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Introduction

Passed in November 2001, the United Nations Security Council Resolution 1377¹ notes the importance of regional organizations such as OSCE in fighting and preventing terrorism – including promoting best practices and assisting with implementation of resolution 1373, the comprehensive anti-terrorism document passed in the wake of the September 11th attacks on the United States.

As part of the international community's increased mobilization in fighting and preventing terrorism post-September 11th, the OSCE organized a December meeting of the Ministerial Council in Bucharest. Less than two weeks later the OSCE, along with the UN Office for Drug Control and Crime Prevention, hosted the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to counter Terrorism.

Following up these conferences, the OSCE Secretariat's 'Road Map on Terrorism' calls for OSCE missions to monitor and report developments related to fighting and preventing terrorism – concentrating on factors within all three dimensions which provide fertile ground for terrorism – and define ways how the OSCE can address these problems.

The purpose of this paper is to meet the task laid out in the Secretariat's Roadmap, namely:

To give a comprehensive view of Bosnia & Herzegovina's international political and legal commitments in the fight against terrorism;

To provide insight into the current situation in the country, focusing on the root causes of terrorism and the opinions of those directly involved in the fight against terrorism in BiH;

To summarize the progress that has been made in BiH to fight and prevent terrorism;

¹ UN S/RES/1377 (2001)

To define ways in which the Mission within the OSCE concept of a comprehensive approach to security can address these issues.

This publication is a shortened version of a paper prepared by the author and co-authors for the OSCE Mission to Bosnia and Herzegovina at the end of July 2002.

Col Dr. Alfred C. Lugert
Vienna

I. Definition of Terrorism

The international community and individual States alike have grappled with the problem of creating a viable definition of ‘terrorist’ activity. Academics, politicians, security experts, and journalists currently use a variety of definitions of terrorism. The variances in these definitions will depend on the point of emphasis of the user. The main stumbling block is the propensity and ease of politicians, the public, and the media in various parts of the world to judge groups by the merit of their goals rather than the tactics or methods used to achieve those goals. The dilemma is well summed-up by the cliché, “One man’s terrorist is another man’s freedom fighter.”² This point is well illustrated by a comment from the Jordanian delegation to the UN in October 2001, in maintaining that any definition of terrorism not include “use of force in cases of self-defense and when used against foreign occupiers to achieve self-determination.”³

Why have a definition of terrorism?

Several observers have highlighted the need for an international agreement on the definition of terrorism, as imperative for any attempt at international co-ordination against terrorist threat. Otherwise the term ‘terrorism’ will continually be politicized according to who supports which cause. The lack of clarity in the definition of terrorism can be easily exploited by terrorist organizations that may wish to attract sympathy and support for their movements. Real international co-operation in the discovery, investigation, extradition, and criminal proceedings of terrorists is predicated upon a common understanding of what makes a ‘terrorist.’ For example, the international agreements on extradition traditionally allow for a ‘political offense’ exception. Since terrorists are motivated by political goals, it must be made clear where to draw the line on this political offense exception, allowing appropriate

² Ganor, Boaz. “Defining Terrorism: Is One Man’s Terrorist Another Man’s Freedom Fighter?” International Policy Institute for Counter-Terrorism – www.ict.org.il. 23 Sept. 1998.

³ UN GA/9925: “Assembly Hears Call for Definition of Terrorism.” 3 October 2001.

extradition for those who commit terrorist crimes. International conformity on a concise description of a ‘terrorist’ act can help to eliminate any ambiguity in extradition laws.

Domestically, a well-crafted definition of terrorism can allow crimes aimed at terrorizing particular communities or groups to be punished more severely than standard criminal activity. This is particularly relevant in Bosnia and Herzegovina, where there is a real need to deter such activity so that resolution of national problems (such as return of refugees or displaced persons) can be accelerated.

Most importantly and hopefully, a well-constructed definition of terrorism may actually alter the behavior of would-be terrorists, by deterring them from actions would be considered ‘terror.’ Facing heavier and more unified sanctions under national and international law, they may instead turn to more ‘legitimate’ forms of struggle – such as guerilla warfare, peaceful protest, or political activism. An incentive is created to turn away from targeting civilians with violence.

Creating a Definition that Works

As with any crime, the difficulty in defining terrorism is to find language that includes everything that would be considered ‘terrorism,’ without including activity that should not be criminalized. Human and civil rights groups around the globe have voiced their dissatisfaction with many of the attempted definitions – even claiming that some may “endanger legitimate dissent.”⁴

The choice is between a reactive and proactive definition of terrorist activity. A reactive definition would define specifically each kind of act that is considered terrorism – for example, hijacking a plane, taking hostages, “use of a bomb, grenade, rocket, automatic firearm or letter

⁴ “EU to adopt new laws on terrorism.” Statewatch News Online – www.statewatch.org. September 2001.

bomb if this use endangers persons,”⁵ etc. The problem with simply using an explicit list of terrorist act is that terrorists, much like ordinary criminals, can always find new and creative ways to carry out their business – ways that lawmakers may not even be able to imagine now. An interesting example – which the BiH government would likely try to emulate in its attempt to work toward eventual European integration – is the European Union Council Framework Decision⁶ on combating terrorism. This decision contains a nine-point list of specific acts which will be considered terrorism if meant to seriously damage a country or international organization.

The alternative is to create a definition meant to encompass all possible future terrorist techniques. However, this runs the risk of encroaching on civil liberties by including acts not considered criminal by the public at large. A 1995 UN General Assembly Resolution referred to terrorism as “Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes.”⁷ In countries with a history of strong civil society and openness toward protest, there is little chance that even over-inclusive language would allow non-violent civil protest to fall under the scope of ‘terrorism.’ The media and the public would be likely to create such an outcry that using ‘terrorism’ to charge protesters or dissidents would be untenable. However, in countries – such as BiH – with newly developing democracy and little to no history of civil society or freedom of opposition, sweeping or ambiguous language could be more easily utilized by those in political power to stifle dissent or protest.

⁵ European Convention on the Suppression of Terrorism

⁶ EU Council Framework Decision of 13. June 2002

⁷ UN A/RES/50/53 Paragraph 2 (11. December 1995) AND UN A/RES/49/60 Annex I.3 (9. December 1994)

However, it is clear from all efforts that terrorism has 3 main elements:

- Intentional violence or intentional threat of violence
- Intentional targeting of civilians
- Political objective

In BiH this includes both the more publicized international terrorist groups or supporters, as well as domestic terrorism – aimed at preventing returnees, for example.

II. Addressing Root Causes of Terrorism

Some of the root causes of terrorism that have been identified by several observers concerning the international terrorist scene might also be applied to the situation in Bosnia and Hercegovina. The frustration that leads to violence can be considered to result from a number of factors. Some of these may include poverty, lack of education, the effects of being constantly subjected to a cycle of violence, a sense of injustice and, what has been much discussed recently, dissatisfaction and resentment over Great Power foreign policy.

II.1. Various Sources of Terrorism

- No circumstance or cause can justify terrorism. At the same time there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support.⁸
- The OSCE will work to ensure that persons belonging to national minorities have the right to freely express, preserve and develop their ethnic, cultural, linguistic or religious identity.⁹
- Areas where the OSCE can bring added value: Focusing attention on addressing root causes, such as economic and social isolation, which can be fertile ground for extremist ideologies, and fighting the ‘grey zones’ of organized crime, including trafficking in people and arms.¹⁰
- Missions could, as appropriate, concentrate on factors, developments and conditions which provide fertile ground and environment for terrorism and facilitate its emergence in order to

⁸ Bucharest Plan of Action for Combating Terrorism, December 2001

⁹ ibid

¹⁰ ibid

assist on preventing and countering those, in all three dimensions of OSCE field activities.¹¹

- Missions should aim to identify economic and environmental issues and factors that undermine security, such as poor governance; corruption; illegal economic activity; high unemployment; widespread poverty and large disparities; demographic factors; and unsustainable use of natural resources.¹²
- We can and should concentrate on understanding the causes of terrorism. It is more than obvious that poverty, ignorance, oppression, lack of human rights, absence of social and political dialogue, refusal to grant people their basic political rights and, implicitly, a voice for their demands – these all generate fertile environments for ethnic and religious tensions and extremism. These, in their turn, lead to the aggregation of organized groups using violent means to achieve economic, social or political ends. Weak or failed states, where absence of rule of law creates areas outside any sovereignty or control in which organized crime develops, are true havens for terrorist networks. There is an undeniable link between economic backwardness, lack of human rights and liberties, the frustrations they engender and, respectively, extremism and violence. The international community is also guilty of applying double standards in dealing with States-sponsored external terrorism. In this respect, we need a generally accepted definition on terrorism. Without it our efforts to cooperate will be seriously hindered. There cannot be bad terrorism and good terrorism; bad crimes and good crimes; bad destabilization and good destabilization; bad coups and good coups.¹³

¹¹ OSCE Secretariat's Road Map on Terrorism, March 2002

¹² *ibid*

¹³ Statement by Mr. Adrian Severin, President of the OSCE Parliamentary Assembly. Interparliamentary Forum on Combating Terrorism. St. Petersburg, March 27th, 2002

- Those who engage in terror rely upon a set of circumstances that allows them to operate, and to gain support and legitimacy amongst broad communities. Environments that allow terrorism to thrive include difficult socio-economic conditions, systematic exclusion, alienation and a lack of opportunities for more moderate voices to emerge in order to counter extremism. Such an environment can, if the existence of persistent tensions and disputes are not properly addressed, serve as a hothouse for the cultivation of radical ideologies, extremism as well as terrorism.¹⁴
- The central task of the OSCE should be to isolate the people of violence by dealing directly with the social and political environments where terrorism can flourish. The dissemination of ideologies that justify hatred and violence must be met with an effective display of countermeasures and counter arguments based upon the philosophy of tolerance and respect for the worth of the human being.¹⁵
- Taking a more long-term view, root causes of terrorism, reasons why people join terrorist and extremist organizations need to be addressed. Legitimate, non-violent dissent should have its place in any society even during the toughest times. People should be free to practice their religion or to associate with their co-ethnics. Anti-terrorism measures targeting specific ethnic or religious groups would not only be contrary to international law. They would also risk driving these groups into the hands of extremists who would be able to prey on grievances of those who feel that they are victims of intolerance and persecution.¹⁶

¹⁴ Mr. Rolf Ekéus, OSCE High Commissioner on National Minorities: INTERNATIONAL TERRORISM AND VIOLENT EXTREMISM AS GLOBAL CHALLENGES, presented at Bishkek International Conference on Enhancing Security and Stability in Central Asia, December 2001

¹⁵ *ibid*

¹⁶ Mr. Gérard Stoudmann, Ambassador, Director of the OSCE Office for Democratic Institutions and Human Rights: CAN WE PROTECT HUMAN RIGHTS WHILE COMBATING TERRORISM?, presented at Bishkek, December 2001

- At the same time, however, it has become more difficult recently to distinguish, empirically, between terrorists in the tactical sense of the concept given above and many recent rebel movements and insurgencies that have taken to the hills or the bush in the name of advancing popular grievances against what they perceive to be unjust regimes or other political opponents. The fact that many such movements in fact have used terrorists tactics recently in the form of ethnic cleansing, assassinations of officials, suicide bombings, and so on, has led to a blurring between terrorism and a larger category of armed activity such as that involved in the many recent intra-state violent conflicts that have also emerged on the agenda of the international community.¹⁷
- Further research and analysis is required to understand the precise relationship between people who employ extreme violence, including terrorism, and the emergence of broad constituencies prepared to support such individuals. Nevertheless, it is clear that for terrorists to operate effectively, in particular the new type of terrorists that have appeared in recent years, certain preconditions must exist. Tackling the causes of tension, conflict and feelings of injustice within our societies is a key means to prevent these preconditions from emerging and thereby a powerful means to combat effectively terrorism and those who engage in and advocate terrorist activities.¹⁸
- In developing preventive strategies, it is necessary to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that often underlie the immediate political symptoms of conflict. Such structural factors can relate to social exclusion and policies that affect group access to basic

¹⁷ Michael S. Lund, Senior Associate, Management Systems International, Inc., Washington, D.C.: CONFLICT PREVENTION: THE ALTERNATIVE TO TERRORISM, INSURGENCIES AND ATTEMPTS TO SUPPRESS THEM, presented at Bishkek, December 2001

¹⁸ Mr. Neil Melvin, Senior Adviser to the High Commissioner on National Minorities of the OSCE: STRATEGIES OF INCLUSION: REDUCING THE RISK OF THE RADICALISATION OF MINORITIES, presented at Bishkek, December 2001

resources and services such as health, education, employment, land and that also deny human rights or do not enable full participation in political decision-making. Poverty reduction and equitable development are fundamental to addressing the root causes of violent conflict and to securing durable peace. The strengthening of government, civil society and regional actors to promote conflict prevention is also very important.¹⁹

- We can draw a number of lessons from our experience [in Northern Ireland]. First, security policy and firm legal action alone will not eliminate terrorism. The key to success is to deprive terrorists of the support of the non-violent majority. Second, short cuts, which ignore basic civil liberties and human rights, only create martyrs and engender further violence. Third, the rule of law must be the basis of any approach to fighting terrorism. Otherwise the authorities lose the moral high ground and the support of moderates. Fourth, political engagement - and discussions, in which views with which governments may profoundly disagree can be freely expressed - is essential to provide an alternative to violence. A peaceful alternative cuts away from the terrorists the support of many who share or sympathize with their aims but not their methods. Fifth, economic, social and historical grievances and discrimination must also be addressed to deprive the terrorists of support. Once peace is achieved, investment and economic regeneration will flow and support long-term stability. And finally, our experience in Northern Ireland shows that deep-rooted problems that give rise to terrorism cannot be solved rapidly. Everyone involved has to be prepared for a long haul and show patience, determination and a willingness to recognize legitimate grievances. That is the only way to deprive terrorists of the tacit support of moderates on which they depend.²⁰

¹⁹ Mr. Jakob Simonsen, Deputy Regional Director, United Nations Development Program (UNDP) Regional Bureau for Europe and the CIS: ADDRESSING ROOT CAUSES: IMPROVING SOCIAL AND ECONOMIC PROSPECTS, presented at Bishkek, December 2001

²⁰ Mr. John De Fonblanque, Ambassador, Head of the UK Delegation to the OSCE: STATEMENT presented at Bishkek, December 2001

- Security and stability do not result only from effective action to defend national borders against external threats from terrorist networks or cross-border organized crime and drug trafficking. They also result from the existence of strong and modern societies where the rule of law, economic prosperity and social justice are accessible to all. Removing the causes of disaffection, of social, religious or economic marginalization, will make an enormous difference. Preventing the drift of desperate people towards violent extremist movements by offering them an alternative within their own society is the only sensible path. The rule of law and respect for human rights, freedom of expression, equitable treatments of ethnic and religious minorities and a fair justice system, these are our safeguards. As long as we all comply fully with our commitments, we can withstand any attack by terrorism on our values.²¹

II.2. Politico-Military Dimension

Sense of Injustice

‘We do not have a single human right which we can say is fully respected, without discrimination. Almost all of us [Bosnians] are deprived of some human right.’²² The human rights referred to by Mr. Todorovi_ principally concern the refugee situation in Bosnia. According to figures from the UNHCR nearly 800,000 have returned to their pre-war homes. This is out of a total of approximately 2.2 million people who were forced to leave their homes during the war. Bosnian Serb Prime Minister, Mladen Ivani_, has also spoken of ‘serious problems’ of human rights in both the Republika Srpska and the Federation parts of BiH over the last few years.

²¹ Mr. Mircea Dan Geoana, OSCE Chairman-in-Office, Romanian Minister for Foreign Affairs: CLOSING REMARKS, presented at Bishkek, December 2001

²² Branko Todorovi_, Head of Bosnian Serb Helsinki Committee for Human Rights, quoted at <http://www.unhcr.ch/cgi-in/texis/vtx/home/+cwwBme5c0hswwwnww.../opendoc.html> [May 17th, 2002]

Returnees, particularly in the RS have been continuously exposed to violent assaults, provocation and discrimination. Between March 2000 and April 2001, 374 assaults were registered against returning refugees (65% in RS, 31% in the Federation and 4% in Brčko District).²³ The most aggressive attacks took place in northeastern and eastern Bosnia and eastern and southeastern Hercegovina. In addition to violent physical and verbal assaults returnees have experienced difficulties concerning the education of their children, a lack of employment possibilities and problems related to health care, pensions and disabled persons insurance. The IHF identifies a key hindrance to effective return as the negative attitude on the part of the local authorities towards returning refugees and displaced persons.

‘Contrary to the decisions of High Representative Petritsch, according to which private and former social ownership (converted mainly to state-owned) was to be protected in the entire BiH, usurpation and misuse of the land was common, particularly in RS and the HDZ controlled area. Numerous private properties and social property in RS were unlawfully allocated to Serb refugees and displaced persons. The same applied to the land surrounding Mostar, where Croats profited illegally. Such usurpation and misconduct, including corruption, directly contributed to the non-implementation of crucial stipulations of the Peace Accord, which provides for the right to return and for the return of property as well as the establishment of legal security, democratization and legalization in BiH’²⁴

According to the OSCE mandate: ‘Democratic institution building to strengthen democracy, human rights and the rule of law should remain a central theme for OSCE Field Activities.’²⁵

²³ IHF, ‘Report: Follow-up Needs Assessment Meeting of the International Helsinki Federation for Human Rights’, [On-line] Available:

<http://www.ihf-hr.org/reports/BADV/BosnJul01fin.pdf> [May 16th, 2002]

²⁴ IHF, ‘Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America’, [On-line] Available:

<http://www.ihf-hr.org/reports/arol/Country%20issues/Countries/Bosnia-pdf> [May 16th, 2002]

²⁵ OSCE Secretariat’s Road Map on Terrorism, March 2002

As US Secretary of State Mr. Colin Powell said in Bucharest recently, 'Respect for the dignity and rights of the individual, and the strengthening of democratic institutions lead to more stable nations and a more stable world where the seeds of terrorism cannot take root and grow. By encouraging tolerance for ethnic and religious differences, and by defending the rights of citizens belonging to national minorities, we deny terrorists a pretext for their self-serving violence. And so, as we press ahead with our efforts to defend our citizens against terrorism, each of us must make a renewed effort to strengthen fundamental freedoms that have been the heart and soul of the Helsinki process since its inception.'²⁶

The democratic institution building referred to above could be considered more problematic in BiH: 'It is definitely very difficult to have good results with the laws that we have.'²⁷ 'Concerning the rule of law we haven't had rule of law for 50 or 60 years. We had law of Communism and then war and then post-war period. Now we need to educate a new generation but this cannot be done overnight.'²⁸

'There are two problems concerning BiH's obligations in the fight against terrorism. The first problem is that the other European countries have established social and political institutions to take care of this issue. BiH does not have this. Nevertheless, BiH has obliged itself to bring new laws. Since they have signed most conventions by now BiH has obliged itself to bring those laws. Last October it was agreed that OHR would help to bring about those laws. They were supposed to bring the laws on the state and entity level... We had a plan to issue a booklet to state all laws adopted/not adopted but we have had financial problems. SFOR are helping us with this. The whole process is hard-going, usually for subjective reasons, political connotations. We have written 2 or 3 letters to ask for help but have received no help at all. (*Refer to Appendix 3*) Why not? Ask the politicians. I don't know the answer. But we have

²⁶ Mr. Stephan Minikes, Ambassador, Chief of the US Mission to the OSCE: STATEMENT presented at Bishkek, December 2001

²⁷ Interview Partner 6, June 20th, 2002

²⁸ Interview Partner 4, June 4th, 2002

spoken to the OHR. If the laws are not brought soon we will ask the High Representative. One example: a big problem is to chase suspected terrorists out of the country. There are no laws for this. And those existing are so complicated that we may abuse human rights and not even finish the job.

