

Trust and Security through Cooperation



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Issue IV

IN FOCUS

Complementing the efforts of the BiH law enforcement agencies to improve the capacities for fighting organised crime and corruption, to enhance cooperation with the prosecutors, and to benefit from the regional and international police cooperation continued to be in the focus of the EU Support to Law Enforcement Project's activities from September to December 2013.

Featured are the past four months' highlights.

Enjoy the reading!



None can keep proceeds of crime

A set of minimum legal standards in the field of seizure of illegally gained assets in BiH was presented by the Project in September. "We strongly believe that translating these minimum legal standards into existing and new legislation is necessary to develop effective asset recovery structures across the country", said Brigitte Kuchar, Programme Manager of the EU Delegation to BiH.

Harmonisation of legal provisions will prevent different interpretations and inconsistent application of procedures in the financial investigations and seizure of illegally gained assets in BiH.

"Furthermore, it will remove obstacles for cooperation between police, prosecutors and courts and enhance possibilities for the international cooperation", added Aleksander Jevšek, Long Term Expert.

Mladen Ćavar, Deputy Minister of Security of BiH, noted that the overall fight against organized crime represents one of the top priorities of the security system in BiH. *"Successful fight against crime is one of the main preconditions and criteria for the accession to the EU. This is the most efficient tool in the fight against all forms of crime, which is a clear message to all those involved in illegal activities that the crime does not pay off."*

Once harmonised, the issue of seizure of illegally gained assets in BiH will be in line with the draft Directive of the European Commission on freezing and confiscation of proceeds of crime from March 2012.

In addition, in cooperation with the High School of Internal Affairs of Banja Luka, the Project promoted a book entitled "Seizure of Illegally Gained Assets in BiH – Present and Future Challenges," which provides a comprehensive overview of the current state of play in this field. The book was made available to all relevant stakeholders, police academies and university libraries across BiH.



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Eight stolen cars identified

The operational exercise organised by the Project on vehicle theft and trafficking led to the discovery of origin of eight vehicles impounded by Sarajevo Canton Police. *“Our forensics determined that these vehicles were stolen but did not have the access to the tools to prove with a certainty where they come from. This was made possible today with the access to the EUVID database and fast exchange of information with the colleagues across the EU,”* said Adi Biser of the International Police Cooperation Sector, Directorate for Coordination of Police Bodies of BiH. Two cars originate from Germany, two from Austria.



Participants also addressed the vehicle theft and trafficking trends in the region, sketching an overall picture of the current situation and highlighting new methods used by criminal groups to steal and resell high-value vehicles for considerable profits in BiH and across Europe.

“The key to today’s operational success was the fact that throughout the operation police in the field was able to directly access the crucial data contained in the EUVID. We have provided each agency with the latest edition of this database for their use,” said Günter Bechtloff, said Long Term Expert.



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Joint Investigation Teams in BiH – challenge and opportunity

Complex cases require complex cooperation – within the country and beyond. The JITs are the best examples how to cooperate with different police bodies, judicial and financial institution on a crime investigation. *“We believe that this model can be used in BiH as added value in national and in the development of international cooperation in criminal matters in general. This requires stepping up operational cooperation from an informal ad hoc basis to an organised and systematic manner,”* said Severin Strohal, Head of Operations Section for Justice and Home Affairs, EU Delegation to BiH.

Aleksandar Faladžić, Chief of Section for Investigations and Witness Support, BiH Prosecutor’s Office, underlined that this concept provides criminal justice with a new approach to the fight against organized crime and corruption. *“Traditional methods are obviously not sufficient for fighting organized crime successfully.”*



Although BiH is not a member of the European Police College, its methodology developed for the EU MS was used in the training.

“CEPOL’s mission is to encourage cross-border cooperation in the fight against crime by organising training activities and research findings. We expect a close cooperation between BiH and CEPOL,” said Gyula Radi, Long Term Expert.

Police Crisis Response at the Highest Level

A six-month training cycle aimed at enhancing police crisis response, which involved around 200 officials of the RS Ministry of Interior and Brčko District Police was finalised in December. Two modules: response to manmade or natural disasters and enhancement of police negotiation capacities put on trial a response time, internal and external communication, as well as adherence to the procedure. *“The training that we implemented throughout 2013 with the support of the Project aimed at training officers to handle emergencies and crisis and adopting the best EU practices. Unannounced exercises held in all Public Security Centres allowed for testing the level of our readiness to respond,”* said Gojko Vasić, RS Police Director.

