central for the Integrated Border Management (IBM) Strategy. To better combat organized cross-border crime, the Joint Risk Analyses Centre (JRAC) was established in 2008. BP, ITA, the Veterinarian Office, the Herbal Protection Office and the SFA are permanent members of the JRAC. The goals for establishing the JRAC were an improved cooperation between agencies and services, an efficient border control and an improved transport of people and goods across the border by using the risk analysis concept. A systematic analytical work at horizontal and vertical levels to facilitate the decision-making process within the BP is still a fairly new and not yet effective concept. Information exchange between JRAC and Local Risk Analysis Centres (LRAC) in each of the participating agencies is functioning. Additionally, information is also provided from abroad through the Southeast European Law Enforcement Centre (SELEC), Interpol, Europol and Frontex.

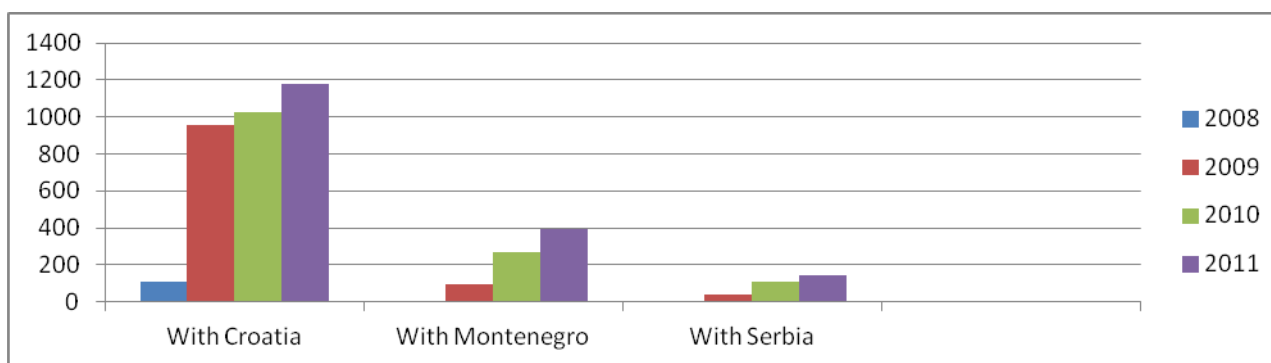
Further international engagement in this field may consist of technical support, such as training sessions and seminars for staff working on risk analysis. This should serve to better understand the importance of risk analysis for decision-making processes and the right allocation of financial, technical and personal means.

EUPM focused on both short-term measures and more strategic issues such as strategic budget

planning, where significant progress has been achieved. The strategic budget planning process has been successfully implemented, following the model promoted by EUPM and the agency's management is satisfied with the results. However, further efforts to ensure the efficiency and sustainability of the process (including a detailed plan for renewal of equipment) as well as the inclusion of performance measurement information are needed.

The level of cooperation at national and international level significantly increased during the last ten years. Agreements, protocols and memoranda of understanding were signed with the SFA and the ITA as well as with the EU, neighbouring countries and all relevant international stakeholders regarding joint patrols, exchange of data and readmissions of illegal migrants. Recent experiences showed that joint patrols with neighbouring countries are successful projects of regional cooperation with numbers increasing every year.

Table 3



Joint training, joint operational planning and joint investigation teams with neighbouring and other countries remain a challenge for the future and should be further developed, including the exchange of liaison officers.

BiH remains a transit route for both illegal migrants and for smuggling goods and trafficking in human beings, drugs, weapons and stolen vehicles. Aligning the border management systems of

BiH with the EU *acquis* is a core objective for the country in its bid for EU accession. Preparations in BiH related to Croatia's EU accession need to be accelerated. This will impact on internal EU security adversely if not properly planned, funded and implemented.

Over the years EUPM provided extensive support in developing the legal and regulatory BP framework, through assisting in the drafting of the LoPO, laws on BP, Law on Control and Surveillance of Border and by-laws applicable to the BP, as well as cooperation agreements with other BiH LEA's and with neighbouring countries.

Remaining issues related to BP which still require attention are further institutionalized police cooperation within different state security agencies and the clarification of competencies in case of criminal investigations of serious crimes at the state, entity and local levels.

### **5.3.3 Directorate for Coordination of Police Bodies (DPC)**

The Law on DPC was adopted in 2008. The law originates from the Mostar Agreement of 2007 and does not provide for a transfer of competences from the entity, cantonal and Brcko District level to the new agency, but establishes a single body in charge of coordinating the activities of the state-level police bodies. The processes related to the implementation of the law and the appointment of directors were delayed for almost two years. The final stage of the establishment of DPC was achieved with the support of the EU family, including EUPM. It was a significant step to be reached to fulfil one of the requirements set for the BiH visa liberalisation process.

Upon the appointment of the DPC management in March 2010, the Directorate finalised the book of rules on internal organisation (BoRIO) and it was adopted in 2010, again thanks to a lobbying of the international community. The Council of Ministers' decision on transfer of duties, facilities, equipment and employees between MoS, SIPA and DPC was implemented in 2011. The BoRIO foresaw 1268 positions within the directorate, out of which 1135 should be police officers, 74 civil servants and 59 other employees. The staffing in 2012 is 818, lacking 36% of planned personnel. A

large part of it represents the transferred VIP protection section from SIPA. The sectors performing coordination and cooperation functions are still severely understaffed and the DPC is not yet at operational capacity in these areas. This is largely a consequence of the temporary financial restrictions linked to state budgets issues.

The sector for strategic analysis, evaluation, planning and IT support, while not fully operational yet, works on the DPC's action plan for the fight against corruption, in line with and based on the MoS *Strategy for Fight against Corruption 2009/2014*. The tasks of analysis, assessment, planning and strategies are currently conducted by two police officers and two civil servants. DPC has to develop its supportive role in contributing a proper analysis and representing the agency in different working groups.

The agreement on establishing an electronic data exchange system (DEA/Data Exchange Agreement) from registers held by police bodies and prosecution offices was signed in 2009. In 2010, SFA and DPC became signatories of this agreement. In 2011, an EC tender was launched on the implementation of DEA. Throughout 2011 EUPM assisted the EU Delegation in order to implement and finalize the data exchange process within police agencies and the central server procurement progressed. However, the DEA does not grant DPC access to the data contained in the system. Considering the specific competencies, duties and activities prescribed in the Law on the DPC and its leading role in coordination of the data exchange process, DPC needs to be provided with access to the data through further amendments to DEA.

Police intelligence is not included in the DEA. Such an agreement and the implementation of intelligence sharing through suitable electronic systems is a major hurdle to intelligence-led policing against OCC. Despite EUPM's advice, progress on this issue has been consistently blocked by political actors. The need for such intelligence sharing, in order to produce threat assessments upon which to base tactical action and strategic planning, is fundamental for effective policing at all levels. It is also a basic requirement for proper integration into the EU and for signing an operational agreement with Europol.

According to the Law on DPC, the directorate is in charge of communication, coordination and cooperation among bodies on police issues of international character or significance. Before the establishment of the DPC, EUPM supported the sector for international operational police cooperation, located within the MoS. It is now part of the DPC and is divided into three sections: NCB Interpol Sarajevo, Cooperation with Europol and ILECU (International Law Enforcement Coordination Unit).

The present cooperation between BiH and Europol is based on the Cooperation Agreement (Europol Strategic Agreement) signed in 2007. EUPM supported the efforts towards a full implementation and usage of the Strategic Agreement in place, and further contributed to the drafting of the BiH Road Map towards the Agreement on Cooperation between BiH and Europol. The mission has also supported DPC to elaborate pre-conditions for establishing of an international liaison officers network.

With the aim of strengthening the strategic coordination of LEAs, the DPC director is currently part of an informal group formed of agency directors and the state prosecutor. This body was initiated by EUPM and will be further supported by ICITAP. As mentioned above, all attempts to properly institutionalize this group, as well as its terms of reference and composition, have been politically blocked.

BiH has a national intelligence model (NIM), tailored by EUPM over many years with local counterparts to suit the BiH structures.

NIM is implemented on four levels. At the top level (national and international crime), there is an active intelligence forum, which meets regularly, but still only deals with tactical - not strategic - issues and does not formally report recommendations to any tasking and coordinating group (TCG). The strong political opposition to such structures needs to be addressed. A joint threat assessment prepared by the DPC to properly inform and drive the intelligence forum and a formal TCG need to be formed, to act upon its recommendations both tactically and strategically.