That was the first problem. The second problem is that even when we get the laws, who will do the job? BiH does not have the institutions on the state level for political reasons. It's quite possible that BiH is the only country in Europe and the World which does not have police or security forces on the state level. And this is a problem for the OSCE. It is difficult to expect the entities to solve this. It is not their problem. Not only are there no institutions but there are no organs, no departments, nothing dealing with his problem. The Co-ordination team is in the position where they are in fact this department but then the department has no jurisdiction. They can not issue orders, only suggestions. It is quite hard to explain this problem to people who don't know the situation here. Another problem is strengthening existing institutions. Although IPTF has done a lot and should be recognized for this its main task is not complete: It has to divide the police from politics. It hasn't been done. 50-60% of police officers in both entities do not have the basic things needed to perform their duties. They do not receive regular salaries which leads to corruption. Police Commissioners are often pressured by the Ministries to resign. Big problems can be expected in the future. But I believe IPTF should stick to its program and continue its work. I am speaking frankly now, friend-to-friend and I think we can keep this between us. The Sarajevo canton police are the most organized department of the police because IPTF works with them. We have asked the Ministry of the Sarajevo canton police to give us a list of official complaints where the budget of BiH was damaged in excess of 1,000,000 KM. Between 1996 and 2001 we received 11 complaints. The Ministry of Interior received no back-up information from the judiciaries on what is going on with those cases. It is clear that this means the judiciary is obstructing these cases. We have sent a letter to the OHR since the judiciary is under control of the IJC. I was really surprised to get the answer from the OHR that not one single judge made any kind of mistake concerning these cases. Nobody was convicted, some who were convicted were then acquitted. I was very disappointed. Why have I told

you this? Every judge's salary is around 3000 KM but they complain there are no resources to work. Police officers receive 400-500 KM and they don't complain. Judges make a mockery of police officers when they are doing their jobs. It is very complicated. We have to strengthen institutions in the long term. Don't get me wrong. In some cases the OHR has helped us. For example in the Pogorelica case, if the OHR hadn't helped who knows what would have happened? If it had gone to those judges who knows... We have big problems. It is time to solve this. I don't want to go into the details of each obstruction case but we have seen how incredible it is that one person who is supposed to be watched over all the time can just disappear. Whatever you touch around here is a catastrophe...the citizenship issue, war, mujahadin issue...it's all a disaster. For the past four months we have been waiting for the Federal Minister of the Interior to resolve the problem of the employees who had issued citizenship papers and who are now trying to take them back. One lady who has given out citizenship is now stating that they were given illegally. For those 17 people who have 2 or 3 other citizenships she has now stated that the others are legal.'²⁹

Dissatisfaction/Resentment over Foreign Policy

This section is inextricably linked with that on a sense of injustice. Despite the fact that the situation in BiH has improved in the years since the war, the Bosniaks could be forgiven for harboring some feelings of resentment concerning the treatment they suffered at the hands of the International Community during the war. In addition to this there is the question of war criminals who are still at large, adding to feelings of instability and the sense that not enough is being done to have them answer for crimes committed during the war.

The root causes of terrorism also include the manipulation of unrest within a country by external organizations or governments for purposes of their own unconnected with the end result.³⁰

²⁹ Interview Partner 3, June 13th, 2002

³⁰ OSCE Mission to Croatia. Interoffice Memorandum. OSCE Task Force on Terrorism

The world in general and the U.S. in particular are nowadays disinclined to recall the circumstances that made the internationally recognized Republic of Bosnia and Herzegovina dependent on Arab largesse and Iranian arms during the war, let alone caused it to welcome some 3,000 Islamic volunteers into its armed forces. There is thus little public awareness abroad of how and why Bosnia finds itself with a mujahadin legacy today.³¹

This point has also been highlighted by a representative of the Bosnian government:

‘For the amount of money the members of the International Community receive they should be able to do much more. For example with the media, more than a year was spent dealing with the public broadcast service and the laws. I don’t understand it. I believe the IC is stalling in order to be able to stay here longer. With the SFOR Harvests, every year calling to give back arms, for how long? In Italy if you are found with a weapon you get 5 years in jail immediately. Will we have to find an atomic bomb before we convict someone? There are so many things that could be done but evidently it is not in the interest of some people. Maybe they don’t want the situation to change. Without a secure BiH, there is no secure Europe. It is in everyone’s interest to resolve the situation.

The IC here has certain mechanisms with which it can influence people. They don’t use them enough. There has to be a partnership. Local institutions should have the chance to do their own job by a certain deadline but if they don’t then the foreigner with the big salary should take over. So many procedural mistakes were made for example with the extradition of the Algerian group. If the UN cannot keep their own house in order then how can we do it? How does Miss Picard get such a big salary? The IC in BiH sometimes expresses the interests of their own country over the situation here. The IC now wants us to deal with the Mujahadin issue. Why doesn’t somebody explain how they got here in

³¹ International Crisis Group, ‘Bin Laden and the Balkans: The Politics of Anti-Terrorism’, November 9th, 2001

the first place? I will tell you: certain countries have brought those people to work as intelligence during the civil war in BiH. They didn't fall from Mars, they were given money to come here. I will not mention the names of the states. Anyone who knows a little about BiH will know what's going on.' ³²

'Terrorism is not starting or ending its activities in BiH. Terrorism is mainly established in an area where they have bigger access to power and money. Strong financial funds and ideology create terrorism. Power and poverty again create guerrilla activities. The influence of the US on these issues is vital. If they are capable of putting the rule of law and human rights first then maybe things might start going in the right direction. The problem is that everyone thinks they are fighting for human rights: guerrillas and governments.' ³³

³² Interview Partner 3, June 14th, 2002

³³ Interview Partner 4, June 14th, 2002

II.3. Economic and Environmental Dimension

Poverty

In recent years unemployment rates in BiH have been hovering around 40%. High unemployment rates have been demonstrated to shape social and economic dynamics in important ways. ‘Unemployment rates breed social strife, raise some individuals and groups’ propensity to engage in illegal and criminal activities, and favor the proliferation of non-conventional threats.’³⁴ The failure of the local economy to undertake adequate reform and provide new jobs for the work force left redundant by inactive industrial plants contributes to the number of people turning to the underground economy to help them make a living.

As President Bush has said: ‘Poverty doesn’t cause terrorism. Being poor doesn’t make you a murderer...Yet persistent poverty and oppression can lead to hopelessness and despair.’³⁵ There shall be no excuses for extremism and terrorism, but it is necessary to understand the environment and its breeding ground to be able to fight it successfully. People living in extreme poverty, deprivation and general lack of dignified future might be more prone to extremism.³⁶

[Participating states] will, in the realm of the Economic and Environmental activities for 2002, also consider ways of combating economic factors which may facilitate the emergence of terrorism, economic consequences of terrorism as well as financial support for terrorists. Will consider how the OSCE may contribute, within the framework of its work on transparency and the fight against corruption, to the wider international effort to combat terrorism.³⁷

³⁴ Daniel Daianu, ‘Unemployment in the Balkans: How Much of a Concern?’, *The Balkan Times*, May 24th, 2002.

³⁵ US Mission to the OSCE. Financial Aspects of the International Coalition’s War on Terrorism: Steps Toward Leadership for the OSCE.

³⁶ Jan Kubi_ speaking at OIC-EU Joint Forum, Istanbul, 12-13 February, 2002

³⁷ Bucharest Plan of Action for Combating Terrorism, December 2001

Recognize the hypocrisy of terrorist networks; they are lead by wealthy people that use the modern financial system, yet their rank and file are the disenfranchised who are vulnerable to fundamentalist manipulation.³⁸

As history, both ancient and recent, has taught us, any exclusion or marginalization of large sectors of the population, be it on ethnic, religious or any other ground, creates a potential source of conflict and ends up threatening democratic stability. Another threat to democracy is poverty. The frustration of the population about insufficient income and low living standards can give rise to instability, lead people to irregular migration at the hands of unscrupulous groups, push them to take other desperate steps, or lead them to various forms of extremism. Democratic principles will not be appreciated if the majority of the population cannot benefit from them.³⁹

Organized crime/corruption/lack of rule of law

It could be argued that the ‘grip of criminality and corruption’⁴⁰ currently prevalent in BiH plays an extremely important role in encouraging a receptive environment where terrorism can take root and flourish. When citizens witness their politicians and law enforcement officers behaving inappropriately, an atmosphere could then be created of ‘anything goes’. People may feel it futile to obey the rule of law and appropriate conduct when those around them, indeed those supposed to be representing them (including some members of the International Community), do not bother to do so.

³⁸ Statement by Mr. Adrian Severin, President of the OSCE Parliamentary Assembly. Interparliamentary Forum on Combating Terrorism. St. Petersburg, March 27th, 2002

³⁹ Statement by Ambassador Gerard Stoudmann to the United Nations Commission on Human Rights at its 58th Session, Geneva, March 16th, 2002

⁴⁰ Inaugural Speech by Lord Paddy Ashdown, the new High Representative for Bosnia & Herzegovina

Some information has recently come to light regarding the smuggling of money from Bosnia to Turkey. It would appear that the bus which leaves Srebrenik for Istanbul every Sunday carries somewhere between 500,000 and 1,000,000 KM for the purchase of goods in Istanbul. When the passengers arrive in Istanbul they are met by one or two trunks for carrying the goods in question. The purchases are made and the goods loaded on the trucks plus one or more sealed containers. Weapons and drugs are believed to be in these containers. Due to the presence of the SBS on routes previously used, the present route for the convoys is now believed to be over the bridge at Visegrad, deemed to be "soft". The procedure is as follows: a lead vehicle approaches the bridge. A sum of money, normally 8000 KM is given to the customs shift and the convoy is waved through after a cursory check. Thereafter any police patrol is paid off with a 100 or 200 KM bribe. On arrival at the Arizona Market, normally on Wednesday/Thursday evening, there is a final pay-off to local police patrols in an official car which leaves and then the trucks are unloaded in peace. Some of the goods are then transported to Banja Luka, others are swallowed up in the Market. Ultimately goods worth 1-2 million KM are imported into BiH for about 10,000 KM and no duty is paid.

Kurds and other illegal immigrants used to be smuggled by rented aircraft from Turkey into Tuzla, bused to Arizona Market and then, after careful reconnaissance and planning, to Vucilovac and across the Sava. At the Sava, people's passports are taken away and sent back to Turkey for the next shift.

Organized crime, illicit traffic in drugs and arms, and trafficking in human beings, affect the security, economy and social structure of all participating States.⁴¹

Noting the close connection between terrorism and transnational organized crime, illicit trafficking in drugs, money laundering and illicit arms trafficking, [participating states] will take the necessary steps to prevent in their territory illegal activities of persons, groups or

⁴¹ Bucharest Plan of Action for Combating Terrorism, December 2001

organizations that instigate, finance, organize, facilitate or engage in perpetration of acts of terrorism or other illegal activities directed at the violent overthrow of the political regime of another participating State.⁴²

OSCE Missions should continue to assist host countries in the implementation of measures to combat trafficking in human beings and illegal migration, in monitoring and addressing issues of protracted displacement.⁴³

If it is failed states and nontransparent financial sectors that can become havens for terror, while countries which enjoy healthy, growing economies which promote transparency and the rule of law tend to be more stable, and better able to contribute to peace. Economies that are rules-based promote opportunity and jobs and give hope for the future. Likewise, transparency and the rule of law applied to nations' financial systems also promote prosperity, thereby countering the conditions that terrorists can exploit. Transparency in a country's financial system makes it more difficult for that country to be manipulated, in regard to raising, transmitting or distributing monies associated with terrorism.⁴⁴

It is even more frustrating for the population to see some parts of the society benefiting from the system through illegal means, such as corruption and organized crime. Moreover, corruption not only hinders good governance; it also jeopardizes the system of checks and balances which is the essence of democracy and leads to arbitrary and unpredictable governance at the expense of the weakest. It can prevent the development of an independent judiciary among other things – which is as important for the protection of fundamental rights and freedoms as it is for economic development.⁴⁵

⁴² Bucharest Plan of Action for Combating Terrorism, December 2001

⁴³ OSCE Secretariat's Road Map on Terrorism

⁴⁴ US Mission to the OSCE. Financial Aspects of the International Coalition's War on Terrorism: Steps Toward Leadership for the OSCE

⁴⁵ Statement by Ambassador Gerard Stoudmann to the United Nations Commission on Human Rights at its 58th Session, Geneva, March 16th, 2002

People without political perspective, living in countries with democratic deficits are also more prone to extremism.⁴⁶

Determined action against and a comprehensive approach to new, non-traditional challenges and security threats (e.g. organized crime, corruption, money laundering, drug trafficking, illegal arms trade, trafficking in human beings and, notably, violent extremism and international terrorism), looking as well into their root causes; in the long run the fight against poverty is a crucial part of the fight against terrorism and other new threats to security.⁴⁷

To give another example, fighting trafficking in human beings does not only protect human rights but it also deprives organized crime groups from a source of financing of their activities.⁴⁸

Organized Crime and Terrorism are in some ways similar and in other ways different. Organized Crime groups usually have no political aspirations although they often seek political protection. Both depend on underground networks and illegal markets, for instance, in the field of arms. Organized Crime depends more on corruption than terrorist groups. Both depend very much on intimidation as a modus operandi. Sometimes organized crime groups use terrorist tactics - such as bombings of the facilities of rival groups or the assassination of incorruptible public officials. Both organized crime groups and terrorist groups use extortion of protection money as a method of financing. Terrorist groups sometimes use political parties as front organizations while organized crime groups are more likely to 'buy' individual politicians.

Principal Sources of Terrorist Financing

⁴⁶ Jan Kubi_ speaking at OIC-EU Joint Forum, Istanbul, 12-13 February, 2002

⁴⁷ OSCE Secretary General Jan Kubi_ speaking at OIC-EU Joint Forum, Istanbul, 12-13 February, 2002

⁴⁸ Mr. Gérard Stoudmann, Ambassador, Director of the OSCE Office for Democratic Institutions and Human Rights: CAN WE PROTECT HUMAN RIGHTS WHILE COMBATING TERRORISM?, presented at Bishkek, December 2001

- Domestic - individual and corporate, voluntary contribution or coercive extortion;
- Diaspora-migrant communities: voluntary contribution or coercive extortion;
- Co-ethnic and co-religious support: donations and contributions from people with religious or ethnic affinity;
- State-sponsorship: patron states supporting terrorist group to engage an inimical state;
- Public and private donors and individual financiers who support terrorist-controlled welfare, social and religious organizations;
- Low level crime and organized crime: fraud, illegal production and smuggling of drugs, smuggling, kidnapping for ransom, armed robbery, racketeering, trafficking in human beings;
- Investments and legitimate business: money laundered is used to acquire enterprises and engage in trade with profits being used to finance terrorism;
- Non-governmental organizations and community organizations: terrorist organizations set up front organizations which receive funds from sister NGOs in other countries or infiltrate established community organizations which receive grants. 49

In Bucharest, the EU Commissioner for External Relations Chris Patten has warned against failed states: "They impoverish their people. But they

⁴⁹ Mr. Alex Schmid, Officer-in-Charge, Terrorism Prevention Branch Center for International Crime Prevention, UN ODCCP: THE NEXUS BETWEEN TERRORISM, POVERTY, ILLICIT DRUGS AND ORGANIZED CRIME, presented at Bishkek, December 2001

nourish and enrich terrorists and organized crime. No wonder they attract them like flies around a carcass." ⁵⁰

The events in the neighborhood of this region have amply shown that the chaos and the lawlessness offer a good soil for terrorist organizations to work from. The weak states or failed states constitute now a new type of security threat to all of us. Where the state is weak or non-existing, there is a vacuum that is soon filled with organized crime, criminal armed gangs, warlords, lawlessness, oppression of minorities and the weaker, and in some cases, as Afghanistan has pointed, used by terrorist organizations as a base for their murderous acts all over the world. ⁵¹

There is widespread agreement that strong, healthy states are needed to prevent terrorism, organized crime and drug abuse. What are the characteristics of healthy states? Four appear essential:

- (I) The state has to be able to claim successfully the legitimate monopoly over law and order. Where warlords and criminal gangs challenge this monopoly, states are already in the danger zone.
- (II) There has to be an efficient public bureaucracy. Where public officials are corrupt, effective law enforcement becomes impossible and the state loses its authority.
- (III) There have to be constitutional guarantees and rule of law. A strong state without these safeguards would be an invitation to abuse of power. Its legitimacy in both the eyes of the public and of the international community would be challenged.
- (IV) There has to be an effective and fair system of taxation. The state has to be able to redistribute resources in society. Inequalities of

⁵⁰ Mr. Cees Wittebrood, Head of Unit for Central Asia and Southern Caucasus Directorate General External Relations, European Commission: SUPPORT TO SUSTAINABLE DEVELOPMENT, presented at Bishkek, December 2001

⁵¹ Delegation of Finland: STATEMENT presented at Bishkek, December 2001

wealth and income feed dissatisfaction if equality of opportunity in not created for all citizens.

The strengthening of these four attributes of the modern state lies at the heart of prevention of state failure.⁵²

There are, moreover, the common factors of inept governance, poor public security, weak rule of law, pervasive economic backwardness, institutional corruption and organized crime. These combine to produce an environment where international terrorist networks can hide personnel and money. From this perspective, the most important Balkans dimension of the war on terrorism is the long-term work of peace-building – institutional reform and development. This is not to deny that Islamic extremists did play a minor part in the conflict in Bosnia in the first half of the 1990s. Such extremism, to the extent that it existed, was a consequence rather than a cause of violence in Bosnia, let alone in Kosovo or Macedonia. It continues to enjoy only very marginal support in those places. There is no risk that significant numbers of Muslims in the Balkans might support Islamic extremists; such a development would contradict their religious traditions, their political views, and their lifestyles, which are emphatically Western. Nevertheless, the activities of some Islamic organizations in Bosnia and Kosovo may present a security threat. Wahhabi practices have little support among the Muslim communities of the Balkans, where they generate more resentment than enthusiasm. However, populations impoverished and traumatized by conflict may be highly vulnerable to penetration by well-resourced radical organizations, some of which are considered to have links to terrorist networks.⁵³

Bosnians are unequal before the law, and they know it. Exercise of the legal rights to possess property or to reclaim a job too often depends on

⁵² Mr. Pino Arlacchi, United Nations Under-Secretary-General, Executive Director of ODCCP: CLOSING REMARKS, presented at Bishkek, December 2001

⁵³ International Crisis Group, 'Bin Laden and the Balkans: The Politics of Anti-Terrorism', November 9th, 2001

an individual's national identity – or that of the judge before whom she or he appears. Obtaining justice is also subject to geographical chance. War crimes in one entity or canton are still hailed as acts of heroism in another. Although allegations of corruption in high places appear in the newspapers every day, and formal investigations are nearly as common, not a single past or present national party leader has yet been convicted and sent to prison. The law must rule if Bosnia is to become a functional democratic state, able to protect human rights, facilitate the emergence of a market economy, try war criminals, and successfully combat organized crime.

