

**Security Council**

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Letter dated 10 August 2006 from the Secretary-General addressed to the President of the Security Council

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I have the honour to transmit herewith the report dated 8 August 2006 on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 January to 30 June 2006 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**



Annex

Letter dated 8 August 2006 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Secretary-General of the United Nations

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I attach a report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 January to 30 June 2006.

I propose to provide the Security Council with a written update on the progress of the Mission.

I should be grateful if you would transmit this report to the President of the Security Council.

(Signed) Javier Solana

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 January to 30 June 2006

Introduction

1. The European Union Police Mission (EUPM) has been the first operation undertaken under the European Security and Defence Policy. It was initiated with a three-year mandate starting on 1 January 2003 and, with Joint Action of 24 November 2005, the Council decided that EUPM shall be continued from 1 January 2006 to 31 December 2007 in a refocused manner. EUPM, under the guidance and coordination of the European Union Special Representative and as part of the broader rule-of-law approach in Bosnia and Herzegovina and in the region, aims, through mentoring, monitoring and inspecting, to establish in Bosnia and Herzegovina a sustainable, professional and multi-ethnic police service operating in accordance with best European and international standards.

2. The police service should operate in accordance with commitments made as part of the stabilization and association process with the European Union, in particular with regard to the fight against organized crime and police reform. EUPM operates in line with the general objectives of Annex 11 of the Dayton/Paris Agreement and its objectives will be supported by European Community instruments. Under the direction of the European Union Special Representative, EUPM has taken the lead in the coordination of policing aspects of the European Security and Defence Policy efforts in the fight against organized crime. It assists local authorities in planning and conducting major and organized crime investigations. Brigadier General Vincenzo Coppola from Italy was appointed Head of Mission/Police Commissioner as from January 2006.

New methodology and staffing

3. The first five months of the year were a transition phase for EUPM, characterized by the development of the refocused mandate, the reduction of the Mission strength and the establishment of new structures.

Staffing

4. At the end of the last reporting period EUPM numbered 571 staff (215 seconded police officers, 48 international civilians and 308 national staff). On 30 June 2006, EUPM numbers 419 staff (175 seconded police officers, 29 international civilians and 215 national staff). All 25 European Union member States, together with nine non-EU contributing States, have participated in the Mission in the current reporting period. A challenge for the Mission in its transition phase was the reduction in staffing and in implementing effective calls for contributions from States to ensure suitably skilled personnel in the correct posts as early as possible.

5. The Mission takes due account of Security Council resolution 1325 (2000) on women and peace and security in all its activities, as well as the EU operational

paper on practical measures for taking work forward on resolution 1325 (2000) in the context of the European Security and Defence Policy.

Methodology

6. Police, the general public and the international community were extensively informed about the refocused Mission, its role in support of the fight against organized crime, in strengthening internal/external control, inspection and accountability of the police and the role of the Head of Mission as a member of the Directorate for the Implementation of Police Restructuring. The Mission reorganized structures, resources and working methodology, enabling it to become more effective in achieving its mandate. The co-location methodology was reviewed and reorganized into a four-region structure, in line with the four State Investigation and Protection Agency (SIPA) regions, each under the supervision of a Chief Regional Adviser. The Mission maintains multi-level co-locations with SIPA (the lead agency in the fight against organized crime) and the State Border Service (SBS). A great deal of effort was channelled into personnel, logistical and procedural changes around the new structure, streamlining the Mission to most effectively further its mandate.

Achievements during the reporting period

1. Support to the police restructuring process

7. EUPM has been carrying out its tasks to support the police restructuring process. The Head of Mission assumed his role in January 2006 as the only international member of the Steering Board of the Directorate for the Implementation of Police Restructuring, operating under the guidance of the European Union Special Representative. The Steering Board met 15 times in the first six months of 2006 and provides strategic guidance to the Directorate's Executive. The Directorate aims to produce a phased plan for the reform of police structures in Bosnia and Herzegovina, in line with the three guiding European Commission requirements.

8. On 24 May, the Government of Republika Srpska unilaterally downgraded its participation in the work of the Steering Board to observer status. Despite this unilateral decision, the Directorate continues to work. The delays caused by the Republika Srpska almost certainly mean that the Directorate will not be able to complete the police reform implementation plan by the 30 September deadline. This in turn might lead to delays in concluding negotiations on a stabilization and association agreement.

2. Support to the fight against organized crime

Assisting in the planning and conduct of investigations

9. The EU Crime Strategy Group and its two subcommittees, and the EU-European Security and Defence Policy Targeting Board (chaired by EUPM since March) and Policy Task Force have been instrumental to the Mission's taking the lead role in the coordination of the policing aspects of the European Security and Defence Policy efforts against organized crime and have begun to assist local authorities in planning and conducting major and organized crime investigations.