### 5.3.4 Service for Foreigners' Affairs (SFA)

The SFA was established in 2005 and became effective in 2006. SFA consists of a headquarters in Sarajevo and 16 field centres with a total of 227 employees. In November 2009, new accommodation premises in the Immigration Centre in East Sarajevo were opened with EU financial support, with the total capacity of 118 persons.

Prior to the establishment of the SFA, facilitation of legal migration was under the jurisdiction of the MoIs. EUPM assisted in preparing the legislation for SFA. The first version of the *Law on Movement and Stay of Aliens and Asylum* (LMSAA) had to be re-written in order to include the EU *Acquis* and Schengen procedures and became effective in 2008. Since then, a number of corresponding books of rules in SFA have been drafted and adopted and the SFA is fully functioning and operational.

The SFA is embedded in the Integrated Border Management (IBM) strategy and the SFA actively participates in the information and intelligence sharing process. SFA provides intelligence reports to all LEAs and takes part in the systems of the LRACs and JRAC. Nevertheless, the cooperation currently relies more on personal contacts than on institutionalized procedures. This is a challenge for the future. There is a lack of regular exchange of information within the organization (e. g. between field centres and headquarters). Recommendations were provided by EUPM to enhance the intra-service cooperation.

Despite the success of establishing the SFA and assisting it to reach operational capacity, some strategic issues are pending. The structure of the SFA needs to be changed into a more efficient and slimmer organization, to avoid overlaps and to be more cost-effective, by reducing the number of field centres and adapting them to the county needs. It could also be considered to transfer some of the tasks performed by the MoS (immigration sector) to SFA (e.g. readmission of BiH citizens is purely an operational matter and should not be dealt with by MoS). The immigration sector in the Ministry would deal solely with strategic planning and development, which would eliminate overlapping activities of both structures and would contribute to clarification of jurisdiction.

The establishment of an operational centre in the SFA also remains a priority, and the SFA still does not have its own premises. The budget was designated for this purpose and the senior management wishes to progress this project.

In terms of practical shortcomings, the SFA has no electronic fingerprint database of undocumented migrants, which prevents exchange of information and makes identification of migrants difficult. A Biometric Visa Project funded by ICITAP envisages, inter alia, the establishment of an electronic fingerprint database that can be then shared with other interested bodies.

Since the SFA is the body that performs escorted removals, EUPM provided advice to the management. Although very few escorted removals are carried out per year, certain SFA staff members must be certified to perform this sensitive task. This is a precondition for participation in future FRONTEX operations.

In order to comply with EU standards, the SFA should revise the lengthy procedure for issuance of residence permits.

### **5.3.5 Indirect Taxation Authority (ITA)**

The ITA was legally constituted in 2003 by state laws, merging the customs agencies of the entities. It began working in 2005. EUPM started engaging with ITA when the mandate refocused on OCC and it became clear that state-level agencies needed to work much more closely with this authority. ITA's ties with the BP were good due to joint working necessities at border points. The necessary links to SIPA did not exist. This created particular problems, with the OCC cases under investigation, due to the lack of legal framework and resources restricting ITA.

EUPM worked with the authority to enhance ITA's capacity to deal with OCC and with other agencies. In particular the mission focused on the technical level with the ITA's law enforcement sector (LES). ITA is vitally important to BiH as value-added tax (VAT) forms a large part of the public budget at all levels.

The mission provided advice and guidance on investigation techniques, planning and on structural improvements (e.g. to establish a central intelligence unit, still in progress). This included the preparation of annual and strategic plans and planning and implementation of internal anti-corruption measures. ITA increased its net revenue by preventing fraudulent refund activity and duty avoidance.

EUPM assisted in improving the analysis capability and data recording within the law enforcement section, helping analysts to produce improved strategic and tactical assessments leading to more targeted and successful interventions. EUPM also connected ITA with SIPA in investigation teams through our links in SIPA and the SPO. This cooperation has permitted SIPA to undertake SIM actions on SPO orders where ITA cannot, and for ITA specialist financial investigation experts to assist SIPA. This has enhanced the capabilities of both agencies in the fight against OCC and resulted over the last years in a number of highly successful joint agency OCC investigations. Some had been the largest (in relation to monetary gain) undertaken in BiH. This joint work and cooperation is now assessed as stable and sustainable.

EUPM successfully advocated for the ITA's inclusion in the BiH NIM (level four) intelligence forum and they now attend all meetings. The remaining issues which could be improved are a better internal information sharing within ITA, the establishment of the planned central intelligence unit, the inclusion of the authority in data sharing agreements/systems (particularly intelligence) with other law enforcement agencies and the inclusion of the director in the state-level director's coordination group.

## **6. SECURITY SITUATION**

EU SITCEN/SIAC with input from EUPM risk assessments defined the official risk rating for BiH as 'Low' throughout the whole duration of the mission, except two specific political circumstances shortly upgrading the assessment to 'Medium'. This was related to a series of mass protests in the RS, first against the Kosovo declaration of independence and later against the arrest of the ICTY



indictee Radovan Karadzic. However, the demonstrations were mostly peaceful and only a few became hostile against some international organizations. There has been no impact of politics on EUPM security.

The overall security situation was generally calm and stable, the level of violence low. There was no relevant threat against any EUPM staff. There were no incidents against EUPM premises, assets and EU classified information (EUCI). EUPM experienced no problem to install and man all the physical security measures at all facilities throughout the country.

All mandatory physical security measures were fully in place since July 2004. EUPM benefitted from the fact that more than 50% of the field offices were co-located with the police. Five technical security inspections were carried out by relevant EU authorities.

The following table shows the type and quantity of incidents against the EUPM staff from 2003 until end of 2011:

Table 1: Security Incidents against International EUPM Staff

Type of Incidents	2004	2005	2006	2007	2008	2009	2010	2011
Burglaries	11	12	6	4	6	3	1	5
Attempted burglaries	-	-	1	-	-	1	-	-
Break inside private vehicles	5	8	5	4	3	2	3	-
Break in official vehicles and attempts of thefts	1		-	5	1	3	10	4
Thefts of private vehicles	4	4	-	2	2	2	-	-
Vandalism against vehicles	1	1	8	1	4	4	6	-
Threats and/or physical assaults	3	5	-	-	-	-	-	-
Other crime/security incidents	-	-	3	2	3	4	2	2
<b>TOTAL</b>	<b>25</b>	<b>30</b>	<b>23</b>	<b>19</b>	<b>19</b>	<b>18</b>	<b>22</b>	<b>11</b>

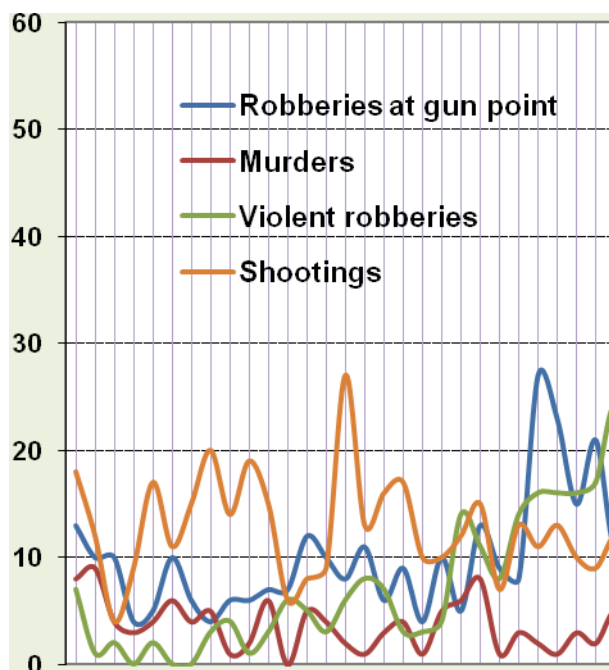
Most security incidents against EUPM staff members were incidents against property. Seasonal surges of incidents were witnessed, mainly at the end of the year and during summer time.

There has been a limited potential for terrorism in BiH, due to factors such as the large quantities of explosives and weapons from the war still unaccounted for, and the presence of ex-Mujahedeens from the Middle East and North Africa with BiH citizenship, some identified as posing a threat to BiH security. The only serious and concrete acts of defined terrorist acts by the BiH police were an explosion against a local police station in Bugojno in 2010 (with one national police officer killed

and another seriously injured) and a shooting incident against the US Embassy in Sarajevo in 2011 (the perpetrator and a national police officer wounded).

EUPM closely followed up violent incidents in the country due to its potential to pose a threat against EUPM, as shown in table 2:

Violent Incident Chart -Jan 07 to Dec 11



This increasing number of robberies and thefts since September 2008 was maybe influenced by a high unemployment, a high cost of living, an increasing number of drug addicts, organized crime, etc. The violent incidents in BiH, apart from a few ‘low level of violence’ individual robberies, didn’t target any internationals.