- Organized crime (e.g. trafficking of human beings, drugs, weapons, etc), money laundering, corruption, customs and tax fraud, terrorism and other serious crimes are becoming ever more complex and costly to Bosnian society. Criminal networks spread beyond cantonal, entity and state borders, making a mockery both of the authorities' fitful efforts to fight them and of the authorities themselves. The OHR drafted a state-level law in April 2000, regulating judicial exchanges and obliging the entities and Brcko district to collaborate in criminal matters. Were it to be adopted, this draft law would fundamentally undermine the judicial exclusivity of the entities, compelling their judges and law enforcement agencies to work together to combat and prosecute serious and organized crimes and, eventually, war crimes as well. Unsurprisingly, the draft has been regarded with fear and loathing in the RS. Surprisingly, it has also lacked supporters in state-level institutions. Although it has been presented to the CoM, the law has not yet been endorsed and passed on to parliament. Nor was it included – as might have been expected – in the package of anti-terrorism legislation rushed through parliament in the aftermath of the 11 September 2001 attacks on the United States.
- It seems, therefore, that the same *raison d'etat* that led the CoM to approve in January 2002 the handover to the U.S. of six Algerian-born, naturalized Bosnians suspected of terrorist connections was not strong enough for Bosnians to seek to bridge their internal law enforcement and judicial frontiers. It is thus likely that the draft law

on inter-entity judicial cooperation will have to be imposed by the High Representative. The sooner this law is on the statute book the better since, without it, Bosnia risks relegation to a virtual black hole of opprobrium and illegality.

- ICG sources have indicated that potential witnesses to war crimes among ‘minority’ returnees are already being offered trouble-free repossession of their homes and even jobs in exchange for assurances that they will not testify in court. Some would-be witnesses are being intimidated and harassed with the same object. These phenomena are likely to become more common as domestic trials gain momentum.
- The dispensing of nationally partial, capricious or politicized justice continues to imperil human rights, impede economic recovery, deter investors, and separate Bosnia from Europe. If Bosnia is ever to overcome its wartime past, break the power of well-connected criminal networks and earn the loyalty of all its citizens, it must institutionalize the rule of law. The international community still has the power, funds and time to help make this happen. But all are now dwindling.
- Countries do not normally confront anything so dramatic as a last chance. Bosnia & Herzegovina, however, may well be an exception. Ten years after independence, seven years after a devastating war, and six years into an international regime designed to consolidate the former and end the latter, Bosnia remains fragile and formless. The belated establishment of the rule of law would offer the best available guarantee that it will have as many chances as normal states.⁵⁴

In interviews with government representatives concern was also raised over corruption and organized crime:

⁵⁴ International Crisis Group, ‘Courting Disaster: The Misrule of Law in Bosnia and Herzegovina’, March 25th, 2002

‘The main problem now is the lack of capacity to settle illegal immigrants and lack of funds for deportation and for women victims of trafficking... The border is like Swiss cheese. At this stage it is virtually impossible to protect the border.’⁵⁵

‘Our borders are not secure; we need more police officers on them.’⁵⁶

‘I believe the main reason why people act as terrorists is power. People who have power want to keep it. Whoever rules the country has influence over financial institutions. At the end everything is done because of money.’⁵⁷

‘The new High Representative Mr. Paddy Ashdown told me that organized crime is the biggest problem in BiH. The murder of Mr. Jozo LEUTAR, former Minister of Internal Affairs, was probably a terrorist act. Financial benefit and attempts to prevent the investigation of war crimes are behind terrorist acts. But I must say that I don’t think that the terrorism issue is that relevant in BiH. If you would ask ordinary people what is their biggest problem, they would say it is the economic situation... Everybody in BiH is talking about the corruption, organized crime, and terrorism. Nevertheless, the situation is good for the development of corruption. No one talks for example about the unification of the Football Association in BiH. Maybe the next elections will clear up the situation. Council of Ministers had only a 14-month mandate. We need a government for 04 years... Sava River trafficking is also a big problem. I am completely sure that is organized crime. Every second ship that is illegally transporting people across the river goes down and people die. I believe they are killed and their money is taken.’⁵⁸

‘I think that there are problems present in BiH and especially in the pre-election period. I am not able to divide the problem of illegal

⁵⁵ Interview Partner 4, June 14th, 2002

⁵⁶ Interview Partner 2, June 7th, 2002

⁵⁷ Interview Partner 3, June 14th, 2002

⁵⁸ Interview Partner 2, June 7th, 2002

immigration from terrorists acts and the issue of criminal dealings of organized groups. In the future those people can help give logistic support to the people who have the potential for terrorist acts. I personally believe they are planning terrorist acts not in the near future but after the elections. To give my own opinion, if the fire is not completely out then with the right wind and weather conditions there can be flames again. I would like BiH to be seen as part of a wider problem here. All Muslim terrorist groups are connected by their ideas and also financial means. I don't believe though that we will have big terrorist incidents here, maybe smaller ones connected with political acts... BiH is just a resting point for logistic support. The problem is that a lot of things can easily get in and out of BiH...trafficked women, cigarettes, alcohol, terrorists. Even with all the effort BiH is making to stop these things we cannot do a lot on our own. These groups have got good grounds for support in BiH helped by the financial situation and political leanings. BiH is like a bomb without a fuse.' ⁵⁹

⁵⁹ Interview Partner 4, June 14th, 2002

II.4. Human Dimension

Education

According to the Helsinki Committee in BiH, reconciliation will be difficult in the long term if school children are taught different curricula on the basis of nationality and religion. The IHF identifies Brčko District as a drastic example of school system abuse where the concept of segregation lies in teaching intolerance and discrimination.

Activities to humanize globalization: a major part of this is education, including education oriented towards the culture of tolerance, mutual respect, co-operation and integration, focused on young people, future political leaders and intellectuals as well as advancement of women.⁶⁰

Speaking in Vienna, 4 July 2002, Lord Ashdown, High Representative and European Union Special Representative for Bosnia and Herzegovina, described the crisis in education as the biggest long-term threat to the country's security and stability on Thursday and urged the OSCE to take the lead in reforming the education system.

'The current state of education in Bosnia and Herzegovina represents a serious obstacle to stability, security, reconciliation, institution-building, sustainable refugee returns and economic recovery,' Lord Ashdown said. Education has been widely used as an ideological and political tool to reinforce ethnic bias, intolerance, segregation and discrimination.

Cycle of Violence/Effects of War

In recent months several charitable organizations in BiH have been accused of harbouring and supporting terrorists. Many of these Muslim NGOs were established during and immediately after the war to help Bosniaks at a time when other international organizations, and the Bosnian government, were unwilling or unable to do so. It has been

⁶⁰ Jan Kubiš speaking at OIC-EU Joint Forum, Istanbul, 12-13 February, 2002

suggested that some members of these groups have been instrumental in actively encouraging Bosnian Muslims away from more secular traditions and towards a fundamentalist Islamic environment that would have otherwise have appeared unfamiliar to the majority of Bosnians. After a prolonged period of suffering at the hands of their Serb and Croat tormentors, instances of retaliation by groups of Muslims were to become more and more frequent. 'Even average Muslims at times themselves became more accepting of indiscriminate violence as the normal way of doing things.'⁶¹ Norman Cigar has discussed the possible effect that genocide may have on the victim: 'If stable and just solutions are absent, some in the victimized group may themselves develop a strategy of despair and a process of brutalization, based on their own feelings that they have been abandoned with no redress. They may subsequently come to believe that they have nothing to lose by adopting the methods of their tormentors in order to survive.

I also want to draw your attention to the serious problem of protracted displacement in the OSCE region. The plight of IDPs and refugees is worth considering not only from humanitarian and human rights point of view but also from the security perspective. I believe that I do not have to convince you of the risk of having a large number of young people in refugee camps without anything purposeful to occupy themselves with or without a glimpse of hope for a brighter future. As we know, social exclusion can also be a source for extremism.⁶²

Determined work to achieve viable solutions of chronic, frozen conflicts and problems; preventions of emergence of new ones.⁶³

Danger can also emanate from those States – or rather pseudo-States – which have long maintained an unclarified international status and thus open the gates for terrorism and organized crime in their efforts to promote their secessionist goals. The existence of such entities also

⁶¹ Norman Cigar, *Genocide in Bosnia: The Policy of "Ethnic Cleansing"*, Texas, 1995, p. 137.

⁶² Statement by Ambassador Gerard Stoudmann to the United Nations Commission on Human Rights at its 58th Session, Geneva, March 16th, 2002

⁶³ Jan Kubi_ speaking at OIC-EU Joint Forum, Istanbul, 12-13 February, 2002

contributes to huge waves of refugees and displaced persons who experience, during their miserable lives spent in refugee camps, a frustration capable of transforming itself, at any time, into a violent behavior with terrorist capabilities.⁶⁴

The philosophy on which this mandate is based is the fundamental idea that tensions and friction between national groups, majorities and minorities, frequently carry a potential for violent conflict. In such a situation, members of different communities may be convinced that they are victimized and subject to unfair treatment. They may, in desperation, search for violent means to rectify what they consider wrong. If such sentiments are left un-addressed, terrorist temptations may not be far away. Terrorists or terrorist networks may try to exploit grievances and bitterness to garner support and recruit extremist elements amongst disaffected groups. Our common interest and goal must be to prevent such situations from arising.⁶⁵

Where tension has developed between minorities and majorities but remains inadequately addressed, terrorists can exploit such situations to justify ideologies of hatred and actions of violence. Where populations, including minorities, feel that they lack social justice, face discrimination and where opportunities for effective participation are restricted, extremists may try to present violence as a legitimate activity. This is not to justify terrorism. It is simply to note the ways in which terrorism can emerge and flourish.⁶⁶

Many politicians and propagandists in Serbia, Bosnia and Macedonia have been given the opportunity to puff fresh air into stereotypes of

⁶⁴ Statement by Mr. Adrian Severin, President of the OSCE Parliamentary Assembly. Interparliamentary Forum on Combating Terrorism. St. Petersburg, March 27th, 2002

⁶⁵ Mr. Rolf Ekéus, OSCE High Commissioner on National Minorities: INTERNATIONAL TERRORISM AND VIOLENT EXTREMISM AS GLOBAL CHALLENGES, presented at Bishkek, December 2001

⁶⁶ Mr. Neil Melvin, Senior Adviser to the High Commissioner on National Minorities of the OSCE: STRATEGIES OF INCLUSION: REDUCING THE RISK OF THE RADICALISATION OF MINORITIES, presented at Bishkek, December 2001

fanatical bearded mujahadin, myths of Muslim 'backwardness', and theories about the 'civilizational' abyss separating Islam from the West that served sinister purposes in the 1990s.

In post-Dayton Bosnia, a state of two 'entities', unified responses to significant domestic or foreign events are almost unheard of. Inevitably the 'war on terrorism' has drawn very different reactions among Bosnia's different political elites, ranging from panic to smug satisfaction.

Bosniak leaders want to be included among terrorism's enemies. Yet thanks to the legacy of the 1992-95 war; to fragile and dysfunctional government structures; to a geographical position that makes Bosnia a bridge between East and West; and to a national make-up that distinguishes Bosnia from its neighbors, Bosnia is the Balkan country first on the international community's list of suspects as a possible facilitator, witting or not, for terrorism. In fact, it has been the determined resistance of the RS leadership to any and all schemes to endow Bosnia with the laws, agencies and competencies required by any real state that has helped make Bosnia so vulnerable to accusations that it is soft on terrorism.

In fact, it has been the determined resistance of the RS leadership to any and all schemes to endow Bosnia with the laws, agencies and competencies required by any real state that has helped make Bosnia so vulnerable to accusations that it is soft on terrorism.

Ironically, the two groups that most benefited from U.S. and Western European engagement in the region during the 1990s – Bosniaks and ethnic Albanians – have now been portrayed within the region, and even beyond it, as potential supporters of bin Laden and al-Qaida. Poorly researched or sensationally written stories in Western newspapers about terrorist hotbeds in the Balkans probably have no ulterior motive. The same cannot be said when the local media run such stories. There, the intention is to justify a tougher stance towards ethnic Albanians in

southern Serbia, Kosovo and Macedonia, and to increase international suspicion of – and pressure on – Bosniak and other Muslim leaders.⁶⁷

Some people working within Bosnia itself have also commented on the possibility of ethnic divisions and sentiments left over from the war playing a role in possible future conflict or terrorist acts. There is some contradiction however in their opinions:

‘Now in BiH most people are socially endangered. The governments of the entities are trying to financially put out the ‘fire from the people’ but there are not enough resources. For example, they are bringing a new law for the protection of invalids and war veterans. Members of the former government are consciously manipulating those people by supporting them to ask for more than the current government is capable of giving. There are a large number of employees from different firms who are not satisfied with the way the firms have been privatized. We cannot hope that in the near future we will have sufficient funds to put the fires out.

For now we are dealing with leaders of parties, different representatives who have been democratically elected. But that doesn’t mean they cannot be manipulated by extreme elements in HDZ, SDS, etc.

If the nationalist parties win the next elections everything we have achieved would go back to square one. I am not a party person but I have to say that the Alliance has been able to stop many criminal things from happening. The Alliance has worked on strengthening the state and entity fight against organized crime. But there are no funds to strengthen industries. I have heard that in the past 2 years not a single mark has been donated to the federal budget. This is very different from 1996-2000 when the government was basically bribed to be more cooperative. We will see what will happen. We need to have the elections held in a democratic atmosphere.’⁶⁸

⁶⁷ International Crisis Group, ‘Bin Laden and the Balkans: The Politics of Anti-Terrorism’, November 9th, 2001

⁶⁸ Interview Partner 6, June 20th, 2002

*'Some people from the Republic of Srpska are saying that they are fighting the Muslims in order to preserve Western European Standards in this area. But that is not the truth. We know what was going on. They are the ones that are blocking Bosnia from becoming a normal state. At the same time that they expect us to have a manhunt of people here they are allowing KARADZIC and MLADIC to walk free...We have no evidence of the presence of terrorists in BiH, except war criminals. All 3 sides in our war had their war criminals.'*⁶⁹

These opinions can be contrasted with the following:

*'When it comes to the domestic potential we do not have big enough potential to climb even the biggest mountain in BiH... In the past year there have been no serious terrorist acts committed, no political assassinations. That is the difference between BiH and its neighboring countries. Of course there is always a danger but I don't believe that BiH is in a riskier group than our neighbors. BiH is watched closely by the IC and that situation is not very encouraging for potential incidents.'*⁷⁰

*'I have always been strict when it comes to terrorism. I have said that Palestinian suicide bombers are also terrorists. BiH has a 45% Muslim population. Will our country always be under suspicion for that? No one in this country, local or foreign has been endangered since September 11. We have had no demonstrations in support of terrorism or against the attacks in Afghanistan.'*⁷¹

'Everyone here condemns terrorism. People have had enough of war. I believe the situation in BiH is calming down and will probably exclude any form of terrorism and violence. I would definitely be happier though if the war criminals who are still at large were captured and tried either here or in the Hague. The encouraging thing is that they will be

⁶⁹ Interview Partner 1, May 14th, 2002

⁷⁰ Interview Partner 4, June 14th, 2002

⁷¹ Interview Partner 1, May 14th, 2002

*captured. I don't believe that there will be problems with the elections. The situation here is calming down, even in RS.'*⁷²

The effects of the war on the present situation have been highlighted by another observer:

*'BiH is a very complicated country with our heritage from 10 years ago... People from different ethnic groups are in favor of the fight against terrorism but they want to use it against another entity, like you probably could read it in "Nezavisne Novine" newspapers...The effects of the war here has absolute influence. SDS (Serbian Democratic Party) got 51% of votes in Republic of Srpska. That is a direct link between war heritage and presence. PDP (Party of Democratic Progress) and SNSD (Social-Democratic Party) have a small number of voters. RS citizens favor SDS. SDA (Party of Democratic Action) in the Federation side is similar, but SDP (Socialist-Democratic Party) is also strong here... 70 % of Croatian voters voted for HDZ (Croatian Democratic Union) in the last elections. Every war is dirty. You always have criminals, trafficking, and weapon smuggling during the war. And money is always behind of it all. We had a case of 220 Identification Cards issued in POSUSJE (Croats are majority there) for Serbs. That means their government in POSUSJE did it. Criminals are co-operating much better than the politicians. My statement "Entity lines will be crossed first by the criminals and then by liberals" was often quoted.'*⁷³

*'We have no cooperation between the entities. As soon as we get the suggestions for laws we send them immediately to the entities and we receive no reply.'*⁷⁴

'Elections are the most important event this year, and the campaign has already started. In Republic of Srpska we have two organizations, RAVNOGORSKI CETNICKI POGRET and OTECESTVENI OBRAZ. They will try to intimidate returnees and scare them. We are

⁷² Interview Partner 5, June 18th, 2002

⁷³ Interview Partner 2, June 7th, 2002

⁷⁴ Interview Partner 5, June 18th, 2002

experiencing returnee problems in STOLAC and JAJCE. In BUGOJNO and TRAVNIK Bosniaks are not happy that Croats are coming back.

*We need to take care so that nothing will happen that could endanger people's lives. The campaign has started and it is going to be a "nasty" one.'*⁷⁵

*'We will have problems during the elections. These elections are too important. With all the current problems and cases, criminals will be organized much better for these elections. Except this time it will not be on ethnic basis, it will be for criminal reasons. We need to improve the economy and we need to improve our school system. I am very satisfied with the inaugural speech of the High Representative. He spoke a lot about young people. Terrorism will certainly be an issue during the elections. Reis ul Ulema CERIC issued a press release. He has already started the election campaign. ALGERIAN GROUP (extradited to USA) and Abu HAMZA (known terrorist) will be mentioned. Many Bosnians will raise the question if everybody in BiH are on the same level, or is there an eye only on the Muslim population. People are identifying the terrorist situation with national issues.'*⁷⁶

'I believe we will see more and more of these problems with the elections approaching. There is a very specific situation in RS since the authorities there are not doing anything about it. War criminals still have a very big influence in that area. And politics is very involved in police and intelligence in RS. I believe that the International Community has a big responsibility especially in arresting war criminals. I will never be able to understand why International Forces who can capture Al Qaeda cannot manage to arrest two persons in RS. It is a bit easier here in the Federation. When it comes to statistics, it is 3-1 RS-Federation in the number of crimes. Here we have a different situation. The people obstructing here are the ones who want a Croatian entity. This problem is not insignificant but since the institutions are strengthening in the Federation, at least we have information on these

⁷⁵ Interview Partner 1, May 14th, 2002

⁷⁶ Interview Partner 2, June 7th, 2002

people. One positive thing on the Federation side when all people involved in International terrorism have been processed by law the situation will calm down. The OSCE could help us with this. Domestic terrorism here has a strong connection with organized crime. The Hercegovacka bank, under control of the OHR now, was found to be funding activities such as these, 10-20 million KM. People should be focused on the same problem in the different entities so people realize that everyone is equal... Because nationalist parties have been ruling in both entities for almost 10 years, right now they are stronger than the state itself. Those people are running the state from the shadows. They have money and they protect war criminals.’⁷⁷

‘We have information that there are some contacts between ACTIVE ISLAMIC YOUTH and CETNICKI RAVNOGORSKI POKRET. They are trying to stop the circulation of people, return of refugees, freedom of movement. We can expect in future that these people will be working to radicalize the situation in BiH. This is exactly what the ruling parties of 2 years ago needs to happen – the SDA, SDS, HDZ. In the following months we can expect attacks on returnees, religious objects, incidents like that which happened in Srebrenica a few days ago. There was no positive reaction from the police or the International Community to this incident. Nobody was removed from their position for what happened there. There are still war criminals at large. That’s exactly where those people were hiding, areas where refugees are returning. People are afraid. In Visegrad 30 flats are left empty, there is guarantee of security there.’⁷⁸

Issue of religion

How can we hope to prevent religious terrorism effectively, without giving rise to more resentment and future generations of terrorists?