Police negotiation capacity is relevant segment in handling crisis. Nowadays, police negotiators respond not only to hostage situations but also to barricaded and suicidal persons, domestic disputes, and other types of critical events where the application of their communication skills can positively influence the outcome. In parallel to supporting further development of the negotiators’ teams in the RS and assisting in its establishment in Brčko Police, the Project rendered assistance in improving the quality of the by-laws too.

“The Project leaves behind a fully functioning emergency response structure in these two institutions and we are proud of that,” said Darko Lesjak, Long Term Expert.



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Trafficking in human beings

Prevention of smuggling and trafficking in human beings was the focus of the seminar for BiH law enforcement with the colleagues from the Austrian Criminal Intelligence Service and International Centre for Migration Policy Development.

Since 2004, ICMPD has been active in strengthening the law enforcement capacities in this field. ICMPD is also one of the Project's consortium members.



“In scope of the Project, we provide an overall logistical and administrative management as well as the backstopping of international and national experts,” said Julijana Marić, ICMPD representative in BiH.

Long-time presence in the country and well established cooperation with numerous local and international key players in the areas of law enforcement, migration, asylum, border management, return, integration, and trafficking in human beings was utilized at the time the Project proposal was drafted. *“The Project will come to an end but the ICMPD’s engagement in BiH shall continue allowing for the sustainability of the action and further sharing of knowledge and experience gained through the Project implementation,”* added Marić.

ICMPD is present in BiH since 1998. In April 2011, the country got status of the Member State. As of 2014, it will chair the ICMPD Steering Group for one year. *We will be extending maximum support to the BiH authorities in fulfilling this obligation,”* concluded Marić.



Project Assists Border Police

In November, the Project has launched a discussion on modifications in the areas of organization, staffing, and equipment of Border Police of BiH.

To that end, Project presented the outline of the activity to the management of Border Police, the Heads of all Departments and Field Offices led by Director Vinko Dumačić. *“I presented our plan for assistance to the Border Police in developing a plan for modifications in the three areas: overall organization, staffing and equipment prepared in line with the best practices of the EU Member States, the Schengen borders and the external borders of the EU,”* said Branko Celar, Long Term Expert.

Proper organisation of human and technical resources is of crucial importance for efficient work, particularly having in mind the fact that since June 2013 BiH is sharing over 1000 km border with the EU. In the months to come, the Project will make the expertise from the EU countries, Slovenia and Croatia in particular, available to assist in the implementation of this activity, which is to be finalized by March 2014.

Gender Matters

The law enforcement sector is yet to face the challenge of appointment of the gender focal point. How to accelerate this process and comply with the obligation stemming from the UNSC Resolution 1325 “Women, Peace and Security using the lessons learned from the defence sector was the focus of the roundtable hosted by the Ministry of Security in cooperation with the Project in December.

“Only a society that uses all human resources – men and women – is using its full potential to develop prosperity. The same is valid for any institution and in particular for police forces that should reflect the society they serve,” said Brigitte Kuchar, Programme Manager of the EU Delegation to BiH.

The role of the gender focal point is to raise awareness, and develop competence regarding the effective implementation of the gender mainstreaming process. *“I would therefore like to urge law enforcement agencies at all levels to appoint and train gender focal points within the shortest possible period of time,”* said Murveta Džaferović, Assistant Minister of Security of BiH.



The next step will be development of standard operational procedures for gender focal point, which the Project will support.



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The Role of ICT in Security

Improvement of legal basis for the access to and protection of data, development of standard for technical solutions to ensure systems compatibility and exchange, to strengthen support and professional education of IT personnel are the preconditions for more efficient functioning of the ICT within the law enforcement. These were *inter alia* conclusions of the conference organised by the Project in November on the role of ICT in security.



Emphasising that the ICT is a dangerous weapon in the hands of criminals but powerful tool in the hands of police, Assistant Minister of Security of BiH Samir Rizvo praised the role of European Union. *“The EU has invested a lot in the development of the ICT sector within the law enforcement, particularly in the field of forensics and lawful interception.”*

The ICT must become one of the policy priorities while discussing the security at all levels of government in BiH. *“Further development of this segment requires professional use, cooperation, coordination, trust, but also additional investments and systematic enhancement. However, without the right preconditions - from the strategic level over the legal ground to the operational readiness – I am afraid the investments cannot be used to the full potential,”* said Brigitte Kuchar, Programme Manager of the EU Delegation to BiH.