The pattern of police recorded interethnic incidents in BiH was more or less the same from 2006 to 2009. The most common incidents were damages against religious facilities. Lately there has been an increase in interethnic incidents, but the type, quantity and seriousness of such incidents did not

affect the security situation in general.

It should be borne in mind that in the early EUPM years there was a tendency by some police forces to record some ethnically related security incidents as mainly breeches of public peace and order, rather than qualifying them as ethnically related, so as to diminish scrutiny or controversy. EUPM police officers did not always challenge this tendency rigorously enough.

Throughout EUPM's mandate, there was a number of large scale incidents of football violence and rioting, which were ethnically related or even ethnically engineered by rival groups of different ethnicity. In some cases police failed to adequately manage these events. These most notably occurred in Mostar, but also at times in Sarajevo, Banja Luka, Zenica and most notably in Siroki Brijeg, where high-level political contacts were required to calm the resulting ethnic tensions.

## 7. MISSION ADMINISTRATION

This chapter will provide an overview of budget, human resources, recruitment and training within the mission. More information on administrative issues will be provided in the Final Mission Report to the EC.

### 7.1 Budget

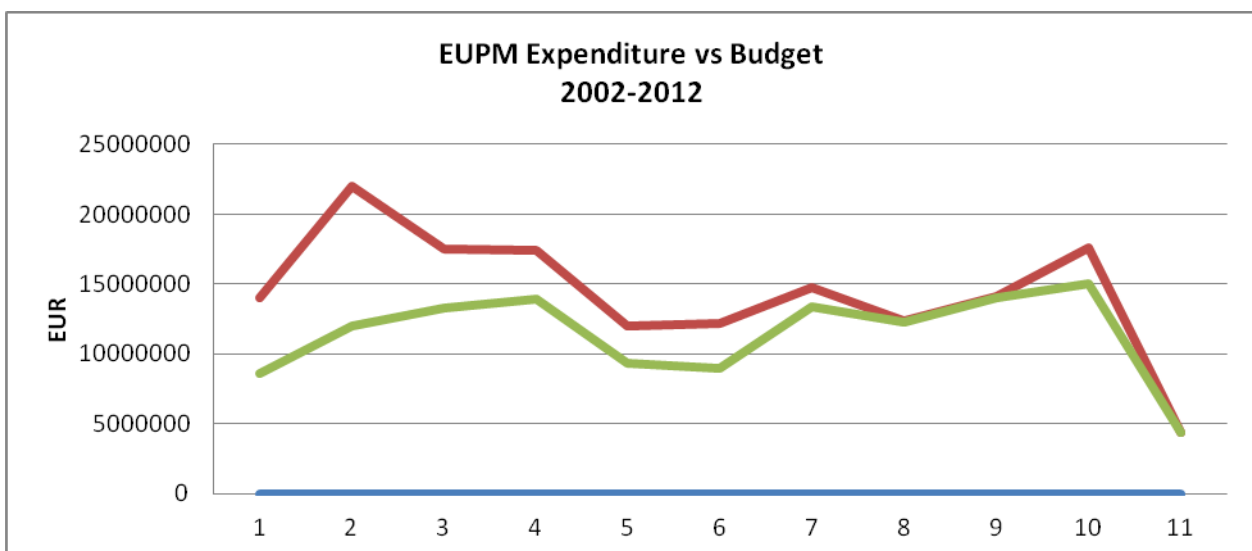


Table 4: Actual and budget expenditure per annual contract are portrayed in the following table and graph (red: EUR actual, green: EUR budget, blue years). In total, 32,940,897 EUR were budgeted for EUPM.

## **7.2 Human Resources**

In May 2002, the EUPM planning team composed of 19 EU seconded international experts, arrived in BiH to prepare the first EUPM Call for Contribution (CfC), launched in summer 2002. The main recruitment of staff commenced after the Status of Forces Agreement (SOFA) was signed in October 2002. According to the SOFA and the Mission OPLAN, the Mission recruited police officers who were seconded by EU member states and often contributing states. Civilian personnel were recruited either as personnel seconded by the sending parties (contributing EU and third states) or on a contractual basis by EUPM. National staff members were locally hired by EUPM. The personnel office was led by a chief of personnel (seconded police officer) and was supported mainly by the national staff members.

## **7.3 Recruitment of Staff**

During the lifetime of EUPM, there were 19 CfC. Until 2009, the mission mainly followed a one year rotation system through which the member states and third states seconded staff to EUPM. The limitations of this system are thoroughly described in lessons learned. In March 2009, the CPCC Civilian Operations Commander issued “*instructions on staff selection procedure*” as well as “*new systems for call for contribution*”, in order to ensure proper and effective implementation of the Council decisions and to publish up to three CfCs per year to adequately plan staffing in advance and avoid *ad hoc* recruitment of staff.

Seconded staff members were initially mainly recruited for a one-year period of service, with a possibility of extension. Contracted staff members, both international and national, were recruited and provided with contracts of employment based on the guidelines by the EC and with reference to the CFSP’s Special Adviser’s contract of employment. Vacancies for local staff members were advertised through the EUPM website, local newspapers and job portals.

When the mission was downsized in 2005, 2009 and 2011, the retention process was carried out with a prior engagement of a working group composed of the most senior staff, including legal department, administration and the mission gender adviser.

The number of staff varied throughout the years, based on the mission's requirements defined by the OPLAN. Table 5 indicates the figures in relation to the staff throughout the last 10 years of EUPM.

Table 5

	Jan-03	Nov-03	Nov-04	Nov-05	Nov-06	Nov-07	Nov-08	Nov-09	Nov-10	Nov-11	Jun-12
EU Police Officers	356	404	438	317	151	144	146	98	82	71	12
Non-EU Police Officers	75	94	51	45	27	23	17	16	6	4	1
<b>Total PO</b>	<b>431</b>	<b>498</b>	<b>489</b>	<b>362</b>	<b>178 (12F, 166M)</b>	<b>167 (13F, 154M)</b>	<b>163 (14F, 149M)</b>	<b>114 (11F, 103M)</b>	<b>88 (9F, 79M)</b>	<b>75 (8F, 67M)</b>	<b>13 (2F, 11M)</b>
Seconded Civilians	25	24	21	12	5	5	6	4	15	9	7
Contracted Civilians	22	34	43	38	24	23	26	22	20	20	14
<b>Total Civilians</b>	<b>47</b>	<b>58</b>	<b>64</b>	<b>50</b>	<b>29 (7F, 22M)</b>	<b>28 (7F, 21M)</b>	<b>32 (8F, 24M)</b>	<b>26 (5F, 21M)</b>	<b>35 (10F, 25M)</b>	<b>29 (6F, 23M)</b>	<b>21 (4F, 17M)</b>
<b>Total INT Staff</b>	<b>478</b>	<b>556</b>	<b>553</b>	<b>412</b>	<b>207</b>	<b>195</b>	<b>194</b>	<b>140</b>	<b>123</b>	<b>104</b>	<b>34</b>
<b>Total EUPM National/Local Staff members</b>	<b>296</b>	<b>333</b>	<b>333</b>	<b>312</b>	<b>218 (129F, 89M)</b>	<b>217 (131F, 86M)</b>	<b>219 (133F, 86M)</b>	<b>211 (125F, 86M)</b>	<b>154 (97F, 57M)</b>	<b>146 (90F, 56M)</b>	<b>49</b>
<b>Security Guards (*)</b>									<b>8</b>	<b>8</b>	<b>0</b>
<b>TOTAL EUPM staff</b>	<b>774</b>	<b>889</b>	<b>886</b>	<b>724</b>	<b>425</b>	<b>412</b>	<b>414</b>	<b>351</b>	<b>285</b>	<b>258</b>	<b>83</b>

The major problem encountered while recruiting international seconded staff as per the post requirements defined by EUPM's mandate was that many posts remained vacant due to a lack of candidates meeting the requirements of the advertised posts, including basic knowledge of English. While short-listing, interviewing and selecting the preferable candidates, EUPM has relied on the preliminary assessments made by the sending states. On several occasions, due to a lack of qualified candidates, the mission eventually had to select applicants who met only some of the requirements. This was to ensure that the minimum operational needs remained unaffected until the next CfC, when the positions in question would be re-advertised in order to be filled with more qualified candidates. The issue of lack/quality of candidates and its consequences for mission's activities will be further developed in the Lessons learned and best practice chapter.