⁷⁷ Interview Partner 3, June 14th, 2002

⁷⁸ Interview Partner 6, June 20th, 2002

From a practical, tactical viewpoint, we should distinguish between two types of religious extremism and terrorism: on the one hand, extremism associated with fringe groups, not sharing the values of dominant society (for instance small sects); on the other hand, extremism of groups claiming to be the true representatives of the traditional values of the dominant society. In the first case, this means that a group engaging into terrorism will have to struggle and survive without a wider base for support (e.g., when the Japanese group Aum Shinrikyo engaged into terrorist attacks, it could not expect any support from people not belonging to Aum Shinrikyo); in contrast, a group which claims values shared by a wider audience than its own can expect to get some measure of support, or at least of understanding, from people outside the group, which makes it more difficult to defeat the group, since there is no discontinuity between the group itself and other segments of the surrounding society.

Religious extremism is usually associated with the perception of a threat - threat against one's cherished values, against a way of life, against the position of religion in society. This perception may be justified or not, depending upon circumstances. But we should be aware of it: if religious extremists have adopted such views, it is at least in part because they feel threatened either by secularism or by specific, religious or non religious groups in their society. In extreme cases, this may lead to violence and terrorism, due to an exacerbated perception of the threat - there seems to be no other way out. Consequently, if we want to be able to avoid such developments, a preventive policy should consider those factors and avoid - insofar as possible - measures that would confirm the perceived threat.

Let's pay more attention to those strongly religious people, sometimes even radical in some of their views, who however criticize extremism as a whole or at least some aspects of extremism. At the end, they might prove much more efficient than ourselves in convincing at least some people to change their views.⁷⁹

⁷⁹ Professor Jean-François Mayer, University of Fribourg, Switzerland: THE WORLDWIDE CHALLENGE OF RELIGIOUS EXTREMISM, presented at Bishkek, December 2001

III. Statements by Representatives from the Joint Co-Ordination Team for The Fight Against Terrorism.

Information Concerning Specific Topics on The Fight Against Terrorism Based on Special Personal Interviews Conducted by the Senior Advisor to the Head of the OSCE Mission to BiH in May and June 2002

III.1. Issue of Terrorism in BiH

The issue of terrorism is a current phenomenon in the world. We are trying to help the fight against international terrorism. But we should not only be focused on international terrorism. We were exposed to terrorist acts for five years during the war, and no one cared about it.

We should not be hostages of our past. Now we are accused of not being energetic enough. In addition to that AMNESTY INTERNATIONAL and the UN HUMAN RIGHTS COMMISSION are accusing us of violating Human Rights in the acts we did in preventing terrorism.

BiH has a 45% Muslim population. Will our country always be under suspicion for that? No one in this country, local or foreign has been endangered since September 11. We have had no demonstrations in support of terrorism or against the attacks in Afghanistan.

We are trying to find terrorists and to find evidence against them. Even when we did not have good enough evidence, we acted upon what we had, and were criticized for that.

We don't need unfounded criticism, we need support.

I must say that I don't think that the terrorism issue is that relevant in BiH. If you would ask ordinary people what is their biggest problem, they would say it is the economic situation.

Lately I have had at least 10 interviews for foreign newspapers and all of them asked me about the terrorism issue.

BiH is not an unsafe place like for example ISRAEL. You have suicide bombers there. People think that all murders here have a criminal background. Like the assassination that occurred 10 days ago when 02 persons were killed in LUKAVICA. People said that it was a good thing that they were killed because they were criminals anyway.

I think the discussion on terrorism is unbalanced. Maybe some organizations or institutions are possible terrorist targets. But that is BiH's problem.

I personally believe they are planning terrorist acts not in the near future but after the elections. To give my own opinion, if the fire is not completely out then with the right wind and weather conditions there can be flames again. I would like BiH to be seen as part of a wider problem here.

All Muslim terrorist groups are connected by their ideas and also financial means. I don't believe though that we will have big terrorist incidents here, maybe smaller ones connected with political acts.

When it comes to the domestic potential we do not have big enough potential to climb even the biggest mountain in BiH.

In the past year there have been no serious terrorist acts committed, no political assassinations. That is the difference between BiH and its neighboring countries. Of course there is always a danger but I don't believe that BiH is in a riskier group than our neighbors. BiH is watched closely by the IC and that situation is not very encouraging for potential incidents.

Terrorism is not starting or ending its activities in BiH. Terrorism is mainly established in an area where they have bigger access to power and money. Strong financial funds and ideology create terrorism. Power and poverty again create guerrilla activities. The influence of the US on these issues is vital. If they are capable of putting the rule of law and

human rights first then maybe things might start going in the right direction. The problem is that everyone thinks they are fighting for human rights: guerrillas and governments.

ACTIVE ISLAMIC YOUTH is the organization we need to pay attention to. First of all, we have no evidence of the presence of terrorists in BiH, except war criminals. All 3 sides in our war had their war criminals, but there was a difference.

There are conventions and laws but what about the situation in the country? Is there are basis for terrorist acts amongst the local people?

Everyone here condemns terrorism. People have had enough of war. I believe the situation in BiH is calming down and will probably exclude any form of terrorism and violence.

I would definitely be happier though if the war criminals who are still at large were captured and tried either here or in the Hague. The encouraging thing is that they will be captured. I don't believe that there will be problems with the elections. The situation here is calming down, even in RS.

Now in BiH most people are socially endangered. The governments of the entities are trying to financially put out the 'fire from the people' but there are not enough resources. For example, they are bringing a new law for the protection of invalids and war veterans. Members of the former government are consciously manipulating those people by supporting them to ask for more than the current government is capable of giving. There are a large number of employees from different firms who are not satisfied with the way the firms have been privatized. We cannot hope that in the near future we will have sufficient funds to put the fires out.

III.2. Fight Against Terrorism in BiH

The program adopted on September 24 is the main Plan for the fight against terrorism. Every aspect of that Plan is important. The attention of the International Community is focused on the mujahedins and persons of Asian-African origin.

We have inspected a number of NGOs established by people of A-A origin. 4-5 inspections are completed. 8 organizations are currently under investigation. We want to know how they worked, how they obtained money, who the employees were (we had indications that some of the employees were mujahedins). We want to clean up the mess, but we expected more support. Now we are accused and exposed to fabrication.

Terrorism is a new issue for BiH. I think we answered it well after September 11. We are more involved in the fight against terrorism than other also important issues in BiH. Politicians have recognized that the fight against terrorism is a joint problem and it is the first time that we all are co-operating, because of this. We have carried out specific measures, we have straightened the visa regime and set up a State border service.

But I think that the security situation has improved. Now we have the State Border Service working.

Terrorism is a BiH problem, regional also, so we have tried to sign agreements with neighboring countries to fight jointly against terrorism, organized crime. We are trying to harmonize the visa regime in all countries.

Before BiH established the visa regime for Iran, we had 1300 Iranians arriving in SARAJEVO airport every day. Now it is 40.

There are two problems concerning BiH's obligations in the fight against terrorism. The first problem is that the other European countries have established social and political institutions to take care of this

issue. BiH does not have this. Nevertheless, BiH has obliged itself to bring new laws. Since they have signed most conventions by now BiH has obliged itself to bring those laws. Last October it was agreed that OHR would help to bring about those laws. They were supposed to bring the laws on the state and entity level.

We had a plan to issue a booklet to state all laws adopted/not adopted but we have had financial problems. SFOR are helping us with this.

We were planning to adopt 7 laws but only one has been adopted. That one refers to the cooperation between the entities on crime levels. It was brought by the OHR. Yesterday it went through the Council of Ministers and went to Parliament for vote. The next one should be additions/changes to the law of citizenship. It will be agreed next Tuesday at the Council of Ministers. There are 2 other laws to be adopted. The first on crime and the second on criminal procedure. They did not exist until now, they are completely new laws. They are already drafted but since we have to agree everything with the OHR things move slowly because of objections. The problem is that the entities are waiting for the state laws and both entities need to make changes/additions to existing laws. The state has to make a frame for it. The new crime law and criminal law in BiH were made by foreigners, e.g. hijacking an airplane is not listed as a terrorist act. So entities have to adopt some laws, nothing to do with the state.

The whole process is hard-going, usually for subjective reasons, political connotations. We have written 2 or 3 letters to ask for help but have received no help at all. Why not? Ask the politicians. I don't know the answer. But we have spoken to the OHR. If the laws are not brought soon we will ask the High Representative. One example: a big problem is to chase suspected terrorists out of the country. There are no laws for this. And those existing are so complicated that we may abuse human rights and not even finish the job

That was the first problem. The second problem is that even when we get the laws, who will do the job? BiH does not have the institutions on the state level for political reasons. It's quite possible that BiH is the only country in Europe and the World which does not have police or security

forces on the state level. And this is a problem for the OSCE. It is difficult to expect the entities to solve this. It is not their problem. Not only are there no institutions but there are no organs, no departments, nothing dealing with his problem. The Co-ordination team is in the position where they are in fact this department but then the department has no jurisdiction. They can not issue orders, only suggestions. It is quite hard to explain this problem to people who don't know the situation here.

Another problem is strengthening existing institutions. Although IPTF has done a lot and should be recognized for this its main task is not complete: It has to divide the police from politics. It hasn't been done. 50-60% of police officers in both entities do not have the basic things needed to perform their duties. They do not receive regular salaries which leads to corruption. Police Commissioners are often pressured by the Ministries to resign. Big problems can be expected in the future. But I believe IPTF should stick to its program and continue its work. I am speaking frankly now, friend-to-friend and I think we can keep this between us. The Sarajevo canton police are the most organized department of the police because IPTF works with them. We have asked the Ministry of the Sarajevo canton police to give us a list of official complaints where the budget of BiH was damaged in excess of 1,000,000 KM. Between 1996 and 2001 we received 11 complaints. The Ministry of Interior received no back-up information from the judiciaries on what is going on with those cases. It is clear that this means the judiciary is obstructing these cases. We have sent a letter to the OHR since the judiciary is under control of the IJC. I was really surprised to get the answer from the OHR that not one single judge made any kind of mistake concerning these cases. Nobody was convicted, some who were convicted were then acquitted. I was very disappointed.

Why have I told you this? Every judge's salary is around 3000 KM but they complain there are no resources to work. Police officers receive 400-500 KM and they don't complain. Judges make a mockery of police officers when they are doing their jobs. It is very complicated. We have to strengthen institutions in the long term. Don't get me wrong. In some cases the OHR has helped us. For example in the Pogorelica case, if the OHR hadn't helped who knows what would have happened? If it had

gone to those judges who knows... We have big problems. It is time to solve this. I don't want to go into the details of each obstruction case but we have seen how incredible it is that one person who is supposed to be watched over all the time can just disappear.

We have made an action plan against trafficking. We have formed a co-ordination team. We are also protecting children's rights. We have done a lot about that. We have brought a law for national minorities, a law on immigration and foreigners residing here and their movements. This Ministry has tried to legally settle all areas where they have jurisdiction. The main problem now is the lack of capacity to settle illegal immigrants and lack of funds for deportation and for women victims of trafficking.

I believe it is not about fighting terrorism but rather preventing because fight is not a word that should be used by those trying to protect human rights. I also hope that Europe has its own view and its own conception of the fight against terrorism. Only if we name the root causes of terrorism can we then make a significant change. To create an artificial wall to try to stop people would be a waste of time.

BiH joined the fight against terrorism immediately after Sept 11th. We formed a team of 4 Ministers and Deputy Minister of the Interior from RS and the Federation. Those are the people who can bring most in the fight against terrorist activity. We have been very energetic to stop any forms of terrorism and also to prevent BiH from becoming a country which terrorists can use as a launch to other countries. We have an activity plan to combat terrorism in BiH. Most of the plan is finished, so I believe we are in a better situation that we were in September or October.

The OHR has given us a whole group of laws that need to be met. We are obliged to work on these laws. A large number of laws have already been adopted mainly those concerning crime and criminal procedure on both the entity and the state level. We have no cooperation between the entities. As soon as we get the suggestions for laws we send them immediately to the entities and we receive no reply. Although I know that both entities have been working on the criminal code. We have been working on adopting a criminal code for BiH. 32 representatives from

RS voted against a law that was suggested by the HR. The suggestion was then overruled in September. The HR then appointed 7 judges to the court which is now working. In April we made a draft of the criminal code for BiH. The OHR were given this draft for their opinion. I was included in making this law. Yesterday we had a meeting with the legal department of the OHR. By the end of this week we should have suggestions from the OHR regarding changes in this law. This will be finished by next week at the Council of Ministers. I believe the Council of Ministers will adopt this law. We have a large number of crimes in the criminal code referring to terrorism. We have adopted the UN convention for the fight against terrorism and against organized and transnational crime, also against trafficking. Yesterday I met with the OHR and also representatives from the justice department of RS and the Federation. 2 days ago we finished the law on criminal procedure which will be quite different from that of the former Yugoslavia. We sent this to the OHR yesterday and to the Justice Ministries in both entities and also to some other people for suggestions. We have given them a deadline of 10 days, it will go to the Council of Ministers later. We started working on it in December and 4-5 months later it is finished. To have such drastic changes in laws takes years in other countries.

The SBS now controls 88% of the border. By September they will have control of the border. The number of entries to BiH is 10% of what it was. There is a very small number of foreigners coming to BiH now compared to before. We have made a decision in the Council of Ministers to practically adopt the Schengen regime even though BiH is not a part of it.

It is definitely very difficult to have good results with the laws that we have.

No one should disregard what Bosnia has done in the fight against terrorism.

III.3. Citizenship Issue

It is a fact that we have established two Commissions, the first one is dealing with citizenship issued during the period between 1992-1996, and the second one is dealing with citizenship issued during the period between 1996-2002. These commissions had financial and organizational problems, but now we hope to intensify their work.

I am not satisfied with how the citizenship review is being carried out. 741 persons gained citizenship without any foundation. We are checking them out, but it going on very slowly because of a lack of funds.

Whatever you touch around here is a catastrophe...the citizenship issue, war, mujahadin issue...it's all a disaster. For the past four months we have been waiting for the Federal Minister of the Interior to resolve the problem of the employees who had issued citizenship papers and who are now trying to take them back. One lady who has given out citizenship is now stating that they were given illegally. For those 17 people who have 2 or 3 other citizenships she has now stated that the others are legal.

Out of 104 citizenship documents which were issued, 10 were cancelled before Sept 11th. Now 94 have been cancelled. 17 of them have 2 or 3 other citizenships. Now they're saying that the other citizenships are according to the law. That's not the only problem. Those 94 persons are just part of the 741 persons who gained illegal citizenship. The Federal Ministry of the Interior has to question all of them. It will last forever. 741 persons but 5 times more people will be involved in these cases from the Ministry of Foreign Affairs, Ministry of Interior, etc. At different time periods different people were involved in issuing citizenship.

But later there will be another problem. 30,000 refugees who came from Krajina are now in BiH. They gained citizenship but that is also illegal. They will be the ones obstructing the laws in the future. There are another 15,000 from Sandzak so there are now 45,000 who have illegal citizenship.

The Croatian state has no grounds to take their citizenship away. The best solution would be to sign an agreement on dual citizenship between Croatia, Yugoslavia and BiH. It is an important political issue. From January 1st, 2003, if the law is not changed then citizens of BiH who live anywhere else in the world will automatically lose their Bosnian citizenship because they will have another passport. Of course it is in the interests of BiH to have these people return one day. They are highly educated people. We will have to adjust the law for them. It's a very important issue.

We are amending it. All problems will be solved so that first of all these people can come back whenever they want and second of all we will have agreements with other states. It will probably happen that we will first sign an agreement with Yugoslavia and then possibly by the end of the year with Croatia. It will be good to put at ease the political situation. Of course, none of that will happen if we get nationalist parties in power from October. We also have a problem with visas. But I believe that BiH citizens will not have such a problem with visas in the future. The European police will have access to information. The SBS will be on all borders, citizens of BiH will travel freely. Probably by that point a lot of time will have passed, the state will have a chance to clear up its own issues.

We have also received suggestions from the OHR concerning drastic changes in the citizenship law. Then we had different opinions from IPTF and the Human Rights Commission. IPTF was in favor of the suggestion for the immediate deportation of citizens who had their citizenship revoked by the Ministry of Interior. The Ministry for Human Rights and Refugees would then have the chance to appeal against this decision. IPTF was in favor for immediate deportation but the Human Rights Commission stated that deportation must wait until the High Court passed their decision on any appeal. I don't believe we will have such drastic changes, we will follow the European Convention on citizenship.

We are also in the process of bringing an agreement on dual citizenship with Yugoslavia and Croatia. The agreement with Yugoslavia is almost finished.

A certain group of people have legally obtained Bosnian citizenship. Some of them obtained it illegally. We are now checking a group of 94 citizens. We formed a commission which was checking all citizenships issued from April 1992 until the end of the war, this was agreed under the Dayton Agreement. The chief of this commission was from Sweden, one of the most famous world experts on citizenship issues. There were experts from Finland and Slovenia and 6 representatives from BiH. Now their mandate has finished. I think that 41 cases were revoked of citizenship immediately. Now the Council of Ministers has formed a new commission. 141 persons of African and Asian origin are very interesting. The commission has checked 150 persons. It has no mandate to revoke citizenship but it can suggest to the Ministry of the Interior to do this. After that it will check everyone, including people from the Ukraine and Russia. We have no experts in this area. The people in the Ministries are doing this along with their other daily duties.

We have provided institutional back-up for the investigation of 741 persons. We have made documents on those 741 persons, how they got here, when, what they were doing here, etc. Most of those people are from African-Asian countries. At the end of 1995-beginning of 1996 there was a government campaign to give citizenship without sufficient documents. By the Dayton Peace Accord all persons were supposed to leave BiH in one month, practically overnight they gained citizenship and were allowed to stay. A small number of these were involved in fighting for BiH, but this was a very insignificant number. After they gained citizenship they worked for humanitarian organizations and private companies. We have been able to determine that a large number have fought in Afghanistan and other conflict areas at least once. From 1992 their arrival in BiH was well-organized which means that neighboring countries, e.g. Croatia were helping them in obtaining documents and weapons, etc. The police have issued warrants for most of these people, either in their country of origin or other countries they passed through, e.g. Algeria, Egypt, Italy, France. This is a very serious issue for us. 2 persons have been extradited to Egypt. The Algerian group was sent to Guantanamo Bay despite the resistance to this. The Federal Ministry of Interior is now questioning those involved in issuing those citizenships and is trying to establish responsibility. A small

number of these people is now leaning on domestic groups, mujahadins, local organizations, ACTIVE ISLAMIC YOUTH.

III.4. Issue of Election Periods

Elections are the most important event this year, and the campaign has already started. In Republic of Srpska we have two organizations, RAVNOGORSKI CETNICKI POGRET and OTECESTVENI OBRAZ. They will try to intimidate returnees and scare them. We are experiencing returnee problems in STOLAC and JAJCE. In BUGOJNO and TRAVNIK Bosniaks are not happy that Croats are coming back.

We need to take care so that nothing will happen that could endanger people's lives. The campaign has started and it is going to be a "nasty" one.