Further development of the ICT sector also requires continuous upgrade of the existing level of professional and effective cooperation between the police and judiciary is needed. *“With the establishment of the electronic data exchange system of police and prosecutor registries, BiH has formalised the principle of data exchange but needs to become a part of day-to-day police work,”* said Almir Babić, Long Term Expert.

The Project has forwarded the list of conclusions to all relevant stakeholders and will follow-up on the implementation in early 2014.



Data Protection Requires Unique Standards

“BiH must establish unique standards in the field of data protection if the country wants to have access to Europol database,” said Long Term Expert Matjaž Šinkovec for Banja Luka-based *Nezavisne Novine*, following a workshop on data protection. Underlying that while different police agencies in BiH can have different laws, the standards have to be equal and correspond to the EU acquis.

The field of data protection must be regulated to the maximum. *“It must be legally defined who has the access, under which terms, how is data being stored, how is data being destroyed and alike. We are currently working on harmonization of these regulations with the EU standards.”*

Based on our proposal, BiH can prepare its draft law,” concluded Šinkovec.



SIPA Trains with Hungarian TEK

The Project in cooperation with SIPA hosted a specialised training on the alpinism and speleology in the framework of incident response for the members of the SIPA Special Support Unit and the Counter Terrorism Centre (TEK) of Hungary in September in Sarajevo.

Advancement of the institutional capacities of SIPA personnel, particularly strengthening of the SIPA Special Support Unit skills in fighting crime is one of the Project's objectives. *“This exercise is the second in sequence of operational trainings launched in October 2012 in Hungary on mental tactical improvement when grounds for future cooperation were discussed, and which continued with close combat tactics and shooting exercises in January 2013, organised and hosted by the TEK,”* said Peter Makai, Long Term Expert.

A one-week physically particularly demanding exercise was a chance to upgrade and excel the knowledge and skills. SIPA SSU Commander Mirsad Vilić expressed satisfaction for having had the opportunity to train together with the colleagues from Hungary. *“I must praise the involvement and dedication of the trainees and emphasise a selfless exchange of knowledge and experiences”.*



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Police Integrity

Police integrity and conflict of interest during investigations were discussed at the seminar organised by the Project in November for officials of the law enforcement and the Agency for Prevention of Corruption and Coordination of the Fight against Corruption in BiH. Long Term Expert Karlheinz Gortano said that the seminar provided guidelines for mechanisms to assess integrity risks and knowledge transfer in designing effective integrity programmes.

“Integrity Risk Assessment is critical to design an effective integrity programme, featuring four elements: the efficient implementation of legal regulations, prevention, investigation, of all cases of corruption in the police as well as education of police.” If the integrity is declared a priority for the police, it will serve as an impulse in assuming responsibility in investigating corruptive acts and thus influencing change.



Progress in the fight against corruption overall can be achieved only through coordinated and systematic efforts involving all segments of society.

“Modern trends in the fight against corruption are dealing more with the prevention aspect - recognising what causes corruption and what are the risks for its development, and having institutional measures in place to pre-empt and prevent corruption. The Agency is aware of its role and hopes to be focusing more on preventive measures, strengthening transparency in the work of public sector and removing causes of corruption,” said Sead Lisak, Director of the Agency.

In cooperation with the Agency, the Project will continue strengthening institutional capacity of the law enforcement and other stakeholders dealing with integrity and conflict of interest issues and provide knowledge on international standards and the best practices.



CEPOL Completes Fact-Finding Mission in BiH

The fact-finding mission of the European Police College (CEPOL) facilitated by the Project was completed in December.

“CEPOL representatives have conducted the fact finding mission at the three police education institutions i.e. Agency for Education and Professional Training of BiH, and Police Academies of Republika Srpska and Federal Ministries of Interior and declared that all criteria assessed comply with the requirements,” said Guido Fickenscher, Long Term Expert.

CEPOL is prepared to start official negotiations with the BiH authorities on signing a working agreement as soon as the issue of the focal point is agreed on among the BiH stakeholders. *“The advantages that membership in CEPOL offers are manifold: from participating in different education and training modules, establishing professional contacts with the EU colleagues to exchanging best practices and experience. The project is prepared to continue offering its assistance in having the working agreement in place,”* concluded Fickenscher.

Project Statement

The project team shall share and learn, listen and advise, liaise and cooperate, trust and be trusted allowing for flexibility, transparency, dialogue with civil society, and continuity of action. It should not reinvent the wheel but build upon already existing structures and mechanisms, formal and informal, focusing on solutions that will remain after the project ends, combining European standards with BiH practice.

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