## **7.4 Training**

### **7.4.1 Induction Training & Induction Briefing**

Induction training and briefing was designed to enable international staff to carry out their functions with sufficient knowledge of, inter alia, the EUPM mandate as well as the political, legal and security framework of EUPM. The induction training covered a number of topics for a period up to four days. National staff underwent induction trainings only if deemed necessary by their respective line manager.

Before attending the induction training, all newcomers received a briefing which was a constituent part of the EUPM registration/check-in procedure. The briefing provided an overview of the security environment in BiH as well as an overview of the Standard Operating Procedures (SOPs).

### **7.4.2 Local Staff Training Programme (NSTP)**

In May 2006, EUPM launched a Local Staff Training Programme. The programme aimed to be a specific type of financial and motivational support (i.e. study grant) to locally recruited employees for the enhancement of their job skills and the acquisition of advanced education (e.g. school/college/university diplomas, master's degree or other vocational training) which may provide them with better job opportunities when EUPM closes down. All local staff members holding EUPM contract for a minimum of six months were entitled to this study grant and at all times more than 50% of staff used this entitlement.

### **7.4.3 CSDP Temporary Warehouse**

The rationale for establishing the temporary warehouse was outlined in the *Generic List of Equipment for Civilian Crisis Management Operations/Guiding Lines Action (5611/10)* document as an indicator of Initial Operational Capability (IOC) with regard to rapid deployment and

provision of equipment for 200 staff.

The set up of the CSDP temporary warehouse was included in the revised EUPM IV OPLAN (2010–2011). Since its establishment on 1 January 2010 this facility has been managed by EUPM.

The CSDP temporary warehouse currently contains equipment sourced mainly from EUPM surplus stock, which does not necessarily meet the requirements in terms of quantity and quality outlined in the document mentioned above.

The facility is currently managed and administered by EUPM staff. Long-term solution for the relocation of the equipment will be found with the establishment of a permanent CSDP warehouse.

So far equipment (mainly vehicles) has been transferred to EUPOL COPPS. However, with the launch of new CSDP missions in the nearest future, EEAS and FPI are planning to use most of the existing surplus.

## **8. LESSONS LEARNED AND BEST PRACTICE**

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## **9. CONCLUSIONS**

The recurrent theme of the report is the political influence on policing issues. It did facilitate improvements in policing issues, but mainly worked as an impediment to move initiatives forward. The eternal discussion on e.g. laws on internal affairs throughout the mission's presence, the definition of operational independence, oversight and accountability of the police highlighted the difficult discourse.

EUPM has been successful to concentrate mainly on technical issues in law enforcement and criminal justice, to fulfil a wide range of objectives set since the very beginning and according to its mandates. Everybody will agree the police services are in a much better shape today and have reached a professional level in many aspects. The focus of EUPM supporting state-level agencies produced good results, also in legal matters.

As a result, the structures to fight organised crime and corruption have been strengthened and the society sees the police to function better. Many interviews recently conducted by EUPM throughout the spectrum of society confirmed the better image of the police. Public confidence in a system, in particular where corruption is the main obstacle for further development, is built on results. This is rather a societal phenomenon of lack of trust not only in the police and the criminal justice apparatus, but in the rule of law in general. The impression remains that the political class influences the judiciary and that major political players and officials can escape justice.

Efforts by EUPM at senior level to develop an informal system of coordination between the high-level managers of the police bodies and the State Prosecutor's Office resulted in a fragile construct and showed the shortcomings of the system. Central issue that remains to be tackled in terms of coordination is improvement of intelligence and data exchange. Other issues are to build up

functional financial intelligence departments and to better use special investigative measures and asset seizure, to fight organized crime and corruption efficiently.

Most shortcomings mentioned in this report are not a BiH-specific phenomena. Police services all over Europe are in a constant process of improvement, facing new patterns of OCC in an increasingly globalized world.

EUPM as a crisis management tool showed a strong learning curve, and with the EU crisis management still young, both developed over the years in parallel and intertwined. This report closing the chapter on EUPM in BiH is a reflection of the ten years, of what has been achieved or could not be sufficiently addressed. Our focus on mentoring, monitoring and advising facilitated also a learning process for mission staff.

With the lessons learned and best practice chapter we provide the member states, CSDP structures and other readers with a stimulus to further improve crisis management and the future missions to benefit from our rich experience both as an organisation with its institutional memory and as individuals with our own personal views.

## **10. LIST OF ANNEXES**

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**OBJECTIVES AT OPERATIONAL LEVEL, COUNCIL JOINT ACTION 2002**

The following outlines the Mission Statement for the EUPM that will follow-on UN IPTF as a part of the Union overall support to the Rule of Law sector in BiH:

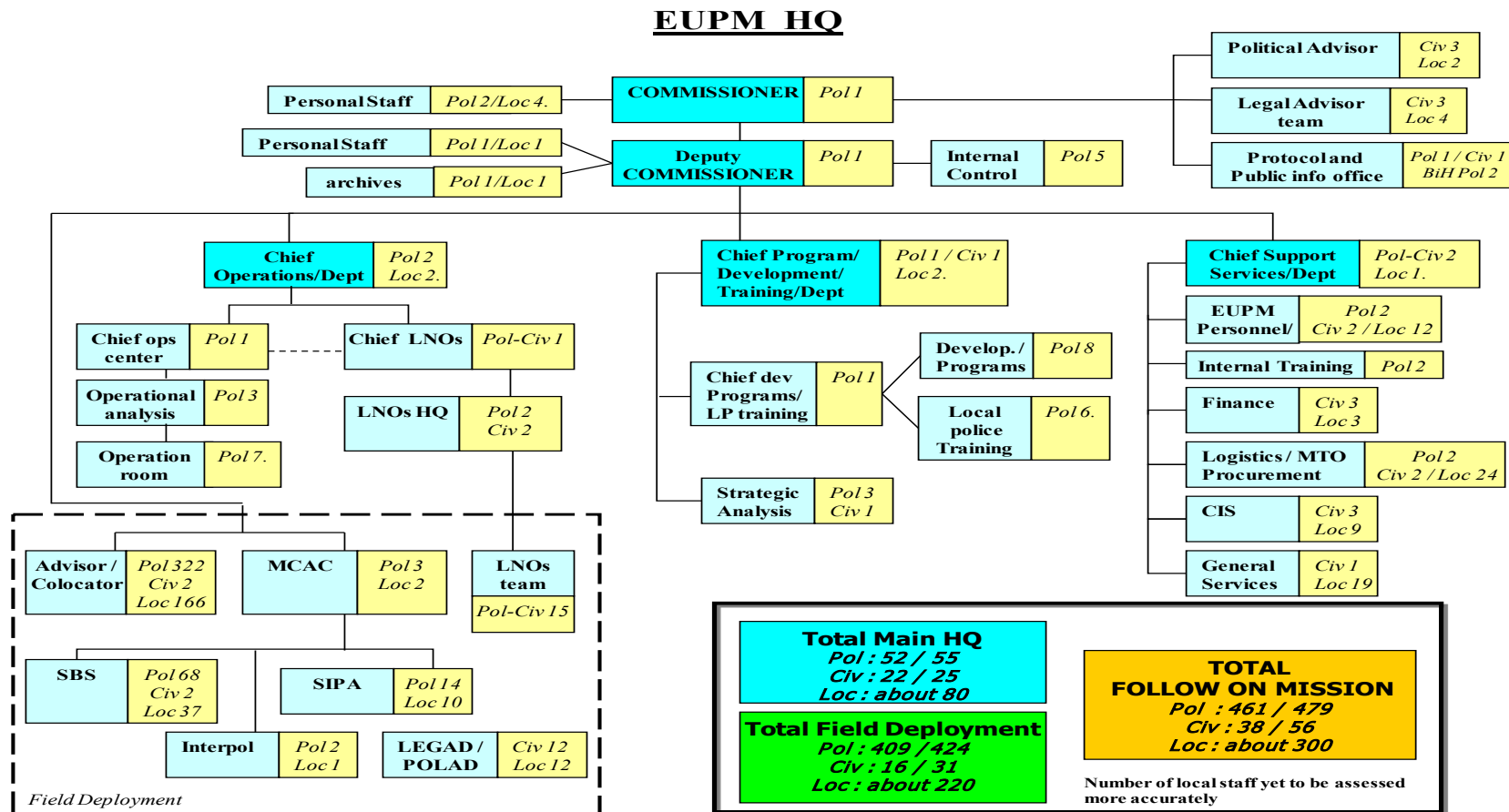
- act in a professional manner and in accordance with relevant legislation and regulations;
- be free of political interference, and led by an apolitical, qualified and accountable personnel;
- possess the integrity, knowledge and means to perform their duties in a transparent and objective manner;
- at ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
- ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline;
- be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues;
- effectively manage personnel and resources within an affordable and appropriate institutional framework;
- standardise data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system;
- develop police cooperation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building);
- undertake criminal investigations of corruption cases regardless of political implications;
- be capable of investigating and countering the full range of criminal activities, including organised crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system;