We will have problems during the elections. These elections are too important. With all the current problems and cases, criminals will be organized much better for these elections. Except this time it will not be on ethnic basis, it will be for criminal reasons. We need to improve the economy and we need to improve our school system. I am very satisfied with the inaugural speech of the High Representative. He spoke a lot about young people.

Terrorism will certainly be an issue during the elections. Reis ul Ulema CERIC issued a press release. He has already started the election campaign. ALGERIAN GROUP (extradited to USA) and Abu HAMZA (known terrorist) will be mentioned. Many Bosnians will raise the question if everybody in BiH are on the same level, or is there an eye only on the Muslim population. People are identifying the terrorist situation with national issues.

I believe we will see more and more of these problems with the elections approaching. There is a very specific situation in RS since the authorities there are not doing anything about it. War criminals still

have a very big influence in that area. And politics is very involved in police and intelligence in RS.

I think that there are problems present in BiH and especially in the pre-election period. I am not able to divide the problem of illegal immigration from terrorists acts and the issue of criminal dealings of organized groups. In the future those people can help give logistic support to the people who have the potential for terrorist acts.

If the nationalist parties win the next elections everything we have achieved would go back to square one. I am not a party person but I have to say that the Alliance has been able to stop many criminal things from happening. The Alliance has worked on strengthening the state and entity fight against organized crime. But there are no funds to strengthen industries. I have heard that in the past 2 years not a single mark has been donated to the federal budget. This is very different from 1996-2000 when the government was basically bribed to be more cooperative. We will see what will happen. We need to have the elections held in a democratic atmosphere.

III.5. Effects of War/Entity Issues

Some people from the Republic of Srpska are saying that they are fighting the Muslims in order to preserve Western European Standards in this area. But that is not the truth. We know what was going on. They are the ones that are blocking Bosnia from becoming a normal state. At the same time that they expect us to have a manhunt of people here they are allowing KARADZIC and MLADIC to walk free.

BiH is a very complicated country with our heritage from 10 years ago.

The effects of the war here has absolute influence. SDS (Serbian Democratic Party) got 51% of votes in Republic of Srpska. That is a direct link between war heritage and presence. PDP (Party of Democratic Progress) and SNSD (Social-Democratic Party) have a small number of voters. RS citizens favor SDS. SDA (Party of Democratic Action) in the Federation side is similar, but SDP (Socialist-

Democratic Party) is also strong here. 70 % of Croatian voters voted for HDZ (Croatian Democratic Union) in the last elections. Every war is dirty. You always have criminals, trafficking, and weapon smuggling during the war. And money is always behind of it all. We had a case of 220 Identification Cards issued in POSUSJE (Croats are majority there) for Serbs. That means their government in POSUSJE did it. Criminals are co-operating much better than the politicians. My statement "Entity lines will be crossed first by the criminals and then by liberals" was often quoted.

People from different ethnic groups are in favor of the fight against terrorism but they want to use it against another entity, like you probably could read it in "Nezavisne Novine" newspapers.

I recently went to the ZELJEZNO POLJE settlement in ZEPCE municipality. It is a place notorious for its Mujahadin community. Bosnian women are married to those people. ZELJEZNO POLJE is a completely Muslim area. But the school name is written in Cyrillic and Latin. During the wartime, they had 2 Serb teachers working there the whole time. You will not find many cases like that in BiH.

When it comes to statistics, it is 3-1 RS-Federation in the number of crimes. Here we have a different situation. The people obstructing here are the ones who want a Croatian entity. This problem is not insignificant but since the institutions are strengthening in the Federation, at least we have information on these people. One positive thing on the Federation side when all people involved in International terrorism have been processed by law the situation will calm down. The OSCE could help us with this. Domestic terrorism here has a strong connection with organized crime. The Hercegovacka bank, under control of the OHR now, was found to be funding activities such as these, 10-20 million KM. People should be focused on the same problem in the different entities so people realize that everyone is equal.

I believe the main reason why people act as terrorists is power. People who have power want to keep it. Whoever rules the country has influence over financial institutions. At the end everything is done because of money. Because nationalist parties have been ruling in both

entities for almost 10 years, right now they are stronger than the state itself. Those people are running the state from the shadows. They have money and they protect war criminals.

We have information that there are some contacts between ACTIVE ISLAMIC YOUTH and CETNICKI RAVNOGORSKI POKRET. They are trying to stop the circulation of people, return of refugees, freedom of movement. We can expect in future that these people will be working to radicalize the situation in BiH. This is exactly what the ruling parties of 2 years ago needs to happen – the SDA, SDS, HDZ. In the following months we can expect attacks on returnees, religious objects, incidents like that which happened in Srebrenica a few days ago. There was no positive reaction from the police or the International Community to this incident. Nobody was removed from their position for what happened there. There are still war criminals at large. That's exactly where those people were hiding, areas where refugees are returning. People are afraid. In Visegrad 30 flats are left empty, there is no guarantee of security there.

Now in BiH most people are socially endangered. The governments of the entities are trying to financially put out the 'fire from the people' but there are not enough resources. For example, they are bringing a new law for the protection of invalids and war veterans. Members of the former government are consciously manipulating those people by supporting them to ask for more than the current government is capable of giving. There are a large number of employees from different firms who are not satisfied with the way the firms have been privatized. We cannot hope that in the near future we will have sufficient funds to put the fires out.

For now we are dealing with leaders of parties, different representatives who have been democratically elected. But that doesn't mean they cannot be manipulated by extreme elements in HDZ, SDS, etc.

III.6. Issue of Corruption/Organized Crime

The new High Representative Mr. Paddy Ashdown told me that organized crime is the biggest problem in BiH. The murder of Mr. Jozo LEUTAR, former Minister of Internal Affairs, was probably a terrorist act. Financial benefit and attempts to prevent the investigation of war crimes are behind terrorist acts.

Everybody in BiH is talking about the corruption, organized crime, and terrorism. Nevertheless, the situation is good for the development of corruption. No one talks for example about the unification of the Football Association in BiH. Maybe the next elections will clear up the situation. Council of Ministers had only a 14-month mandate. We need a government for 04 years.

Sava River trafficking is also a big problem. I am completely sure that is organized crime. Every second ship that is illegally transporting people across the river goes down and people die. I believe they are killed and their money is taken.

Our borders are not secure; we need more police officers on them.

The EU made a mistake when they put Slovenia as a 'pre-border'. They did this not because they loved Slovenia but because they wanted to protect their own countries from illegal immigrants. The OSCE needs to help us implement the SBS. As long as there are holes there will be problems. The main problem will be financing. The funds have to come from somewhere. Other countries will have to consider the fact that it is better to invest here than in their own countries because this is where their border is.

Just to make it clear what I mean, when it comes to terrorist acts, illegal immigration, etc, BiH is just a resting point for logistic support. The problem is that a lot of things can easily get in and out of BiH...trafficked women, cigarettes, alcohol, terrorists. Even with all the effort BiH is making to stop these things we cannot do a lot on our own. These groups have got good grounds for support in BiH helped by the

financial situation and political leanings. BiH is like a bomb without a fuse.

Concerning the rule of law we haven't had rule of law for 50 or 60 years. We had law of Communism and then war and then post-war period. Now we need to educate a new generation but this cannot be done overnight.

I can tell you that BiH has a station type of surveillance. We have regular border crossings and occasional checks. The border is like Swiss cheese. At this stage it is virtually impossible to protect the border.

III.7. The International Community

I believe that the International Community has a big responsibility especially in arresting war criminals. I will never be able to understand why International Forces who can capture Al Qaeda cannot manage to arrest two persons in RS. It is a bit easier here in the Federation.

The so-called bad guys are fighting now to never have rule of law. Without this we will never have a strong economy which will give them the chance to manipulate people. Then we would be running around in circles. Also, for the amount of money the members of the International Community receive they should be able to do much more. For example with the media, more than a year was spent dealing with the public broadcast service and the laws. I don't understand it. I believe the IC is stalling in order to be able to stay here longer. With the SFOR Harvests, every year calling to give back arms, for how long? In Italy if you are found with a weapon you get 5 years in jail immediately. Will we have to find an atomic bomb before we convict someone? There are so many things that could be done but evidently it is not in the interest of some people. Maybe they don't want the situation to change. Without a secure BiH, there is no secure Europe. It is in everyone's interest to resolve the situation.

The IC here has certain mechanisms with which it can influence people. They don't use them enough. There has to be a partnership. Local institutions should have the chance to do their own job by a certain deadline but if they don't then the foreigner with the big salary should take over. So many procedural mistakes were made for example with the extradition of the Algerian group. If the UN cannot keep their own house in order then how can we do it? How does Miss Picard get such a big salary? The IC in BiH sometimes expresses the interests of their own country over the situation here. The IC now wants us to deal with the Mujahadin issue. Why doesn't somebody explain how they got here in the first place? I will tell you: certain countries have brought those people to work as intelligence during the civil war in BiH. They didn't fall from Mars, they were given money to come here. I will not mention the names of the states. Anyone who knows a little about BiH will know what's going on.

IV. Specific Issues Concerning the Current Situation in BiH

Although some officials in BiH might be heard saying that there is no terrorism in BiH and that BiH ‘harbors’ no terrorist groups, there is evidence to the contrary. In addition the same officials will admit that the potential for terrorist acts may grow. It would appear that some terrorist groups are greatly influenced by events published in the media. Some experts see election campaigns, elections and their aftermath as possible catalysts for terrorist actions.

Experts speak of two kinds of ‘fight against terrorism’:

- A) The general, globally related investigation and action against (proven or allegedly terrorist) Islamic groups mainly sponsored internationally, and
- B) The so-called ‘Domestic BiH’ terror potential - investigation and action, which may also be internationally sponsored. Both kinds of actual, alleged or potential terrorism are linked also to war-time events. For example, between January 2001 and May 2002 there have been 639 reported cases of returnee-related violence.⁸⁰

Some respective laws have still to be finally drafted and passed, and many international obligations have still to be met. The overall focus is on ‘manhunt’ and ‘cutting financial support for terrorism’, but preventing terrorism by addressing ‘root causes’ is not yet on the agenda.

The following sub chapters will deal with specific organizations under investigations as well as descriptions of selected cases. The detailed presentation gives an insight into the potentials of terrorism in Bosnia and Herzegovina as seen by the authorities.

⁸⁰ Source: OSCE Geographic Cell, SITCEN, Department of Administration and Operations

IV.1. Organizations Under Investigation

Organizations That Have Already Been Investigated:

1. Benevolence International Foundation (BIF) – humanitarian organization (Chicago)
2. Bosnian Ideal Future (BIF) – humanitarian organization (Sarajevo)
3. Global Relief Foundation (GRF) – humanitarian organization
4. Al Haramain Al Masjed Al Aqsa – charity organization
5. Taybah – humanitarian organization

Future Investigations Requested:

The Co-ordination Team for the Fight against Terrorism has asked the FBiH Prime Minister, Mr. Alija BEHMEN to investigate the finances of 4 Islamic humanitarian organizations, 3 BiH civic associations and 1 firm from Zenica. Based on this request, the minister of finance will send the warrant to the FBiH Financial Police to carry out the investigation of the following organizations:

1. High Saudi Committee in BiH – humanitarian organization
2. Human Appeal International in Sarajevo and Tuzla – humanitarian organization
3. Human Relief International – humanitarian organization
4. International Islamic Relief Organization (IGASA) – humanitarian organization
5. Active Islamic Youth (AIO) – organization
6. Organization for Scholarship of Youth in Travnik and Zenica (NEDWE) – organization
7. Dzematu-I-Furqan – civic association
8. The Saudi High Commission organization is planning to open a new office in Bugojno, probably under a different name.

After the media reports concerning the upcoming NGOs inspection, branches of the “Active Islamic Youth” organization are holding meetings in order to prepare documents for the inspection. They are also

planning to form a radical Muslim party, under shariat law that would take a radical stand towards both Israel and the US.

Islamic' Organizations Suspected of Connection to Terrorism

1. Benevolence International Foundation (BIF)

- Humanitarian organization
- Headquarters in Chicago
- Director Enam Arnaout
- Arnaout gained Bosnian Citizenship in 1996 by marrying Bosnian woman from Dobo
- Director Enam Arnaout arrested in Chicago under the suspicion of terrorism.
- In the raid of BIF Office in Sarajevo pictures of Osama bin Laden and Arnaout found
- Arnaout suspected of using the BIF in Bosnia to funnel money to Bin Laden and plan terrorist attacks on US interests world-wide
- BIF's US assets frozen in December 2001

2. Bosnian Ideal Future (BIF)

- Humanitarian organization
- Located in Sarajevo and Zenica
- Director Mr. Munib Zahiragic
- Before he started to work for BIF Mr. Zahiragic was a member of Bosniak Intelligence, the Agency for Investigation and Documentation (AID)
- During the war Zahiragic worked at the Bosnian Embassy in United Arab Emirates as Security officer
- Zahiragic was arrested in 1987 and sentenced for five years in prison for his role in planning terrorist attacks on communications targets in the former Yugoslavia.
- BIF Office raided on March 19, 2002

- Inspected by the SFOR troops, Ministry of Interior officers and Financial Police
- Police discovered a large cache of weapons and explosives, terrorist guides and manifestos, fake passports and other top-secret documents.
- BIF was closed after the inspection

3. Al Haramain Islamic Foundation

- Headquarters in Saudi Arabia
- Office in Sarajevo, Bihacka St. No. 14
- Searched by the Local Police and IPTF on June 06, 2002.
- Police Forces confiscated 30 computers, audio and videotapes, floppy disks, some weapons and ammunition.
- Criminal charges were filled against 02 persons from this organization
- Inspected by the Financial Police
- Financial books for the period between 1995-1997 were not submitted for the inspection
- On July 02, 2002 the decision for blocking the organization's bank accounts was revoked since the accounting documentation for the years 1998, 1999, 2000 and 2001 were provided
- The accounts are de-blocked with the time limit, since they still did not provide the documentation for the period between 1995-1997

4. Al Haramain Al Masjed Al Aqsa

- Charity organization
- Headquarters in Saudi Arabia
- Office in Sarajevo, Hasiba Brankovica St. No. 14
- Inspected by the SFOR troops, Ministry of Interior officers and Financial Police
- Bank accounts were blocked after the inspection since the organization did not have the accounting books for the year 2002 and for the period between 1998-2001

- The decision for blocking the bank accounts was revoked on July 01, 2002 after the organization provided the requested accounting books
- The bank accounts are de-blocked without the time limit since all the documentation is provided

5. Taybah International Aid Association

- Humanitarian organization
- Headquarters in United States, Virginia
- Located in Sarajevo, Avde Smajlovica St. No. 6
- Financial police inspected the organization
- Organization's non-residential bank accounts were closed on April 03, 2002 since they did not provide needed accounting books
- Decision was revoked on July 05, 2002 after the organization provided financial books for the years 1997, 1998, 1999, 2000 and 2001

6. High Saudi Committee in BiH

- Humanitarian organization
- Based in Sarajevo
- Inspected by the SFOR troops, Ministry of Interior officers and Financial Police
- Closed after the inspection

7. Human Appeal International

- Based in Sarajevo and Tuzla
- Humanitarian organization
- Inspected by the Financial Police
- Financial books have been found regular

8. Active Islamic Youth (AIO)

- Civic organization
- In the past supported by Mr. Haris SILAJDZIC
- It has advocated that Bosnia should adopt Sharia law, the traditional code that governs Islam, and several observers and intelligence operatives in the area say the group enjoys support from many in the AID
- According to the AID (Agency for Research and Documentation – Federation Intelligence Agency) Active Islamic Youth Organization was preparing false documents for the upcoming financial inspection
- Inspected by the Financial Police
- Financial books have been found regular

9. Dzematu-I-Furqan

- Civic organization
- Based in Sarajevo
- Inspected by the Financial Police
- Financial books have been found regular

10. Global Relief Foundation (GRF)

- Humanitarian organization
- Rated by the Local Police Forces

11. International Islamic Relief Organization (IGASA)

- Humanitarian organization

12. Organization for scholarship of youth

- Organization based in Travnik and Zenica (NEDWE)

13. Elbard Bosnia

- Seat in Zenica
- Financed by Sudan and Saudi Arabia
- Active in Velika Kladusa, where OSMAN GALIJASEVIC is in charge of it

14. Red Rose

- Under protection of AID
- Recruits members in the Islamic School in Bihac and Cazin

15. Muslim Youth Association

- Seat: Old town – Sarajevo
- Cherishing tradition of mujahedin unit “El Fatih”

16. Hamas Turabe

- Islamic organization with the seat in Gorazde

17. Warriors of Islam

- Extremists from BiH
- Seat in Kakanj

18. Oric’s Group

- Until 2001 was lead by Naser ORIC

19. Black Swans

- Has approximately 600 members
- Many of them are bodyguards to SDA politicians

20. AID and its Special Unit “SEVE”

- Model of Iran secret intelligence organization

21. World’s Islamic Front

- Abu Hamza is in charge of this fundamentalist organization.
- He is reported to have transported mujahedins from Bosnia to Kosovo
- Currently lives in Bocinje
- Instructor to Rizvan Cazimi, a.k.a. “Captain Lesi”

Other humanitarian organizations under suspicion for connections with Islamic terrorists include:

22. NAHALA

23. Fund for Renaissance of Islam

24. Human Appeal International

25. Al Haramani

IV.2. Specific Cases

The “Pogorelica / Alispahic” Case

After an interrogation on the evening of April 30, 2002 the Investigative Judge of the FBiH Supreme Court Mrs. Jasminka PUTICA decided to accept the recommendation of the FBiH Prosecution Office and ordered the three suspects, Mr. Bakir ALISPAHIC, Mr. Irfan LJEVAKOVIC and Mr. Enver MUJEZINOVIC to be kept in custody for the next 30 days.

Out of all the suspects interrogated, Mr. ALISPAHIC (former Chief of AID – Intelligence Service) was in the courtroom the longest. His testimony on the subject of the “POGORELICA” case and the attempted murder of Mr. Fikret ABDIC lasted several hours.

The second suspect in the case, the former Deputy Director of AID and current owner of the SARAJEVO Daily newspaper “Jutarnje Novine” Mr. Irfan LJEVAKOVIC gave his statement on the events of the end of 1995 and the beginning of 1996 in the presence of his lawyer Mr. Sead HODZIC.

As announced, two suspects Mr. Edhem VELADZIC, former Head of BIHAC Center of Security Services and Mr. Ejub IKIC, former Head of Service of Public Security gave their statements regarding the involvement in the preparations for the murder of Mr. Fikret ABDIC.

On 28. March 1997, the Council of the Zupanija Court in RIJEKA, Croatia, after a second trial, announced a verdict against 04 suspects for planning the assassination of Mr. Fikret ABDIC. The suspects were: Mr. Dervis DEMIROVIC, Mr. Hajrudin HALILAGIC, Mr. Zijad ZULIC and Mr. Jasmin OSMANKIC while Mr. Jusuf DELIC-IBUKIC was released. According to this verdict Mr. Ejub IKIC promised to this group a reward of 100.000 DM and business premises.

FBiH TV reported that after the interrogation before the FBiH Supreme Court’s Investigative Judge, all 05 suspects remained in custody.

With regard to the case, the SDA BiH (Democratic Action Party) issued a press release to protest against putting the aforementioned “Defenders of BiH” in custody while certain war crime indicted persons are allowed to defend themselves at liberty.