EUPM activities in this area are guided by the agreed principles and guidelines among the European Union Special Representative, EUPM and EUFOR. The end state of all European Security and Defence Policy efforts is to pass over, with confidence, full ownership and responsibility for the fight against organized crime to the local police. This requires appropriate coordination and strategic understanding, as well as the progressive reduction of dependence on EUFOR operational support.

10. EUPM assisted the local police in the planning and execution of a number of operations for illegally stored weapons, a continuing problem affecting safety and security in Bosnia and Herzegovina. The local police are increasingly seeking to address illegal weapons through intelligence-led initiatives.

11. EUPM introduced a case management system to track all SIPA investigations in order to monitor progress, identify weaknesses and give appropriate advice. Following a review, the system was extended to the entire Mission.

Strengthening local ownership and responsibility

12. The Bosnia and Herzegovina strategy for the fight against organized crime and corruption for the period 2006-2009 (National Action Plan), drafted by a locally owned working group chaired by the Minister for Security, assisted by the Crime Strategy Group and envisaging comprehensive improvements in institution-building, operational capacity and legislation, was adopted on 15 June by the Council of Ministers.

13. EUPM has actively pursued its role in monitoring investigations in support of the police's fight against organized crime. The majority of the investigations are still ongoing but nevertheless represent the bulk of the achievements of EUPM in terms of organized crime. It is important to highlight that the nature of such investigations and operations means that they are protracted and complex, as this case illustrates:

14. EUPM appointed a senior investigator to oversee the reviews of a number of high-profile, organized-crime-related murders between 1998 and March 2006. Three of those involved senior police officials. The Mission is advising SIPA and the State Prosecutor on the cases.

15. Media reports and identified instances of fabrication and/or changes of evidential statements by local police officers brought about a coordinated, EUPM-instigated investigation.

Criminal justice system monitoring

16. EUPM is acutely aware of the importance of monitoring the wider criminal justice bodies in ensuring the integrity and effectiveness of the system in dealing with organized crime. A new unit, the Criminal Justice Interface Unit is tasked to identify and address deficiencies in the area of police and prosecutorial cooperation. It focuses on enhancing both general and case-specific cooperation in order to facilitate effective investigations and prosecutions and to contribute to strengthening the integrity of the host country's criminal justice system. In order to ensure a standardized approach to prosecutors, the Unit acts as the Mission's point of contact and coordinating body with prosecutorial authorities at both entity and State levels. The Unit is in close contact with the prosecutorial advisers within the office of the

European Union Special Representative. Already some significant results have been achieved but this will remain a key area for Mission attention.

17. EUPM is resourced with a high concentration of police and legal expertise, a great benefit in assisting in the development of the Bosnia and Herzegovina criminal justice system. Working with partner agencies, including the United States International Criminal Investigation Training Assistance Programme, EUPM has advised on improvements in legislation in areas ranging from evidence storage to firearms offences.

3. Strengthening operational capacity

18. The provision of technical assistance and equipment has already proved of benefit to Bosnia and Herzegovina law enforcement agencies, with some very notable successes at the State level. There was an identified need to coordinate such donations effectively, however, in order to better support the continued development of Bosnia and Herzegovina law enforcement. EUPM has liaised with international bodies and diplomatic missions in order to bring about better coordination arrangements for donations. This in turn is expected to serve in strengthening local police capacity.

19. There is a requirement for a harmonized legislative framework to regulate police powers and the employment-related legal status of police officials. Consequently, in parallel with the efforts of the Directorate for the Implementation of Police Restructuring, EUPM and the Office of the High Representative have finalized a model template for a cantonal law on Police Officials, which follows the basic principles provided for in the equivalent Bosnia and Herzegovina and Federation cantonal laws. A first version of the template was presented to the cantonal, Republika Srpska and Brcko district police representatives in April. The need to have harmonized laws was unanimously recognized and deadlines for their enactment were established. A major issue was the harmonization of ranks, salaries and career progression. At the end of May the Head of Mission officially closed the drafting process. The draft law has now been sent by most cantonal ministries to their respective governments to establish the text of the law. In addition, EUPM, along with the Office of the High Representative, has supported the continued development of the Bosnia and Herzegovina Law on Police Officials.

20. EUPM provided legal and operational support to an EC Community Assistance for Reconstruction, Development and Stabilization project to develop procedures for carrying out surveillance and lawful interception of telecommunications by Bosnia and Herzegovina law enforcement and intelligence agencies. In partnership with other international agencies, EUPM participated in the development of draft legislative amendments and a draft Council of Ministers decision on obligations for telecommunication providers, which were completed late in May. The adoption of the law and the decision will permit the establishment of an efficient Bosnia and Herzegovina telecommunication interception system, in line with European good practice.

Strengthening internal/external control, inspection and accountability of the police

21. The professional standards and effective self-regulation of local police bodies needs to be rigorous and reliable. Therefore, the establishment in June of the

Professional Standards Unit in the Republika Srpska Ministry of the Interior is seen as significant progress towards the accountability of local police pillar of the mandate. The Professional Standards Unit consists of two sub-units, Internal Control and Audits and Revisions, and was part of EUPM efforts under its previous mandate, which the Republika Srpska failed to implement by the end of 2005. EUPM followed this through, with the most cooperation occurring since the appointment of a new Republika Srpska Minister of the Interior in February 2006.