- develop, in close cooperation with the Multinational Stabilisation Force (SFOR), specialised information sharing in support of the state level capability and other appropriate authorities;
  - possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
  - enter into constructive cooperation with police services of neighbouring States (SAP States) and EU member states.
-



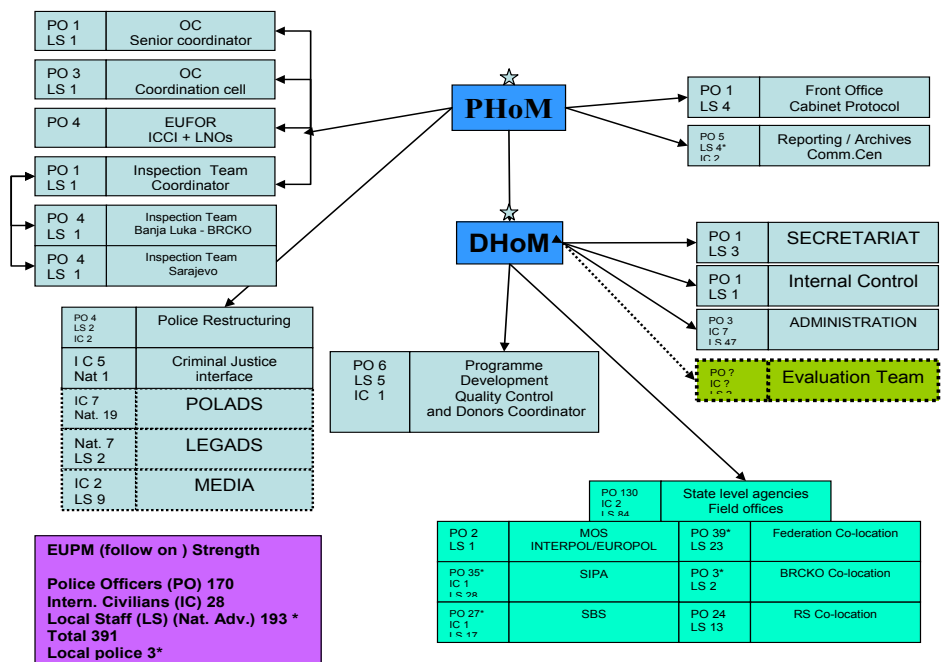
MISSION STRUCTURE

EUPM I Organisation chart

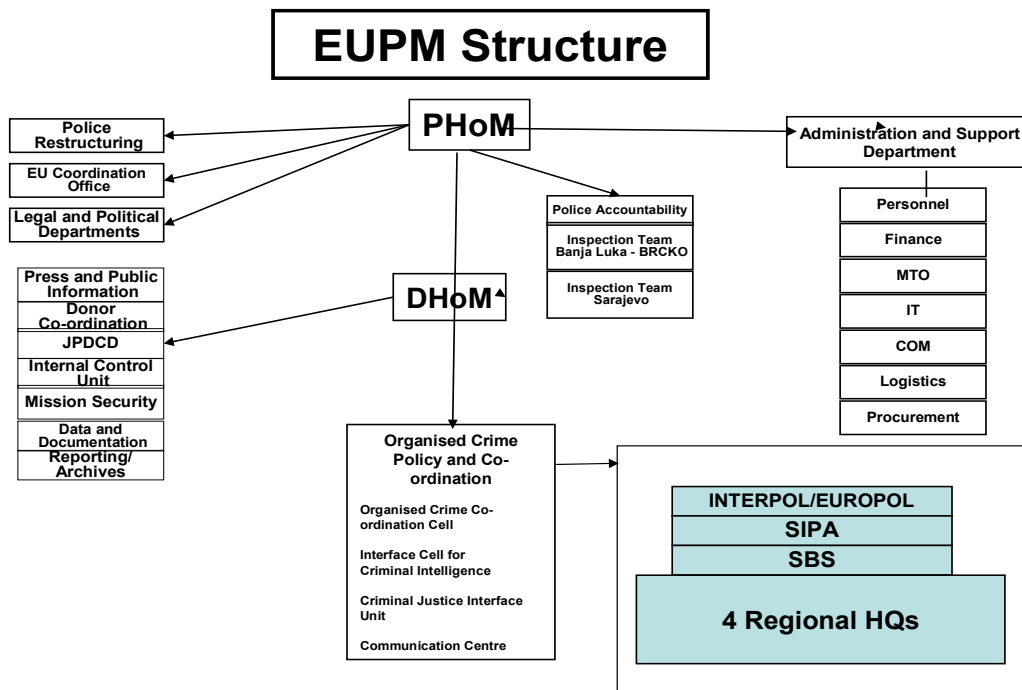


# EUPM II Organisation Chart (2005)

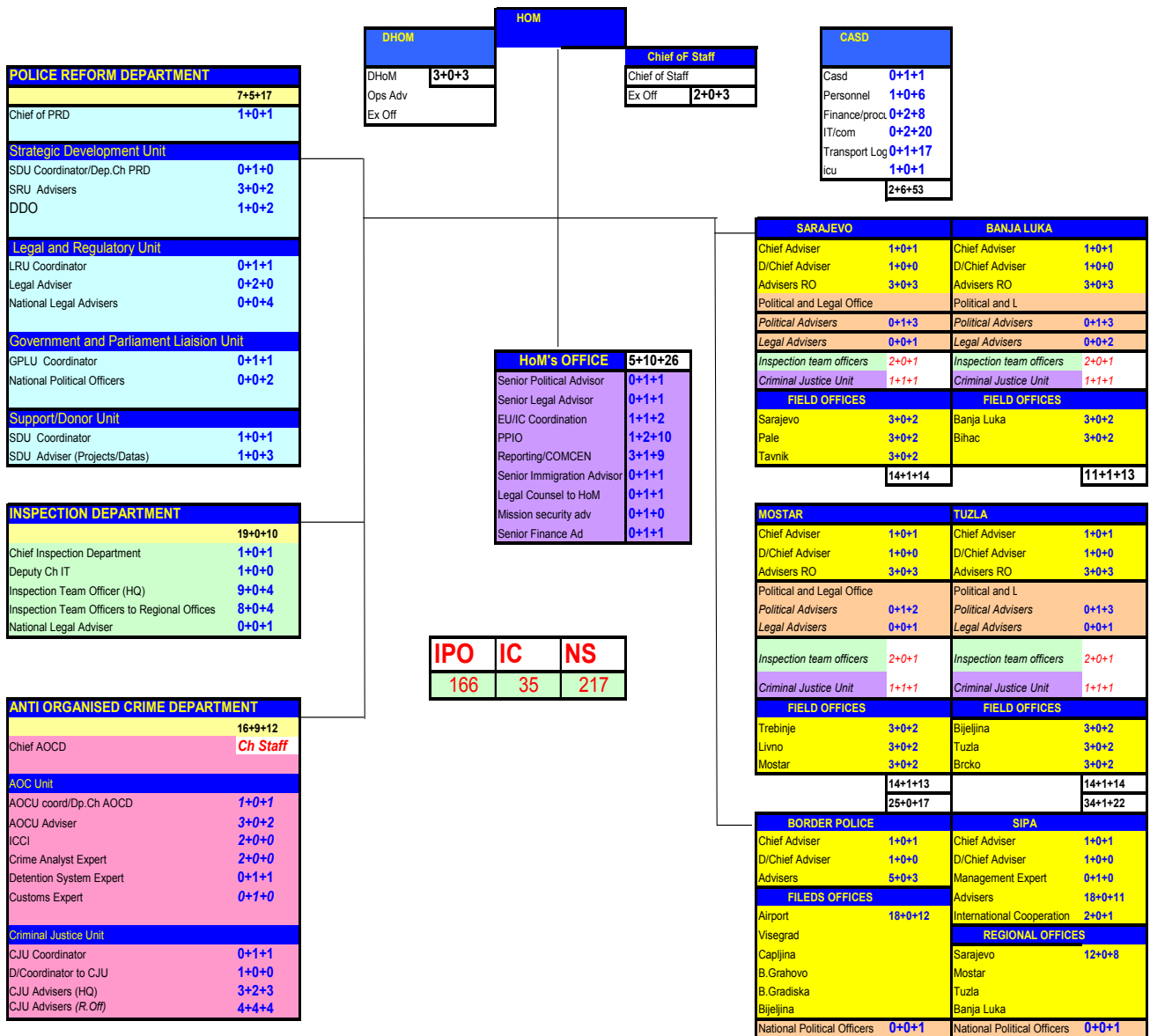
Annex B  
EUPM (follow-on) transitional structure.