The weekly newsmagazine "Dani" is accusing another weekly magazine named "Slobodna Bosna" of being supervised by the AID Director Mr. Munir ALIBABIC. It is said in "Dani" that all the information regarding the "POGORELICA" case is supplied by Mr. ALIBABIC.

"Dani" also published an interview with Mr. Jozo JOZIC, former Intelligence Officer of AID who resigned after the accusations made in 1994 by Mr. Munir ALIBABIC, current Director of AID. Mr. JOZIC stated that "POGORELICA" case is the continuation of a personal conflict between Mr. ALIBABIC and Mr. ALISPAHIC, former Director of AID who is now in custody.

Mr. ALISPAHIC, former Chief of AID, Minister of Interior of the Republic of BaH during the war is now in Central Jail in SARAJEVO. Mr. Ismet BAJRAMOVIC known as CELO, former War Commander of Military Police of RBaH Army is in the same jail, convicted of the murder of Mr. Rahman HAJDARPASIC. Mr. BAJRAMOVIC has always claimed that Mr. ALISPAHIC, while still the Minister of Interior, back in 1993, organized an assassination attempt on him. The reason was a videocassette, bought by Mr. BAJRAMOVIC, on which it is visible that Mr. ALISPAHIC is giving confiscated drugs from the Republic Ministry of Interior to be sold. Mr. BAJRAMOVIC claimed that in this way Mr. ALISPAHIC gained material benefit for himself or for the government (this has yet to be confirmed). When Mr. ALISPAHIC went out for his first walk, other inmates started throwing eggs, oranges, bananas, lighters and yogurt at him. According to the last known information Mr. ALISPAHIC is not taking advantage of his privilege of walking inside the closed jail circle. People who have seen him are claiming that he has lost 10 kg in 3 days.

Mr. Munib ALIBABIC (Director of AID) stated that the authorities should have reacted sooner, since these crimes were committed during year of 1996. Apparently, he said, there were two reasons for that, first, that there was no political will to do so, and second, that the documentation regarding this case was not completed. Mr. ALIBABIC stated that two out of three above-mentioned persons ,were directly involved with the illegal issuing of Identification Documents. Mr.

UGLJEN, which was assassinated, was involved in this crime, and that was probably the motive for his assassination.

The BOSANSKA IDEALNA FUTURA Organisation

The Organization 'BOSANSKA IDEALNA FUTURA - BIF' (BENEVOLENCE INTERNATIONAL FOUNDATION) was Searched Earlier this Year (March 2002) by an Investigation Team in SARAJEVO.

FBI Agent Robert WALKER has reportedly stated that the following materials have been found: loaded weapons, military manuals, forged passports, personal correspondence between Mr. Bin LADEN and Mr. Enaam Mahmud ARNAOUT, radio transmitted codes used for messages about weapons relocation, photos of Bin LADEN in the 1980s and early 1990s, CDs with scanned pictures and history archives, documents about BIF affairs, pictures of bin LADEN and the foundations executive director, Mr. Enaam Mahmud ARNAOUT.

The FBiH Police have found and confiscated administrative documents about certain Bin LADEN associates and their duties. Many of these people are identified as Al Qaeda members.

Mr. Enaam M. ARNAOUT (aka Abu MAHMOUD) is reportedly 39 years old, is residing in the USA and was born in SYRIA, but his family moved to SAUDI ARABIA, where he lived until 1987. That year he went to the College of Islamic Studies in PESHAWAR, PAKISTAN where he met the Saudi Sheikh Adil Abdul Glil BATARGY, with whom he formed the organization Al Bir Al Dawalia – Benevolence International Foundation (BIF). Sheik BATARGY has reportedly been connected with so-called 'Mujahedins' in AFGHANISTAN together with one of the closer associates of Mr Osama Bin LADEN. It is suspected that Mr. ARNAOUT was trained in the Al Masad Camp in the Pakistan-Afghanistan border region where he got the nickname Abu MAHMOUD.

BIF opened its first office in ZENICA in 1993. In October 1993 Mr. ARNAOUT was arrested in CROATIA. It is not clear if the Croatian Army or HVO in BiH arrested him, but it is known that they suspected that some of the BIF employees were involved in the weapons smuggling. ARNAOUT apparently managed to escape from prison.

It is not known whether ARNAOUT was involved in the military actions in BiH, but it is clear that he was forming and supervising the Training Centres in TESANJ, ZELJEZNO POLJE and BISTRICAK, near ZENICA. Some of the instructors in these camps were ARNAOUT'S friends, 'mujahedins' that had fought in Afghanistan against the Soviets. Some of them were members of the organization MUSLIM BROTHERS, which was financially supporting these camps.

A significant number of these instructors did not go back to Central Asia after the war in BiH was over. They stayed in BiH despite the agreement that they would leave the country.

Mr. ARNAOUT was always trying to obtain complete legitimacy for the work of his organization and he was seeking the approval of the Bosnian Government. It is believed that during the war he had frequent contacts with Mr. Semso MEHMEDOVIC (Chief of Ministry of Interior in TESANJ, and later in ZENICA) and Mr. Dzemo NAJETOVIC (Commander of the first ZENICA brigade). He also met Mr. Alija IZETBEGOVIC, at that time President of RBiH and Mr. Haris SILAJDZIC.

For a short period of time in 1993 Mr. Boudella HADZ was employed in BIF. He is one of the six persons from the "Algerian Group" who were extradited to the USA.

In 1996 ARNAOUT married a Bosnian citizen, Mrs. Aida B., a refugee from DOBOJ. This is the means by which he gained his Bosnian citizenship. The reported FBI affidavit cited alleged links between BENEVOLENCE (BIF) and terrorists involved in the 1993 World Trade Center bombing, a plot to bomb U.S. airlines and a plan to assassinate Pope JOHN PAUL II during his 1995 visit to the PHILIPPINES. FBI stated that Mr. ARNAOUT had contact with Mr. Mohamad KHALIF

who is married to Osama bin LADEN'S sister, and who was involved in plotting to assassinate the Pope.

The FBI said that members of Al Qaeda have held positions within the charity, and that a man who tried to obtain uranium for Mr. Osama bin LADEN, Mr. Mamdouh SALIM even listed the charity's address as his home. Mr. SALIM visited Bosnia in 1998. Mr. ARNAOUT signed a document in which he stated that Mr. SALIM is one of the directors of BIF and the visa for his trip to BiH was approved.

Investigators said a subsequent review of BENOVOLENCE'S (BIF) bank records indicated missing funds and that Mr. ARNAOUT frequently traveled to BiH to withdraw cash from the charity's account. FBiH police said that that some employees of the charity were conducting activities unrelated to humanitarian work.

The financial police established that 06 million-KM had been transferred through the accounts of these organizations. Mr. Enaam ARNAOUT has produced documentation that may prove where the money went. It was established that Mr. Munib ZAHIRAGIC, later the director of the BIF, withdrew 300.000 KM, BIF Official Mr. Alen COSIC withdrew over 500.000 KM and the BiH director of the BIF Director Mr. ARNAOUT withdrew more than 300.000 KM out of his account. Mr. ARNAOUT is currently in the custody of the FBI and will be facing trial in the USA.

IV.3. Examples of Potential Domestic Terrorism

Potential Bosnian-Serb Extremist Threat

Groups or members conducting extremist activities are generally identified as seasoned veterans of former paramilitary units. Of the three

ethnic groups in Bosnia, the B-Serb extremists are the only ones that have actually demonstrated their will to target SFOR. Members come from extremist organizations such as the Cetnik Ravnogorski Pokret (CRP), or elusive, secretive organizations such as the Gavriilo Princip (GP). Former paramilitary members take advantage of the porous borders between the RS and Serbia in transporting weapons, explosives, and recruits to fight for the 'Serbian cause' where needed in the Balkans.

Extremist members of CRP will act independently, not necessarily on behalf of the CRP. In general, all B-Serb obstructionists, not just the CRP, are capable of assembling a large crowd and fueling them with nationalist rhetoric provoking them to violence. Busing rent-a-crowds to a specific area, sometimes hindering SFOR movement and operational capability, is within their capability. The deliberate pre-placement of rock stockpiles has also been known to turn peaceful demonstrations into mayhem.

There is a Unique Challenge with Assessing the Threat in Bosnia in Pointing out a Variety of Native and Foreign Groups all; all with Varying US/IC Sentiments, Operating Capabilities, Intentions, Activities, and Operating Environments.⁸¹

On Friday 03 May 2002 RS police in BIJELJINA interrogated the president of the Serb Radical Party (SRS) executive board, Mr. Mirko BLAGOJEVIC. The reason for the hearing was a text published in the SARAJEVO daily "Dnevni Avaz" on 29 April, according to which BLAGOJEVIC had allegedly organised a meeting of a group of people in BIJELJINA to discuss the "realisation of terrorist attacks aiming to intimidate Bosniak returnees to ZVORNIK, KORAJ, LOPARE, DZEMAT and UGLJEVIK". "Dnevni Avaz" claimed that 10 people attended the meeting among whom were members of the SRS leadership, Mr. Momcilo MANDIC, members of the former Milosevic's National Security Service and members of the group called "PAUK" (SPIDER). After the interrogation Mr. BLAGOJEVIC told the media

⁸¹ Some information from Nato: Threat Assessment of Multi-National Division-North (MND-N), May 20th, 2002

that the hearing was conducted in a correct way and that he had denied all the allegations. He pointed out that the made-up story, published in “Dnevni Avaz” could have only been created by the Party of Democratic Progress of Mr. Mladen IVANIC and RS Interior Minister Mr. Dragomir JOVICIC, who want to discredit all possible political rivals prior to the October general elections”. Regarding Mr. Momcilo MANDIC, Mr. BLAGOJEVIC said he would never meet with a war profiteer such as MANDIC. Regarding the “PAUK” group, Mr. BLAGOJEVIC said that he had nothing to talk to them and its leader Mr. Ljubisa BEARA. The SRS had stated a long time ago that BEARA is the most responsible person for the massacre in SREBRENICA.

Various Serb groups and clubs have been established in the Diaspora in order to collect funds for radical groups like “GAVRILO PRINCIP” and “SRPSKI OBRAZ”. Members of these groups are ex-members of paramilitary groups that operated in BiH during the war.

Mr. ALIBABIC asked for a comment from the representative of the Republic of Srpska Ministry of Interior regarding the terrorist acts in settlement KORAJ, municipality LOPARE, which occurred during the Mosque opening, and also regarding statements made by Mr. Mile BLAGOJEVIC, member of ‘CETNIK’ movement” from settlement DZEMAT, municipality UGLJEVIK, about the terrorist acts that his movement is planning.

Mr. Risto BASIC, deputy of Mr. JANJETOVIC, RS Ministry of Interior reported about the incident that occurred in KORAJ, municipality LOPARE. He stated that the gathering for Mosque opening went without any incidents, and that RS MUP was even thanked for the good organization and supervision of the event. It was only the case of the bomb dropped prior to the Mosque opening. Mr. BASIC also reported about the higher security measures when it comes to the securing the international agencies like IPTF or SFOR. While monitoring SFOR base in RAMICI, near BANJA LUKA, police several times spotted a vehicle, plate numbers 474-J-845, brand Golf. The car was not stopped, but police found out that it is registered in Canton 9. Canton 9 police was informed about it.

There is a possibility that terrorist act could happen in East part of Republic of Srpska by CETNIK movement “RAVNOGORSKI POKRET”. Information on additional page regarding this case is given to the present. (see additional page of Minutes)

One citizen of SARAJEVO, employed at SARAJEVO AIRPORT was kidnapped and taken to LUKAVICA. He was interrogated, asked if he is working for AID. He was returned to SARAJEVO, but Ministry of Interior of SARAJEVO Canton and Republic of Srpska should cooperate in following up this case.

Potential Bosnian-Croat Extremist Threat

Two Croat radical groups “HRVATSKA IMIGRACIJA” (CROATIAN IMMIGRATION) from FRANKFURT (GERMANY) and “HRVATSKI DOM” from ESSEN (GERMANY) are reportedly supporting Mr. JELAVIC (former HDZ party Chairperson, removed from duty by the High Representative) in order to resolve the Croat issue in BiH and form a third entity (Croat one). The information on these organizations is that they are said to be prepared to take extreme measures in order to achieve their goal.⁸²

The Director of National Security Service in MOSTAR introduced the information about 4 incidents that involved the destroyed vehicles by setting off explosive devices. Two of those happened in SIROKI BRIJEG and two in LJUBUSKI. Apparently, there was a terrorist group that was organised and supported by some local politicians. The regional security authorities appealed to the International Representatives to appoint the Minister of Interior for that area, since they have a lot of committed crimes, but no one to supervise the police actions in that area.

⁸² Sources: Meetings with Officials, Monitoring National media, MFA chaired Co-ordination Team for Fight against Terrorism

Two Croat alleged radical groups “HRVATSKA IMIGRACIJA” (CROATIAN IMMIGRATION) from FRANKFURT (GERMANY) and “HRVATSKI DOM” from ESSEN (GERMANY) are said to support Mr. JELAVIC (former HDZ party Chairperson, removed from duty by the High Representative) in order to resolve the Croat issue in BiH and to form a third entity (a Croat one) in BiH. The information on these organizations is that they are prepared to take extreme measures in order to achieve their goal.

Potential Bosnian Muslim Extremist Threat

The following allegations are made:

Islamic extremists see Tuzla as a potential target to regain support for operations in Bosnia. Although anti-US sentiments in certain pockets of the Bosniak community and the operational capability to execute does exist, there are no indicators and warnings of imminent attacks directed against SFOR/IC in MND (N)’s area of operation (AOR) by Islamic extremists. Of grave concern however, is the recent terrorist plan to target the US Embassy in Sarajevo, MND (SE) 23-26 MAY 02. The embassy-threat suspects are Probable Foreign Islamic Extremists (PFIEs) linked to Islamic non-governmental organizations (NGOs) in Zenica, MND (N). Many of these Islamic NGOs are a concern because of their direct and indirect links to known terrorist organizations such as Al Qaeda.

Unfortunately, Bosnia serves as an operating base for Islamic terrorist activities due to (1) presence of former Mujahadin who remained in Bosnia after the war, some of whom are now PFIEs, (2) transnational terrorists harboring within or traveling through the country that are easily assimilated into the society, (3) Bosniak sympathizers in positions of influence providing financial, legal and logistical support, (4) Islamic NGOs providing cover and concealment for terrorist support activities, (5) active youth recruitment and indoctrination, and (6) provocative anti-Semitic (coupled with anti-US) propaganda aimed mainly at impressionable students.

Open source (OSINT) reporting states that some hard-line members of the SDA party, to include former Bosniak Tri partite President Izetbegovic, provide direct support through their control of the Foreign Ministry and local passport operations, and even have their own rogue intelligence service that protects PFIEs.

Islamic NGOs provide cover for action/status to support terrorist activities. NGOs provide money laundering, recruitment, indoctrination and training, harboring of transient terrorists, and so on.

The US Embassy in Sarajevo reported more than a hundred surveillance incidents in the past year.

IV.4. Statement by the UNMIBH

Related Issues discussed with Ambassador Souren SARAYDARIAN, Deputy Special Representative of the UNITED NATIONS Secretary-General, June 27th, 2002

UNMIBH has stressed that BiH needs to review its citizenship procedure. That job is almost finished. Co-ordination Team for Fight against Terrorism is a BiH Team and members of international community are there only to help them out. UN had a stand regarding the terrorism even before September 11, and that was to establish visa regime (we did not manage to establish it for Turkey, since BiH has special relations to it, but for countries like Iran etc. we established visa regime like the Shengen one), to have special procedure for granting and redrawing citizenship. We also wanted SFOR to review mujahedin groups and we have managed to train antiterrorist team of RS. State Border Service is finally established and it is controlling 88 % of state border. In the past things were much different. Terrorists, even possibly Bin Laden got Bosnian passport in BiH Embassy in Austria. Only two years ago we had 24 000 people coming to BiH through SARAJEVO airport and not leaving the country at all.

Concerning the issue of refugees and citizenship, Krajina people are Serbs. We are insisting that BiH resolve double citizenship issue with Croatia and Yugoslavia. For example, BiH asked for extradition of General ANDABAK from Croatia. We have his birth certificate stating that he is a citizen of BiH. But Croatia refused to extradite him since he is also citizen of Croatia. General ANDABAK was involved in the assassination of Mr. Jozo LEUTAR, Federal Deputy Minister of Interior.

BiH must ratify European Convention on Terrorism, since that Convention allows countries to extradite their own citizens if they are under suspicion of terrorism.

UNMIBH has two ongoing programs, first one is for domestic violence and second one is for violence related to the returnee area. But you must be very careful when you talk about terrorism. I don't know what terrorism is, even UN still did not define terrorism. 200 years ago when Americans were fighting for their freedom British people were hanging them as terrorists.

When UN talks about terrorism in BiH it is focusing on the fact that we do not want BiH to be a country where terrorists can hide, rest or even disappear for a while.

When BiH was extraditing Algerian group to USA, we had to make sure that their human rights are respected. All of them had BiH passports and we had to make sure that they have a citizenship of their birth country so that they would not become "stateless".

SALEH NEDAL, who is currently on the run, has more than one citizenship. He is originally from Yemen, but he has BiH citizenship also, Egyptian residence permit and Schengen Visa.

Problem is that people who gained residence permit for BiH during the war had no problems gaining BiH citizenship based on that permit.

The potential terrorists are hardly Bosnians. They are coming from Egypt, Jordan, Yemen, etc. Some of them came here during the war to fight and after the war ended they went to Chechnya to fight. They are

certain type of mercenaries. Then you have those who are actually a part of the organized crime scene, who believe that they are helping their country out by committing terrorist-crime acts. UNMIBH and UNMIK had a joint action of seizing weapons from people that were smuggling it, thinking that they are helping their country.

5000 rounds of mortar ammunition were found in MOSTAR. Ammunition was stored back in 1996. Mr. Ramo MASLESA who is now Federal Minister of Interior was Police Chief in MOSTAR. It seems to me now that Bosniaks have more weapons than the other ethnicity in BiH. Republic of Srpska does not have any weapons. Some of it is destroyed and what is left is not maintained at all and it is old.

I think, and SFOR shares my opinion that people need education in BiH. However, you can not achieve that if you have children like in STOLAC whose classes are divided by their ethnicity. Croats are going to school in the afternoon, Bosniaks in the morning. What kind of multiethnic town is that if the children are separated in the schools?

IV.5. Joint Co-Ordination Team

Selected Topics on the Agenda of the the Joint Co-ordination Team for the Fight Against Terrorism chaired by the BiH Ministry of Foreign Affairs

The Issue of BiH Citizens Held in Macedonia

Conversation was held with Macedonian Ministry of Interior about the BiH citizens that were detained. Before going to Macedonia BiH Representatives received a written statement from the detained BiH citizens in which they stated that they were detained for 4 days, from March 13 to March 17 2002, and they were physically injured. Macedonian officials informed BiH Representatives about the following:

- Citizens of BiH were detained 24 hours, not 4 days, the other 3 days they were in a hotel.
- BiH citizens appeared and acted suspicious and that was a legal ground for detention. They also were in possession of several CDs with over 10.000 pages of mainly religious text.
- Citizens of BiH did not violate International or Macedonian Law by any mean, and they were released.
- Citizens of BiH were not extradited, it was recommended to them to leave Macedonia, which they did.