22. Through its two dedicated inspection teams, EUPM resources in locations and under an overall coordinator, EUPM has undertaken 17 inspections since 1 January 2006, based on information from various sources. EUPM has reviewed cases suggested for inspection but deemed in certain instances the appropriate course of action to be referral to the local police internal control functions, as opposed to direct Mission involvement, thus encouraging ownership and accountability. Where EUPM has become involved, its aim has been to push the local police to identify irregularities and act upon them. EUPM has then continued to oversee the work of prosecutors as cases are passed to them to ensure that they progress appropriately through to a final, conclusive result. For this reason the majority of cases remain outgoing, but one of the key inspections is outlined below:

23. Initial information was obtained from various sources, including police officers and the media. Intelligence against officers and officials was gathered, indicating offences ranging from abuse of office and authority to embezzlement, criminal negligence and fraud. EUPM began working with the Federal Ministry of the Interior in preparing an operation and a full operational plan was devised under EUPM guidance. This led to the EUPM-monitored police operation "Granit 2006", on 12 January, when Federal Ministry of the Interior officers searched, under warrant, a number of official, police and business premises, including the cantonal Ministry of the Interior, seizing large quantities of evidence. EUPM officers were present throughout, offering expert guidance.

4. Horizontal tasks

Further support to the development of SIPA and SBS

24. EUPM has invested considerable effort in helping the institutional and capacity development of Bosnia and Herzegovina law enforcement agencies, particularly SIPA and the State Border Service. This continues to be an important Mission task, since fully resourced, equipped and skilled policing bodies are vital in the fight against organized crime. Results in anti-organized-crime operations by SIPA and SBS and the decision on the location of the permanent SIPA headquarters in east Sarajevo are positive developments.

25. EUPM has been monitoring and providing advisory support to both SIPA and SBS commissions, formed following the adoption of the book of rules on rank attribution by the Ministry of Security, and responsible for the attribution of ranks. The ranking process, which is now drawing to a close, required the commissions to review the personal files of officers in accordance with the Bosnia and Herzegovina Law on Police Officials and other regulatory provisions and to submit proposals on the attribution of ranks to their respective directors for final decision, which was done with EUPM guidance.

26. EUPM reviewed amendments to SIPA books of rules governing the internal organization and systematizing of SIPA positions, and the protection of secret data, which aim at ensuring the effectiveness and integrity of SIPA vetting procedures and of ensuring that data relating to criminal investigations and intelligence is adequately protected. Both books of rules were subsequently adopted by the Council of Ministers.

27. SIPA has been proactive in this period in planning and conducting operations for the arrest, detention and transfer of suspected war criminals. A number of particularly high-profile initiatives, with close monitoring and guidance by EUPM, have been successful. In April, May and June, EUPM monitored and assisted in the planning of three arrest operations (two in the Republika Srpska and one in Mostar) conducted by the SIPA War Crimes Department and Special Support Unit, in which suspected war criminals were arrested, including one former and one serving police officer. In June, EUPM monitored the arrest and transfer to the International Tribunal for the Former Yugoslavia of Dragan Zelenovic, indicted for war crimes and deported from the Russian Federation.

28. In June, EUPM monitored the provision, by a SIPA Close Protection Unit, of round-the-clock security for Tribunal judges and a defence team during their visit to a number of locations related to a current high-profile war crimes case. This was the Unit's first protection operation for the Tribunal. Its performance was very professional, demonstrating that in future SIPA is capable of taking sole charge of such protection agencies for the Tribunal. Previous visits were accompanied by Federal Ministry of the Interior and Republika Srpska police units, according to a memorandum of commitment that authorized local police protection measures, while SIPA capacity was being developed.

29. In June, the SBS Director provided an update on the progress of the agency, highlighting that, although still well below establishment levels and lacking equipment, SBS has made positive gains. He detailed specific strategic goals of the agency in developing its capacity, particularly in terms of dealing with trans-border organized crime. Monitoring and inspection activity by EUPM at SBS locations across Bosnia and Herzegovina in the first six months support this assessment regarding capacity. EUPM recognizes that significant progress has been made but that resources and technical capacity remain an issue to be addressed in order to allow the agency to reach its full potential.

30. From January to March, EUPM made recommendations on and closely monitored the Ministry of Security selection process for an assistant director for SBS, providing advisory support during the assessment and interview of candidates.

Police certification

31. Police certification remains an issue of concern for the Bosnia and Herzegovina authorities, who requested to review the process of certain categories of cases following the opinion of the Economic Commission for Democracy through Law (Venice Commission) of October 2005. The Office of the High Representative/European Union Special Representative has explored options with the Department of Peacekeeping Operations, the Contact Group and EU missions in New York during the last six months.