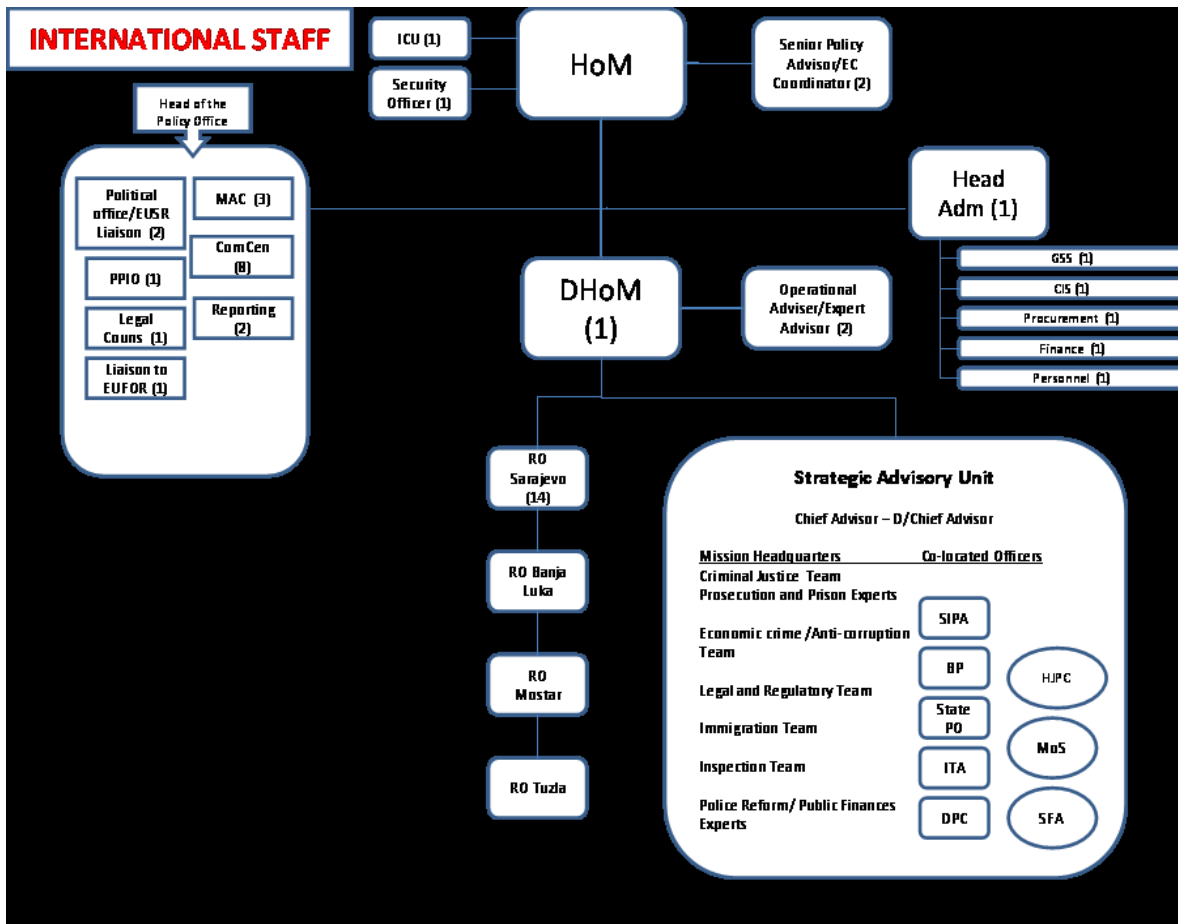
# EUPM II Revised Organisation Chart (2006)



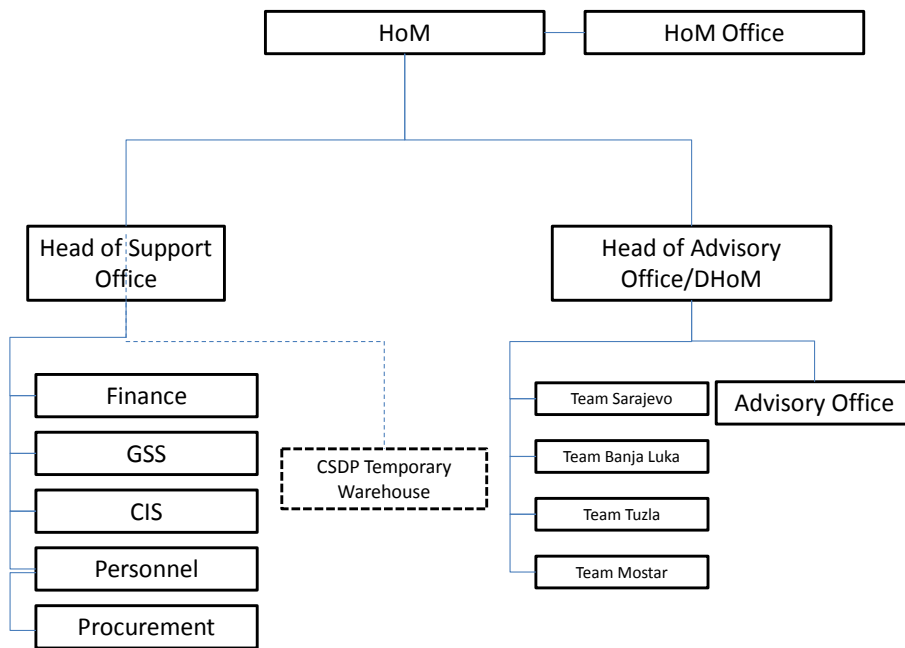
# EUPM III Organisation Chart



# EUPM IV Organisation chart



## EUPM V Organisation Chart



## PPIO PROJECTS AND PUBLIC INFORMATION CAMPAIGNS

### Campaigns

PPIO implemented seven nation-wide campaigns and a number of localized public information and media campaigns in cooperation with local counterparts. These projects were created and developed around the EUPM pillars and focused on the fight against organized crime and corruption, police accountability and capacity building.

One of the biggest issues to address was the lack of trust citizens have in the police. This, in turn, meant that crimes were often not reported, and the police were often not called to the crime scene – due to the citizens’ fear of retaliation. Now, with the closure of EUPM, the situation improved. This is in large part due to the promotion of police work and police emergency numbers via the Crime Stoppers (Krimolovci) hotline and “*Your Police 122*” (Vaša Policija 122), and the Unsolved Case TV show (Neriješen slučaj) projects initiated by PPIO. These campaigns and activities represented a breakthrough in bringing the law enforcement agencies closer to their citizens, and presenting the police as a service for citizens.

Since March 2004, an anonymous and toll-free Crime Stoppers hotline provided the citizens with the opportunity to share information about crime cases with the police. The hotline was welcomed as an additional intelligence gathering tool for the police. The launch of Crime Stoppers has attracted considerable media and public attention. Initially supported by EUPM and the government of the United Kingdom, the Crime Stoppers hotline was handed over to SIPA in 2005. Over the years, the number of calls from citizens increased, as well as number of useful information about crime cases. SIPA records hundreds of calls from citizens per month.

In 2005, EUPM, with the support of the British Embassy to BiH, launched a television show *Unsolved Case* (Neriješen slučaj). Inspired from television shows such as the German *Aktenzeichen*

*XY* (which was the first show of this kind world-wide or *Crimewatch*, in the United Kingdom), the program aimed to create a new culture of greater civic responsibility to fight crime and prompted citizens to share information about unsolved cases with the police via the anonymous and toll-free *Krimolovci* crime hotline. EUPM and local police officers usually took part in every episode of the show.

Accountability of the local police was a part of EUPM's Mission objectives and one of its strategic priorities. PPIO, in cooperation with spokespersons forum of law enforcement agencies, built up a common brand for the police. The introduction of the term "*Your Police*" ("*Vaša policija*") instead of "*Your Sarajevo Police*" or "*Our RS Police*" in 2006 was the first step in that regards. The second step was made in 2007 with the Accountability Campaign which promoted police emergency number 122 (based on the blue colour and the 122 number in a rectangle). This became a recognizable police trade mark.