The Macedonian side said that the articles about this case in the newspapers are unfounded. Representatives of BiH side insisted that Macedonian side should inform the public through the media about the events. It was also suggested that BiH and Macedonian Ministries of Interior present a joint public announcement. The above mentioned material of 10.000 pages will be sent to BiH through diplomacy channels. It was recalled that these Citizens of BiH involved in the Macedonia case are Theology students. It was said that the BiH side was interested in the facts regarding this case, and that the future activities will be based on these facts. Information received from the Macedonian colleagues regarding this case was confusing and contradictory. It is in BiH interest to have good bilateral relation with Macedonia, and also to have a stable situation in the region. For those reasons BiH side is ready to look the other way regarding this case in order to get out of this inconvenient situation with Macedonia. The two states will intensify the intelligence co-operation in order to fight organized crime and terrorism. BiH supports fight against terrorism, but it also wishes to keep and straighten good reputation in the world. BiH is ready to face the truth. It was pointed out that BiH has to carry the burden of the past, but there is not need for additional ones. It was said that it is a “popular sport” to arrest BiH citizens in the neighbor countries. There was a recent arrest of a Republika Srpska (RS) police officer, under the allegation that 10 years ago he had tear gas in his vehicle, and yesterday’s arrest of one more BiH citizen under the allegation that he left the army in 1992 and did not return his pistol. Relations of BiH and neighboring countries are

developing in a good course, but situations like this are disturbing the positive development. BiH is determined to protect the interest of its citizens. Eventual indifference of BiH in these cases would bring to the loss of respect not only among the friends, but also among the enemies.

Alleged Bosnian Serb Activities

In the night between 15-16 May a bomb was dropped on a religious object (mosque) in BIJELJINA. This was probably committed by the RAVNOGORSKI CETNICKI POKRET organization. There is a serious investigation taking place in PRIJEDOR municipality regarding the murder of a Catholic priest and his parents in 1995. Some 20 persons are criminally involved in this case. Concerning the terrorist attacks in BIJELJINA municipality when a hand grenade was thrown on the mosque, information was obtained that this was done by brothers Rade and Predrag GALIC, who are close to the chairman of the Serb Radical Party in BIJELJINA Mr. BLAGOJEVIC. The act was allegedly committed together with the organization called CETNICKI RAVNOGORSKI POKRET and it is expected that this movement will continue its activities in order to scare the returnees. Furthermore information was obtained that 10-15 intelligence officers from Serbia are in the west-east part of BiH. They are collecting information regarding the former members of BiH Army. In the wider area of SARAJEVO contacts have been made between members of CETNICKI RAVNOGORSKI POKRET and Croat movements in order to agree action in order to intimidate returnees.

Active Islamic Youth from Tuzla

Concerning the activities of the organization ACTIVE ISLAMIC YOUTH from TUZLA: The situation has calmed down since a newspaper from BANJA LUKA published an article about this case. It is not good that this information was published, and it has calmed the situation. ACTIVE ISLAMIC YOUTH is has been negotiating with political parties. ACTIVE ISLAMIC YOUTH is advocating more

aggressive approach towards the SDP leaders in the pre-election period. The Bosnian Broat side of AID pointed out: The Organization ACTIVE ISLAMIC YOUTH gave false information that SFOR Camp will be attacked. That was done in order to raise tensions in this area, since the investigation was started regarding the murders of Croat returnees and because Hague Court raise charges for war crimes against Mr. Enes HAMDZIC, member of this group. It is known that there are a large number of persons of African-Asian origin that live in BUGOJNO and they are having big influence on local politicians and law enforcement. There are indications that local politicians and police officers were involved in the case of hiding the weapons in (Muslim controlled) East MOSTAR. Weapon and ammunition was found by SFOR several days ago in a local factory. Mr. Munir ALIBABIC, Director of AID: After the media reports about the upcoming NGOs inspection, branches of "ACTIVE ISLAMIC YOUTH" organization are having meetings in order to prepare documents for the inspection. They are also planning to form a radical Muslim party, under sherijat law that would have a radical stand towards AMERICANS and ISRAELIS. Individuals of A-A origin had several meetings/gatherings at the remote locations near VISOKO. A member of Mujahedins was leading the meetings. This man's citizenship is reworked, but he filed the complaint and while he is waiting for the decision he has the right to remain in BiH. In the area where the meetings were held the training camps for the Mujahedin troops were located during the war. Active Islamic Youth organization is "cleaning up" and most militant persons will remain in the organization. According to the intelligence information, the money is still transferred from the humanitarian organizations to AIY and other militant groups. Intelligence is gathering the info that will be combined with the findings of the Financial Inspection that is checking out the financial documentation in these organizations.

The Case of Adnan Kadric

On 06 July Mr. Adnan KADRIC A.K. DILAN, born in 1971 from ZENICA was arrested in MOSTAR. His vehicle was searched and the following items were found: Automatic rifle – Heckler, Optical device, Silencer, Two ammunition magazines, with total 20 rounds of bullets.

The Federal Ministry of Interior is included in the ongoing investigation since the weapon and equipment found can be used in terrorist activity. Mr. KADRIC left BiH in 1993. He lived in FRANKFURT where he became a member of a criminal group involved in drug sale and prostitution. He also lived in Holland, Belgium and Italy and occasionally came to BiH. Mr. KADRIC was arrested on the road where General SYLVESTER (Commander of SFOR troops) was supposed to go through on his way to MOSTAR. Press is speculating with that information if Mr. KADRIC was planning to assassinate General SYLVESTER, but the Police has no reliable information to confirm that statement. Series of other investigations are conducted in order to insure to gather more information during the 08 days of Mr. KADRIC's detention. 04 persons that were asking about him close to the Police Station are in detention also. Ministry of Interior needs the assistance of International Community in order to apply pressure on the local prosecutors and judges, since only 08 days are determined for the detention of this person. The Deputy High UN Commissioner pointed out that the police did a good job. Not to say the same for judiciary. Investigative judge wanted to release Mr. KADRIC. Judge's argument was that is the punishment for the possession of weapons is less than 03 years, which it is, she can not keep him in detention for less than 01 day. One should also know that 5000 Euro were transferred to Mr. KADRIC's account. It should not be a job of International Community to intervene in the cases like this. There is a lack of legislation procedure to handle cases like this one. It is not 'healthy' to in case of judiciary.

Cetnicki Ravnogorski Pokret

Gatherings in POTOČARI and in the SREBRENICA Municipality scheduled in the summer of 2002: It was stated that intelligence services were involved in organizing these gatherings. Information was obtained that CETNICKI RAVNOGORSKI POKRET and SERB RADICAL PARTY would organize "human shields" in POTOČARI and KRAVICE settlements with the purpose of preventing the gatherings. MR. MIROSLAV DERENIC, who was one of the organizers of these incidents, is now at the War Crimes Tribunal in Hague and everything

should be done to prevent new BANJA LUKA or TREBINJE cases. For the last pre-election campaigns the CETNICKI RAVNOGORSKI POKRET announced that they would wear "cetnik" uniforms in order to scare the voters.

Various groups and clubs are established in the Diaspora in order to collect funds for radical groups like "GAVRILO PRINCIP" and "SRPSKI OBRAZ". Members of these groups are ex-members of paramilitary groups that operated in BiH during the war.

Cetnik gathering in the MANJACA mountain area during the summer of 2002 was an obvious demonstration of force of CETNICKI RAVNOGORSKI POKRET (movement). It is known that MR. VOJISLAV SESELJ, who is PERSONA NON GRATA in BiH, had a part in organizing the gathering. Intelligence has the information that CETNICKI RAVNOGORSKI POKRET is insuring the money in order to buy as much as possible of the Bosniak property in ZVORNIK and BRATUNAC. It is known that Mr. Veselin VLAHOVIC- BAKO attended the gathering. Mr. VLAHOVIC is known as a murderer of several people in Sarajevo. He escaped from the prison in Monte Negro. It is suspected that Mr. VLAHOVIC has a close connection with the indicted war criminals Radovan KARADZIC and Ratko MLADIC.

Few days before the Summit of Croatian, BiH and Yugoslav Presidents in SARAJEVO, Federation Intelligence Service received information from Croatian Intelligence that a group of individuals from Central Bosnia have purchased weapons that could be used against the Presidents. During the checkout, it was found out that there was an exchange/smuggling of weapons between the entities.

The Deputy Minister of Foreign Affairs (summer 2002): made the following statement:" I believe that we all agree that dangerous times are coming when domestic terrorism will play a significant party in election campaign. So, I am not prepared to draw a line between the domestic terrorism and international one. We have been paying dearly for the domestic terrorism. I am not prepared to call one thing a political violence and another violence."

The “Algerian Group”

The United States Embassy informed that 3 Algerians were arrested in SARAJEVO in spring 2002 are still detained and under investigation. However, other individuals that are also investigated revealed to the American authorities that the “Algerian group” arrested in SARAJEVO was connected to the terrorist groups around the world. Written statement regarding this information was handed to the BiH Ministry of Foreign Affairs. The Ambassador of the Kingdom of Spain, stated that the public should be informed why the “Algerian Group” was arrested, and that he is at the disposal of the local members of the Team for any information or advice that they might seek.

State Border Police

The Deputy Chief of State Border Police (SBP) reminded the present Team Members, that SBP still does not have its building or communications system, which is making its work very hard.

The State Border Service Chief made the following comment:

“An additional 12% of state border is now under the supervision of the State Border Police. We have established 6 new organizational units in order to achieve this increase in border control. State Border Service did not find anything that would indicate that there are any terrorist acts planned. Everyone has probably heard about the drowning of 13 Turkish citizens in the SAVA river who were trying to illegally cross the border to Croatia. 04 managed to survive this accident. 08 criminal charges have been started against the people involved in this case (Croatian citizens also). It is still not known who was the owner of the boat in which they were trying to cross the border. 14 members of SBS, 03 Customs officers and 1 civilian are under investigation for smuggling goods across the border with Serbia in the town of ZVORNIK.”

The Deputy Minister of European Integration added: *“The SAVA river is very interesting. It seems like hundreds of people have drowned there. According to my knowledge some people have been deliberately drowned there, it is not just smuggling. Two things should be done:*

- *to inform RS, SBS and the Croatian government regarding these repeated cases*
- *to inform the governments of the countries where these people come from in order to start a campaign to explain what can be the outcome of their travel.”*

The Citizenship Issue

Information was presented about the activities in the case of 17 citizens of Afro-Asian (AA) origin, who complained on the decision of the Council of Ministers of BiH regarding the withdrawal of their BiH citizenship. For 13 out of 17 people additional information from the Military Security was requested regarding their engagement in BiH army. For 1 out of 4 remaining persons it was determined that he does not have the necessary documents regarding the BiH citizenship (Mr. Gasmi ZEMEDINI REDA). Other 3, among them Mr. Abu HAMZA have complete citizenship documentation.

The USA Embassy asked how Mr. Abu HAMZA did gain his BiH citizenship. The BiH authorities stated that the documentation for citizenship is completed fully according to the law. Administrative part is done properly, the crime investigation should be performed in order to determine the credibility of the documents.

It was reminded that the Council of Ministers of BiH would be deciding about the Law of Asylum and migration.

Information regarding “Group 94” (94 persons which gained BiH Citizenship, BiH authorities informed the members of the coordination group that 17 persons out of “Group 94” have received their citizenship

in regular procedures. As far as the other 77 are concerned citizenship was not gained by the law and they are declared PERSONA NON GRATA. All Local Police Stations, BRCKO District Police Station and Ministry of Civil Affairs received a document with the names of these persons. Republic of Srpska Ministry of Interior, Federal Border Service and Bosnian Branch of INTERPOL are about to be informed. The document will be also published in Official Gazette.

The investigation regarding the 104 illegally issued citizenship is finished. According to the findings 15 persons were involved in the illegal activity of issuing passports without valid documentation. Investigation regarding this case started in year 2000. It was determined that a series of illegal acts were committed since these people received citizenship on the basis of false birth certificates. On 08 November 2000, Cantonal Prosecutor's office Sarajevo submitted the request to the Federal Ministry of Interior in order to check out the citizenship. On 19 February 2001, Federal Ministry of Interior submitted its findings to the Prosecutor's office. On 30 July 2001, Cantonal Prosecutor gave the case to the Municipal Prosecutor 1 in SARAJEVO. Federal Ministry of Interior has completed its part of work and asked for the explanation from the Prosecutor in charge why this case is not processed. In July 2002 Federal Ministry of Interior received an official correspondence from the Municipal Prosecutor saying that the time laps has started in this case, since the last false ID was issued on 29 July 1996 and according to the Article 137 of the Criminal Law time lap started the same day that Cantonal Prosecutor gave the case to the Municipal Prosecutor.

The Commission in charge of the Citizenship Review has had its 11th session. The following findings were presented to the Council of Ministers: 05 citizens that gained BiH citizenship on the basis of their involvement in BiH Army did not submit valid documents in order to gain citizenship; for 13 citizenship issued COM asked the Parliamentary Assembly to give its opinion regarding the validity; 05 person gave false documentation in order to gain the citizenship and Federal Ministry of Interior is advised to revoke it; for 07 persons the Commission does not have the valid information and those people are asked through the media

to contact the Commission; 04 persons gained their citizenship on the basis of Article 10 (state interest in granting citizenship) and Federation Ministry of Interior is asked to check them out; 50 individuals applied legally.

The Case of Saleh Nedal

SREDNJEBOSANSKI CANTON informed Ministry of Interior that one person from the PERSONA NON GRATA list was found. His name is SALEH NEDAL from JEMEN. Mr. NEDAL will have 48 hours and additional 48 hours upon a receipt of the PERSONA NON GRATA declaration to leave BiH. He has a right to appeal to this decision but according to BiH law he will have to leave the country anyway. If he does not leave the country by himself, he will be extradited. SFOR gave the following statement regarding this case: SALEH NEDAL is a well-known person to the Intelligence. He has connection with the terrorists and he is known as a terrorist sympathiser. It is also known that Italy is searching for him.

On 10.05.2002. Federal Ministry of Interior sent a request to the Canton Ministry of Interior in TRAVNIK to put Mr. Saleh NEDAL under surveillance. On 18.05.2002. Federal Ministry of Interior was informed that the Ministry of Interior in TRAVNIK lost trace of Mr. Saleh NEDAL on 12.05.2002. On 24.05.2002. Chief of the department for the Fight Against Terrorism received correspondence from INTERPOL that Italy had issued a search warrant on 18.05.2002. for Mr. NEDAL. On the same day the Federal Ministry of Interior contacted the Cantonal Ministry of Interior in TRAVNIK to take measures to find Mr. NEDAL. The IPTF Commissioner was informed about the disappearance of Mr. NEDAL and requested to establish responsibility for the disappearance. On 04.06.2002. the Federal Ministry of Interior was informed that Internal Control has started its investigation in order to establish responsibility. Italy gave up on the extradition of Mr. NEDAL regarding terrorist activities. He is charged for forging documents. AID has the information that Mr. NEDAL is in BIHAC and we are checking it out. However, we also received the information that Mr. NEDAL is already

in SLOVENIA with his older son. INTERPOL has issued a search warrant for him so all the countries are informed about it. The USA Embassy SARAJEVO has obtained the information that Mr. NEDAL is actually still in BUGOJNO. The Chief of State Border Service said that the information regarding Mr. NEDAL is posted on all border crossings in charge of State Border Service. The Federal Ministry of Interior has started an internal control in Srednje-Bosanski Canton Ministry of Interior regarding the disappearance of Mr. NEDAL. 05 persons/officers have been found responsible (among them are Head of Uniformed Police Unit and Inspector of organized crime). Disciplinary measures will be taken against them. The case is proceeded to the Cantonal Prosecutor's office Investigation will be conducted in order to determine responsibility of Cantonal Ministry of Interior since there are doubts that some of the police officers were in contact with NEDAL.

Search of Non-Governmental Organizations (NGOs)

The BiH Ministry of Foreign Affairs informed about the Finance Inspection control in 4 humanitarian organizations. Finance Inspection sent a request to those organizations to submit additional information and documents, which was not done, so the bank accounts of those organizations are blocked. One more organization will be checked out by the Financial Inspection since it has connection with several members of "Egyptian Group". Most of the members of this group were on the payroll of this organization from year 1998 to 2000. It was agreed that information and material with photos will be sent to the Ministry of Interior of Republic of Srpska and to the other relevant entity and state institutions.

Regarding the list of telephone calls made by the "Egyptian group" they are being analysed and checked out. Lists will be delivered to the Coordination Team Members upon their completion. Mr. Sefik HALILOVIC from the Ministry of Interior BiH Federation also confirmed this information.

Federation intelligence service informed the present about the following: AID and Financial Police have inspected several NGOs. Information gained in this investigation proved that it was a justified search.

- The Organization BOSNIAN FUTURA was searched. Mr. Munib ZAHIROVIC is a suspect.
- Organization EL HARMEIN was searched. It was found out that from 1999-2001 this organization spent 3.5 Mil. KM without any justification. The law on bookkeeping was broken, there were no names mentioned on who was taking and spending the money. It is also known that this NGO has no ongoing humanitarian projects. EL HARMEIN was never financially controlled in the past. Since there is a possibility that this money was used in terrorist purposes, it will be suggested to the Ministry of Interior to start an investigation.
- BER BOSNA organization should also be investigated since 10 of the people interesting to AID have been employed there. 3 Egyptians who are on search warrants for terrorism were also employed in this organization.

The USA Embassy asked the Federal Government in OCTOBER 2001 to close following organizations:

1. EL HARMEIN
2. ACTIVE ISLAMIC YOUTH
3. EL FURKAN
4. SAUDI HIGH COMMITTEE
5. INTERNATIONAL ISLAMIC RELIEF

Presently out of all these organizations only SAUDI HIGH COMMITTEE is closed. At the moment FBI is working with Ministry of Interior in order to gain warrant for the search of INTERNATIONAL ISLAMIC RELIEF. It was said that the Saudi Committee will not open the office in BUGOJNO. The Saudi Ambassador reportedly said that they were thinking about it, but have decided not to proceed because of the September 11 issue. The Saudi Ambassador also has reportedly mentioned to the BiH MFA that the brochure issued by the Saudi

Committee for the mosque opening in BUGOJNO, which caused a lot of trouble was a mistake and it will not happen again

The Deputy Minister of Interior (Federation) added the following information:

1. On 03.06.2002. the organization AL HARAMAIN ISLAMIC FOUNDATION was searched. A lot of material was confiscated and it will take some time to inspect it all. Police forces confiscated 30 computers, audio and videotapes, floppy disks, but also some weapons and ammunition. IPTF is supervising the investigation.
2. Police also searched 7 premises. One apartment that was supposed to be searched on the same day will be searched later, when the person who is occupying it comes back. The apartment is under surveillance.
3. This is the fourth Humanitarian organization to be searched since December last year.
4. 04 criminal charges have been submitted against 03 persons. One person is in detention.
5. PALMA COMPANY CASE – Priority in this case was to cut the unauthorized drug trade, but now a financial inspection will carry out the investigation. It is already known that people from several countries are included in this criminal offence.