PPIO organized numerous public/PR events in conjunction with the police, as part of the very successful and direct means of communication. This resulted in citizens having the opportunity to see this partnership in real life, with significant developments in terms of a stronger link between the police and citizens. In that context the message of the local police accountability campaign "*Your security our obligation - 122*" ("*Vaša sigurnost naša obaveza – 122*") which started in 2007 continued building upon the partnership between the police and the citizens. The slogan and the campaign's objective were to educate and raise awareness about the accountability of the police, thereby improving their image. The campaign elements touched upon issues such as transparency, corruption, cooperation between citizens and the police, community policing and alike in order to further open up the police towards the public and to present themselves as servants to the citizens.

In 2008 the 4<sup>th</sup> nation-wide public information campaign was jointly launched by EUPM and police agencies. Its slogan "*Dare!*" ("*Usudi se!*") aimed at encouraging citizens to share information with the police, call the Crime Stoppers hotline in joining the fight against crime. During the campaign the number of calls to the *Krimolovci* hotline increased by over 300%. Most of received *Krimolovci*



reports pertained to drugs smuggling and production, possession of weapons, abuse of office, economic crime as well as forged diplomas. The second phase of the “*Dare!*” campaign started when the Crime Stoppers website was officially launched. As an additional tool citizens could submit information to the police online. With this campaign EUPM won the European Excellence Awards 2009 in the category of “Issues and Reputation Management”, honouring the most outstanding communication achievement.

In 2009, the “*Your Police 122*” (Vaša policija 122) public information campaign was launched, again in cooperation with police agencies. Regional launches in police agencies were in most of the cases combined with strategic communication meetings with NGOs, educators, journalists or students. Topics included topics as juvenile delinquency, false bomb alarms in schools, domestic violence, drugs abuse, traffic safety, police accountability, depending relevance for specific regions. Overall, the campaign featured over 40 PR events across the country and five thematic TV shows, which ensured participation of EUPM representatives, police and prosecutor’s officials as well as representatives of NGOs.

“*Corruption takes everything from you*” was the message of the campaign launched in 2010, which aimed to raise citizens’ awareness about corruption as an unacceptable behaviour and its impact on the society. In 2010 EUPM encouraged and supported an initiative developed and implemented by a group of youth and student associations called “*Anti-Corruption Jolly Ambassadors.*” They offered a new and creative approach to preventing and combating corruption by encouraging citizens and relevant institutions to take their responsibility to contribute. “*Fighting corruption begins with me*” was also a slogan of their second campaign implemented in 2011 and facilitated by EUPM.

Since 2008 the media campaigns aimed at promoting the fact that the police was significantly enhanced. One of the most important ones was a campaign carried out in 2011 with the slogan “*Stronger, Faster, Better*”, which presented the current state of policing. The campaign promoted the modern and professional police, which have adopted the philosophy of proactive community policing, clear vision and values, as well as police services that provide a general sense of security and peace in the community.

For the transition period in 2012, EUPM focused on communicating about the achievements of both law enforcement agencies and EUPM since 2003. This was also about the challenges that lie ahead in the process of further professionalization complying with EU accession requirements. A series of TV and newspaper features were launched to promote the results of the partnership, mainly about EUPM's endeavours in BiH. The features were published and broadcast from February to May 2012. The creative concept was an evolution of a well-received message "*Stronger, Faster, Better,*" communicated through various public information efforts, presenting the police of today as a force which is better trained, better educated and stronger than before.

PPIO in coordination with the local counterparts carried out a number of mini and ad hoc campaigns addressing the issues relevant to specific areas of police agencies, such as traffic safety, juvenile delinquency, drug abuse, property safety etc. Traffic safety and drug abuse were topics of the two nation-wide campaigns implemented jointly with the local counterparts in 2006 and 2007 ("*Not Faster than Life*" and "*Choose Life not Drugs*"). The themes assembled all relevant stakeholders, from the education and health sector, religious communities, NGOs etc. All of them had been a driving force behind hundreds of activities and initiatives that were implemented in cooperation with the police. EUPM introduced networking with the civil sector as a new element of campaigning,, which has been a fairly unknown concept to the police in the past.

### **Forum of Spokespersons of Law Enforcement Agencies**

Training and strengthening of local police spokesperson's capacity was one of the PPIO's priorities. PPIO organized a number PR/media trainings and workshops in order to develop their skills and build-up capacities and capabilities. Over the last few years PR trainings for prosecutorial spokespersons were organized as well. Local ownership and partnership in implementation of joint projects was one of the important aspects. This particular approach distinguished the Mission and introduced EUPM more like an equal partner to the police.

## **Journalist Tours to the EU in Brussels**

PPIO organized there press tours for journalists from leading EU newspapers to BiH. The purpose of these tours was to provide them with first-hand information of Mission activities and a detailed insight into the work of EUPM counterparts. PPIO also organized a trip for selected BiH journalists to Brussels to formal and informal briefings with various stakeholders relevant for an in-depth understanding of the EU and EUPM and its functioning as a civilian crisis management operation, as well as a broader context of EU affairs regarding BiH.

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## GENDER

In line with EUPM's mandate, and the EU's gender policy for CSDP missions based on the UN's Security Council Resolution (UNSCR) 1325 and related resolutions, EUPM has been actively implementing gender and security activities since 2006. Over these years EUPM's gender related activities have been consolidated over the mission's mandate based on the host country's needs, including activities within the mission, cooperation with the national counterparts and outreach, cooperation with the EU and international organizations and consultations and joint projects with civil society organizations. This annex includes the most important activities of EUPM and progress achieved.

EUPM initiated synergies with the purpose of advancing the position of women in the police, including women's perspective in police and security issues. Importantly, it facilitated communication between the police and institutional gender mechanisms and civil society organizations. Initially, police management was reluctant to engage in such initiatives and to nominate representatives for the trainings organized by the latter. On the contrary, the gender awareness trainings for the police training institutions implemented in 2011 were conducted in partnership with the entity ministries of interior and state level MoS, which provided facilities for the training and made it mandatory for their teaching staff. The ongoing reform of the curricula for the police academies will provide for the integration of the gender perspective.

Given the increase of individual complaints from police women regarding sexual harassment, mobbing and violation of their rights received by EUPM in 2010 and 2011, gender in the security sector remains an important issue to tackle during the EU accession process.

The important partners in gender and security and implementation of the UNSCR 1325 are the country's gender institutional mechanisms, particularly at the state and entity level. The Agency for Gender Equality of the Ministry of Human Rights and Refugees of BiH is coordinating the implementation of the Action Plan for the Implementation of UNSCR 1325, adopted in 2010.

EUPM was consulted in the process of drafting the Action Plan and has been actively assisting national counterparts in its execution, particularly in relation to its second goal aimed at increased participation and affirmation of women in senior positions within in the police in general. To that end, several important joint EUPM and agency projects have been implemented in cooperation with LEAs (see below under *Cooperation and Partnership with National Institutions*).

Gender was included in the MIP as a priority and three target groups were identified for cooperation and outreach: national authorities, the international community and civil society organisations. A gender perspective was also included in projects and considered when collecting and presenting information.

EUPM participated in the majority of gender related events organised in the country and was a recognized partner for initiatives focusing on gender and security. This included various trainings, forums and seminars. EUPM was committed to creating strong and active partnerships in pursuance of gender equality and suppression of violence. Some activities are listed below.

The HoM has consistently raised the importance of gender equality and participation of women within the mission, as well as in the law enforcement agencies. He hosted consultations with civil society organizations, including women's groups, with the purpose of exchanging views on the ground and discussing how EUPM can contribute to the implementation of UNSCR 1325. The HoM has also been respondent to the frequent invitations from the academic community to speak about the importance of women's contribution in conflict prevention and resolution, as well as towards sustainable peace. He actively supported the BiH Action Plan for the Implementation of UNSCR 1325 and publicly called directors of all LEAs and police training/education institutions to work on the execution of the activities within their domain.

In the overall structure of the mission throughout the years, women represented at average 40–45 %, out of which 10–15 % have been international staff members. The calls for contributions included a paragraph on the EUPM's strivings to improve the gender balance through

encouragement of applications from female police officers and civilians. In accordance with the standard operating procedures (SOP), it was compulsory to have both male and female members on selection panels. As of the beginning of 2011, EUPM has extended the paid maternity leave to one year for its local female staff members, in line with the local labour legislation. Over this period, the local female staff members were fully paid, even if their contract expired during the maternity leave.

Gender specific training was part of induction training which is mandatory to all new Mission members (and those returning to the Mission). During the training the incoming personnel was briefed on EU policies on gender and human rights, UNSCR 1325 and 1820 and EUPM specific activities. For the majority of the participants this was usually the first encounter with the topic of gender and security, i.e. they did not receive any training on this prior to their arrival in theatre.

Since 2008, the EUPM has had two well established gender awareness mechanisms – a Gender Adviser and a Gender Coordination Board (GCB). Originally the Gender Coordination Board was set up in 2008 to ensure the smooth management and operation of the joint EUPM, EUFOR, UN Development Fund for Women (UNIFEM), and a local NGO project on training and raising awareness of the domestic security sector and local community regarding UNCSR 1325. The GCB meets regularly and develops projects providing input and advice to the HoM. The selection of gender focal points is a transparent process following a call for expression of interest addressed to all mission members. This system has provided a positive impact on mission activities through engendering information campaigns and better integration of the gender perspective in the regional offices, including coordination and communication with national counterparts.

In 2009, EUPM carried out research of the gender situation in the different police services, focused on the situation of female police officials in terms of representation, recruitment, training and promotion, as well as their working environment and conditions, and, more specifically, discipline and sexual harassment, parenthood and family life. This resulted in a report “*Women in Police – Situation in Bosnia and Herzegovina*”, prepared by EUPM and the BiH Agency for Gender

Equality. The report includes a set of recommendations jointly developed by the Agency for Gender Equality and EUPM, serving as a basis for targeted action to facilitate the police and policing in general to be more gender-responsive. The findings included a female representation of 6.3%, and a lack of women in the most senior positions and ranks, indicating a necessity for further work in order to acquire the full affirmation of women as equal participants in police services.

In 2010, to publicly promote the findings of the report: “*Women in Police – Situation in Bosnia and Herzegovina*”, EUPM conducted a TV campaign through a series of talk-shows and documentaries regarding policewomen in BiH. The HoM and gender adviser took part in the talk shows promoting the Mission’s efforts and goals.

EUPM, in cooperation with the International Security Information Service Europe (ISIS Europe), organized training on gender and security. The training targeted EUPM gender focal points and national counterparts from police agencies, police training agencies and gender institutional mechanisms. The EUPM/ISIS training was followed by a gender awareness training for the local police training institutions in 2011.

A gender awareness training was implemented as a joint project of the EUPM, BiH Gender Equality Agency and police training institutions (two entity police academies and the state’s Agency for Education and Advanced Police Training. The other police training institutions agreed on this initiative with a positive attitude that the train the trainers in gender awareness will build capacity of the trainers to include gender perspective in every curricular unit and training they will deliver. Upon the successful completion of the training for the educators of the police training institutions, it was planned to extend this activity to the trainers of the centres for education of judges and prosecutors to ensure systematic, coherent and coordinated approach for the police and judiciary.

EUPM reported on gender based violence and sexual crimes and the efforts of the local law enforcement agency aimed at prevention, detection and prosecution of the related criminal offenses. The reporting efforts were particularly focused on the trafficking in women for sexual exploitation.

In 2010 and 2011, EUPM organised UNSCR 1325 Open Day events to provide platforms for exchange of knowledge and experience, networking and coalition building and raising awareness. This provided the opportunity for affirmation of the EU's unequivocal position towards gender equality and human security, as well as the policing based on the protection of security of all segments of society.

Subsequent events were organised in partnership with the country's gender institutional mechanisms. A festive event at the Parliamentary Assembly co-organised with the BiH Gender Equality Agency was used to launch a UNSCR 1325 web-site (<http://www.1325.arsbih.gov.ba/>) as a project of the Gender Equality Agency supported by EUPM, as well as the special edition of Mission Magazine in national language on EUPM activities on gender equality themes.

In 2011, EUPM helped publishing stories in the Mission Magazine: Women leaders in BiH, on women in law enforcement agencies raising the profile of the profession and introducing it as a successful and attractive career for women in BiH. On the basis of the positive feedback regarding EUPM's support to the publication, EUPM decided to support in cooperation with the partner Pro-Educa organisation and secondary schools from the region of Tuzla an event titled: "*tea-party*", as an exchange between young girls with their "mentors" - successful women from the law enforcement sector, to help them with a choice of their future profession. The intention of the tea-party was to contribute to motivate young women to choose their career in the law-enforcement sector after learning and talking about all pros and cons with the women who have already achieved success in this field.

EUPM, in partnership with a local Sarajevo Open Centre, implemented a project titled: "*What is the Gender of Security*". The project launched as one of the closing activities in 2012 was focused on stimulating community and academic thinking of importance of gender aspect of security. It resulted in the compilation of articles in the form of a hard-copy publication in BiH languages by local writers, mostly activists and academics, selected through a competition.



## LIST OF ACRONYMS

AFIS	Automatic Fingerprint Information System
AoR	Area of Responsibility
BiH	Bosnia and Herzegovina
BoRIO	Book of Rules on Internal Organization
BP	Border Police
CC	Criminal Code
CCIAT	Criminal Code Implementation Assessment Team
CfC	Call for Contributions
CFSP	Common Foreign and Security Policy
CIDA	Criminal Intelligence Data Application
CivOpsCom	Civilian Operations Commander
CLIA	Cantonal Law on Internal Affairs
CMPD	Crisis Management and Planning Directorate
CPC	Criminal Procedure Code
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
DCAF	Democratic Control of Armed Forces
DEA	Data exchange Agreement
DIPR	Directorate for the Implementation of Police Reform
DP	Disciplinary Prosecutor
DPC	Directorate for Coordination of Police Bodies
EC	European Commission
EEAS	European External Action Service
ESDP	European Security and Defence Policy
EU	European Union
EU	European Commission
EUCI	EU Classified Information
EUDEL	European Delegation
EUMM	EU Monitoring Mission
EUPM	European Union Police Mission
EUSR	EU Special Representative
EUSR	EU Special Representative
FID	Financial Investigation Department
FPI	Foreign Policy Instrument
FPIS	Foreign Policy Instrument Service
GCB	Gender Coordination Board
GFAP	General Framework Agreement for Peace
HJPC	High Judicial and Prosecutorial Councils
HoM	Head of Mission

HR	High Representative
HR	Human Resources
IBM	Integrated Border Management
IC	International Community
ICITAP	International Criminal Investigative Training Assistance Program
ICTY	The International Criminal Tribunal for the former Yugoslavia
ICU	Internal Control Unit
IEBL	Inter-Entity Boundary Line
ILECU	International Law Enforcement Coordination Unit
INTCEN	Intelligence Analysis Center
IOM	International Organization for Migration
IPA	Instrument for pre-accession assistance
IPTF	UN International Police Task Force
IPTF	International Police Task Force
ISIS	International Security Information Service Europe
ISRB	Independent Selection Review Boards
ITA	Indirect Taxation Authority
JHA	Justice and Home Affairs
JRAC	Joint Risk Analysis Centre
JTTF	Joint Terrorism Task Force
LEA	Law Enforcement Agency
LES	Law Enforcement Centre
LIA	Law on Internal Affairs
LRAC	Local Risk Analysis Centre
LoPO	Law on Police Officials
MAC	Mission Analytical Capability
MCCPM	Ministerial Council for Cooperation on Police Matters
MCMPM	Ministerial Consultative Meeting on Police Matters
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoS	Ministry of Security
MoU	Memorandum of Understanding
NCB	National Central Bureau
NGO	Non-Governmental Organization
NIM	National Intelligence Model
OC	Organized Crime
OCC	Organized Crime and Corruption
OCCT	Organised Crime, Corruption and Terrorism
OCR	Optical Character Readers
OHR	Office of the High Representative
PC	Police Commissioner

PCB	Police Complaints Bureaus
PIC	Peace Implementation Council
PICSB	Peace Implementation Council Steering Board
PO	Public Opinion Surveys
PPIO	Press and Public Information Office
PRC	Police Restructuring Commission
PSB	Police Steering Board
PSC	Political and Security Committee
PSU	Professional Standard Units
RS	Republika Srpska
SAA	Stabilization and Association Agreement
SAP	Stabilisation and Association Process
SBS	State Border Service
SELEC	South East Europe Law Enforcement Convention
SFA	Service for Foreigners' Affairs
SFRY	Socialist Federal Republic of Yugoslavia
SG/HR	Secretary General High Representative
SIAC	Single Intelligence Analysis Capacity
SIM	Special Investigative Methods
SIPA	State Investigation and Protection Agency
SITCEN	Situational Centre
SOFA	Status of Forces Agreement
SOP	Standard Operation Procedure
SPO	State Prosecutor's Office
SSU	Special Support Unit
TAIEX	Technical Assistance Information Exchange Instrument
TCG	Tasking and Coordinating Group
UN	United Nations
UNHCR	UN High Commissioner for Refugees
UNSCR	UN's Security Council Resolution
VAT	Value Added Tax

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