Federation Intelligence (AID), Federal Ministry of Interior, The Minister of Foreign Affairs, the Advisor to the Chairman of the Council of Ministers and the Deputy Minister of Foreign Affairs have held a meeting with the Chief of Financial Police of BiH where they received the information that the financial police have conducted a search of 04 organizations. Criminal charges are filed against 03 persons involved in money laundering for these organizations (AL HARMAIN and BIF). The Financial Police is currently conducting an investigation into 08 organizations. BEDER BOSNIA from ZENICA is one of those organizations. The Financial Police sent a letter to NGOs that are about

to be investigated that they should prepare financial documentation in order to show their financial transactions. Some Ambassadors representing the countries these organizations are coming from protested against the investigation, stating that it is not possible to gather this information in the determined time period. Two (02) bank accounts of humanitarian organization AL HARMEIN AL AXA have been unblocked. One bank account is used for funding school in MOJMILO with 300 children without parents. The second account is used for funding a boarding school. The organization is limited to 1000 KM in cash to be picked up from their account at any one time. The Chairperson of the Council of Ministers and his associates held a meeting with the Director of European Branch of the organization EL HARMEIN ISLAMIC FOUNDATION. Ambassador of Saudi Arabia was also present at that meeting. Director of EL HARMEIN was unpleasantly surprised with the findings of the Financial Inspection. EL HARMEIN have produced the financial report for the period between 99-02 and insisted on unfreezing their bank accounts. However, they have been informed that accounts will not be unblocked until they produce financial documents for the period from 1994-1996, which have apparently been burned or destroyed by one of the employees of this organization. Mr. Zulfet DERVISEVIC who is the Chief of the Financial Police is supporting this decision. The second phase of the financial investigation will start with the search of 08 NGOs and citizen associations. It should be taken in to consideration that some of those organizations were funded by organizations that have already been searched. Investigation is going on and report with findings should be finished by the end of this month.

SFOR suggested **not** to unblock the accounts until Ministry of Interior with the help of SFOR finishes the ongoing investigation of their documentation. I would like to remind all of you that during the search we have found tapes with extremely hateful speeches, not just against the western world and Jews but also against different forms of Islam.

Federation Intelligence (AID) pointed out:

1. AID has the information that organization ACTIVE ISLAMIC YOUTH and other extremist groups are associated with NGOs and

responsible for disappearance of money from the bank accounts of those NGOs.

2. All of these organizations and associations are misinforming the public in BiH and abroad and stating that activities and searches conducted by the Federal Ministry of Interior are focused against Islam religion. They have even included some religious representatives and foreign diplomats in their propaganda.
3. ACTIVE ISLAMIC YOUTH is preparing false documents for its upcoming financial inspection.

IV.6. Possible Acts of International Terrorism

On the morning of 30 April 2002 the USA Embassy informed the BiH Ministry of Interior about the additional threats to the USA Embassy. Ministry of Interior and Ministry of Civil Affairs are urged to finish this investigation. Chief of USA Embassy talked with Mr. MASLESA (Federal Police Minister) and informed him about the latest events regarding the USA Embassy security. USA Embassy has the information that MR. AL MISLI, Egyptian who was extradited to Egypt and who was one of the planners of NEW YORK Attack was in telephone contact with one person from BiH. The Federation Ministry of Interior gave the following information:

- One person from the BIF Organization is in prison and under investigation.
- Police should have substantial evidence in order to have these persons investigated (list of phone calls, etc.)
- Person in contact with Mr. AL MISLI is under the investigation by Federal Ministry of Interior.

Regarding the information presented by US Embassy it was said by Federation authorities that (the discussed and considered) closing of the

US Embassy in BiH would send a negative picture about Bosnia globally. But the information given by the Embassy Representatives is very serious and the Ministry of Interior should follow it up closely.

Rumors have spread regarding the possible attacks on UN members in the TUZLA area. A few days ago several people from the ACTIVE ISLAMIC YOUTH reportedly were discussing terrorist attacks on the UN in TUZLA canton. This statement was given in the context of a conversation regarding the inertia of the UN in that area. Verbal statements were given that something should be done about it. AID is in the process of verifying this information and 04 persons are under surveillance. The Ministry of Interior and SFOR are co-operating with AID in this investigation. This case is important since the people involved have been interesting to the Service for some time. No one has yet been arrested.

ACTIVE ISLAMIC YOUTH has intensified its activities.

The BiH Ministry of Foreign Affairs: On 23.05.2002. our Embassy in ROME informed us that the subsequent meeting of the UN Food and Agricultural Organization (FAO) in ROME in June.2002 could be a potential occasion for terrorist acts. Potential terrorists might come from MARROCCO, TUNISIA and ALGERIA. It is the opinion that because of the counter-terrorist measures in BiH, Serbia and Croatia the roads through the Balkans are no longer safe for the passage of terrorists.

V. International Obligations

As a member of the UN, OSCE, and Council of Europe, *inter alia*, Bosnia & Herzegovina is under many international obligations in the fight against terrorism – both in the form of international conventions and politically binding agreements.

Prior to September 11th, the UN Security Council and General Assembly had, over the last three decades, put forth several resolutions against terrorism and its particular forms. These included the 12 main UN conventions and protocols against terrorism, as well as some related conventions and protocols against international organized crime. After the al Qaeda attacks, UN Security Council Resolution 1373 was passed in late September 2001 as a comprehensive set of commitments for the international community toward fighting and preventing terrorism. It serves as both a summary of all previous anti-terrorism resolutions and creates new obligations for States in this struggle. Later Security Council Resolution 1377 (November 2001) reiterates the importance 1373 and also encourages regional security organizations, such as the OSCE, to assist States in its implementation.

As part of the international community's increased mobilization in fighting and preventing terrorism post-September 11th, the OSCE organized a December meeting of the Ministerial Council in Bucharest. The result of this meeting was the Bucharest Ministerial Declaration, which includes the Bucharest Plan of Action for Combating Terrorism. The Plan of Action delineates steps to be taken by OSCE institutions, missions, and Member States. Less than two weeks later the OSCE, along with the UN Office for Drug Control and Crime Prevention, hosted the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to counter Terrorism. While the focus of this conference was on Central Asia, *all* OSCE Member States were encouraged to implement the resulting "Programme of Action" – which reaffirmed the Bucharest Plan of Action and laid out further anti-terrorism measures. Internally, OSCE

divisions such as ODIHR and FSC created “Road Maps” for implementing the Bucharest and Bishkek documents.

Within a few short months, Bosnia & Herzegovina also became a member of the Council of Europe, which has many of its own conventions and protocols related to the fight against terrorism, which are mandatory for all members to sign, ratify, and implement.

Lastly, while Bosnia & Herzegovina is not yet in negotiations with the European Union for membership, eventual European integration is the priority of most officials in the government. In fact, new High Representative Paddy Ashdown noted in his inaugural speech that his main task is “to put this country irreversibly onto the road to statehood and membership of Europe.”⁸³ Therefore, European Union guidelines for fighting and preventing terrorism – though not *obligations* under international law for Bosnia & Herzegovina – should be emulated as much as possible. For this reason they have also been included in this chapter.

V.1. The OSCE Concept of a Comprehensive Approach to Security

Politico-Military Dimension

Under the politico-military dimension, BiH’s international obligations focus mainly on criminalizing specific acts of terrorism or terrorist assistance, sharing information between government bodies and with other States, and assisting with any investigations or proceedings upon another State’s request. High emphasis is placed on international cooperation, particularly informational exchange. Highly linked to the criminalization of terrorist acts and assistance is the strengthening of police border controls, training, and intelligence to counter the criminal activities.

⁸³ Inaugural speech by Lord Paddy Ashdown, 27th May 2002, Sarajevo, BiH State Parliament

Economic and Environmental Dimension

Under the realm of the economic dimension, the international anti-terrorist documents emphasize the regulation of financial systems in order to suppress terrorist financing and money laundering. They also mention improving the standard of living and level of environmental protection, so as to remove the base for terrorist sentiment that stems from poverty.

Human Dimension

Relative to the human dimension, the international conventions, protocols, and other obligations emphasize the maintenance or creation of civil society – namely, promoting tolerance among different ethnic or religious groups, ensuring minority rights, solving the displacement of persons, and promoting respect for the rule of law – in order to remove some of the feelings of disenfranchisement that can lead to desperate terrorist acts or sympathies. The humane treatment of offenders or alleged offenders is another theme that runs throughout all of the documents.

The following pages contain a comprehensive list of obligations which BiH is committed to fulfil, arranged by organization and document, as well as an outline of the European Union guidelines.

V.2. Specific OSCE Obligations

Bucharest Plan of Action

The *Bucharest Plan of Action* lays out several duties for both OSCE institutions and Member States themselves. Most of these obligations were reinforcements of those laid out in UN resolutions and conventions.

In particular, States pledged to:

- Become parties to all 12 of the United Nations conventions and protocols relating to terrorism by December 31, 2002; {*Note: See later section on UN conventions and protocols*}
- Inform the Permanent Council of steps taken to become parties to these 12 conventions and protocols;
- Implement all the obligations assumed under the conventions and protocols relating to terrorism (including the *United Nations Convention against Transnational Organized Crime* and its protocols,) in particular:
 - Working especially under the *United Nations Convention on the Suppression of Financing of Terrorism* – specifically providing training for domestic financial institution employees to counter money laundering and monitor financial flows;
 - Preventing the movement of terrorist individuals and groups through effective controls over borders and issuance of identity papers and travel documents, while respecting international human rights and refugee law;
 - Assuring that asylum is *not* granted to persons who have participated in terrorist acts;
 - Providing timely detention, prosecution or extradition of persons charged with terrorist acts;
- Participate constructively in negotiations at the United Nations on the *Comprehensive Convention against International Terrorism*, *International Convention for the Suppression of Acts of Nuclear Terrorism*, and global instrument against corruption;
- Enhance implementation of existing OSCE politico-military commitments and agreements, especially the *Code of Conduct on*

Politico-Military Aspects of Security and the Document on Small Arms and Light Weapons (SALW);

- Submit responses to the *Code of Conduct Questionnaire*;
- Use the Forum for Security Co-operation (FSC) to strengthen efforts in combating terrorism by implementing all relevant measures agreed by the OSCE;
- Consider how the OSCE may draw upon best practices in preventing and combating terrorism;
- Strengthen co-operation and information exchanges between States, groups, organizations, and institutions combating terrorism;
- Aim to identify and combat economic and environmental issues that undermine security;
- Work with OSCE and UNHCR to find solutions to protracted displacement of persons;
- Promote tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups;
- Ensure that national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity;
- Provide early warning and appropriate responses to violence, intolerance, extremism and discrimination against these groups;
- Promote respect for the rule of law, democratic values and individual freedoms;

Bishkek Programme of Action

The Bishkek Conference culminated in a Programme of Action, laying out duties for OSCE bodies and Member States which reaffirmed the Bucharest guidelines. States committed themselves to:

- Enhance co-operation between anti-terrorist and crime-fighting agencies;
- Enhance co-operation between those agencies at the regional and international levels as well;
- Adopt anti-money laundering legislation and structures;
- Rapidly ratify of all relevant international instruments, including Financial Aid Task Force (FATF) 40 recommendations; *{See later section in this chapter on OECD obligations}*
- Gather and share information and analysis on criminal activities
- Increase funding for relevant research;
- Prevent accumulation and trafficking of small arms and light weapons (SALW);
- Increase co-operation in human rights and fundamental freedoms by strengthening rule of law and building democratic institutions;
- Allow judiciary to deal with all terrorism aspects;
- Address inter-ethnic frictions at earliest stage;
- Promote active civil society engagement, especially among young people;
- Emphasize tolerance and dialogue among civilizations;
- Assist the free media;
- Provide psychological and social services to victims and families;

- Address economic and social problems exploited by terrorists;

Code of Conduct on Politico-Military Aspects of Security (1994)

The Code of Conduct, originally agreed upon in 1994 in Budapest, lays out specific guidelines for the organization and use of military forces by OSCE Member States. Specifically regarding terrorism, the Code of Conduct makes several points, requiring that States:

- Not support terrorist acts in any way; [Art.II (6)]
- Take appropriate measures to prevent and combat terrorism, including fulfilling international agreements; [Art.II (6)]
- Counter tensions that may lead to conflict, such as aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism; [Art.VI (17)]
- Ensure a politically neutral armed forces that is trained in international humanitarian law; [Art.VII (23,30)]
- Respect fundamental freedoms and human rights in recruitment of military, paramilitary, or security personnel; [Art.VII (27)]
- Guard against accidental or unauthorized use of military means; [Art.VII (24)]
- Not to use their armed forces to limit the peaceful exercise of human and civil rights; [Art.VIII (37)]

The Code of Conduct also includes a 10-point questionnaire, which is to be completed April 15th of each year. Question #1 asks directly what measures the Member State has taken to prevent and combat terrorism.

Document on Small Arms and Light Weapons (2000)

The obligations of OSCE Member States under SALW Document are mirrored by those under the later UN Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001). *{Note: See later section on UN conventions and protocols}*

In particular, States agreed to combat illicit trafficking through National control of manufacture by licensing; [Sec.II(A)]

Ensuring comprehensive and accurate records by the State and manufacturers; [Sec.II(C)]

Controlling brokers through licensing and disclosure of transactions; [Sec.]

Requiring strict import, export, transit documentation; [Sec.III(C)]

Demanding import licenses before accepting transit or imports [Sec.III(B)(2)]

Denying export licenses if there is a clear risk that the small arms will be used to create instability (i.e. terrorism, organized crime, threatening other States, etc.); [Sec.III(A)(2)(b)]

Considering a country's situation, legitimate need for arms, respect for human rights, and record of compliance with international agreements before exporting small arms; [Sec.III(A)(2)(a)]

Requiring permanent marking of all small arms with year, country, manufacturer, and serial number; [Sec.II(B)(1)]

Permanently destroying unmarked small arms, or marking them before use or export; [Sec.II(B)(2), IV(C)]

Transferring only small arms with identifying markings; [Sec.III(B)(7)]

Having procedures to ensure that transit in small arms is physically secure; [Sec.III(B)(1),(6)]

Ensuring enforcement through judicial system, including prosecution of illegal producers through penal codes, and criminal sanctions for violating UN arms embargoes; [Sec.II(A), Sec.III(E)(1),(2)]

Cooperating with other States and international organizations with investigations and elimination of surplus arms; [Sec.III(E)(3),(4), Sec.IV(D)]

Sharing information confidentially on arms manufacturers and brokers, illicit trafficking, convicted legal persons, and enforcement experiences; [Sec.III(E)(6)]

Providing early warning about uncontrolled spreads of small arms; [Sec.V(A)]

Exchanging information on all marking systems, imports, exports, surpluses, etc. by 30 June 2001; [Sec.II(D), Sec.IV(E)]

OSCE Road Maps

Road Map of the FSC – Forum for Security Cooperation

The FSC Roadmap for implementing the Bucharest Plan also reiterates that States should implement international agreements on terrorism and enhance implementation of both the *Code of Conduct* and the *Document on SALW*.

ODIHR Road Map

The ODIHR Roadmap for implementing the Bucharest Plan restates the obligation on Members States to promote tolerance and to monitor the situation of protracted displacement of persons.

V.3. United Nations Commitments

Resolution 1373

Passed in the wake of the September 11th attacks, UN Security Council Resolution 1373 on “Anti-Terrorism Measures” is a wide ranging resolution covering many aspects of fighting and preventing terrorism. As well it serves as a summation of all previous General Assembly and Security Council resolutions regarding terrorism. In it, the Security Council laid out a long list of actions – some of which are mandatory for States to implement, while others are strongly advised. In particular, States “shall”:

- Prevent and suppress the financing of terrorist acts, by
 - Criminalizing provision or collection of funds with intent or knowledge that they be used for terrorist acts; [Art.1(b)]
 - Freezing assets of offenders or attempted offenders; [Art.1(c)]
 - Prohibiting people from making any funds available for terrorist acts; [Art.1(d)]
- Establish terrorist acts as serious offenses under criminal law, with punishments that reflect the seriousness of the crimes; [Art.2(e)]
- Stifle support of people or entities involved in terrorist act by suppressing recruitment and eliminating weapons supply; [Art.2(a)]
- Prevent movement of terrorists via border controls measures to prevent fraudulent ID or travel papers; [Art.2(g)]
- Prevent use of their territory by terrorists; [Art.2(c)(d)]
- Provide early warning systems to other States; [Art.2(b)]

- Afford other States assistance in criminal investigations and proceedings; [Art.2(f)]

In addition, States are “called upon” to:

- Find ways to increase inter-body exchange of information in preventing terrorism; [Art.3(a)(b)]
- Become parties to all relevant conventions and protocols relating to terrorism; [Art.3(d)]
- Assure that refugees and asylum seekers have not been involved with terrorism; [Art.3(f)(g)]
- Report to the Counter-Terrorism Committee on steps taken to implement resolution 1373 by end of December 2001; [Art.6]

UN Conventions and Protocols on Terrorism

There are twelve major international conventions and protocols that delineate States’ duties in combating terrorism, which can be separated into the following topical categories:

Aircraft/Airport Terrorism:

- 1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)
 - Criminalizes any act on board aircraft which is already subject to penal law or which endangers crew, passengers, or plane.
 - States must take measures to establish appropriate jurisdiction over such offenses. [Art.3]

- If States have joint air transport operating organizations, then they must designate which State is the State of registration of each aircraft, and notify the International Civil Aviation Organization (ICAO.) [Art.18]
 - In case an incident takes place, States are required to:
 - Take measures to restore control to the aircraft commander; [Art.11(1)]
 - Allow passengers and cargo to resume travel as soon as practicable; [Art.11(2)]
 - Allow disembarkation of offenders or alleged offenders and take them into custody, allowing immediate communication with their home State; [Art.12, 13(2),(3)]
 - Give offenders or alleged offenders no less favorable treatment than State nationals; [Art.15(2)]
 - Begin an immediate inquiry; [Art.13(4)]
 - Notify other States that have jurisdiction or interest in the matter. [Art.13(5)]
- 2) Convention for the Suppression of Unlawful Seizure of Aircraft (1970)
- Creates offense for anyone to unlawfully, by force, threat of force, or other intimidation, seize or exercise control of the aircraft
 - States must undertake to make the offense punishable by severe penalties under domestic law. [Art.2]
 - States must establish appropriate domestic jurisdiction over such acts. [Art.4]

- If States have joint air transport operating organizations, then they must designate which State is the State of registration of the aircraft, and notify the International Civil Aviation Organization (ICAO.) [Art.5]
- States should include such offenses as extraditable offences in every new extradition treaty. [Art.8(1)]
- In case an incident takes place, States are required to:
 - Take measures to restore control of the aircraft to the commander; [Art.9(1)]
 - Facilitate the continued journey of passengers and cargo as soon as practicable; [Art.9(2)]
 - Take offenders or alleged offenders into custody for as long as necessary for criminal or extradition procedures to begin, allowing immediate communication with their home State; [Art.6(1),(3)]
 - Begin an immediate inquiry; [Art.6(2)]
 - Notify other States that have jurisdiction or interest in the matter; [Art.6(4)]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.7]
 - Assist each other in criminal proceedings; [Art.10]
 - Report all circumstances to the ICAO. [Art.11]
- 3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)
 - Creates offense for anyone to unlawfully and intentionally perform an act of violence against a person on board in-flight aircraft, plant

an explosive device, attempt or be an accomplice, if that act is likely to endanger aircraft safety.

- States must undertake to make the offense punishable by severe penalties under domestic law. [Art.3]
- States must establish appropriate domestic jurisdiction over such acts. [Art.5]
- States should include such offenses as extraditable offences in every new extradition treaty. [Art.8(1)]
- If States have joint air transport operating organizations, then they must designate which State is the State of registration of each aircraft, and notify the International Civil Aviation Organization (ICAO.) [Art.9]
- States must take all practicable measures under international and domestic law to *prevent* such offenses from being carried out. [Art.10(1)]
- Each State has a duty to exchange preventative information, if it has reason to believe that an offense will be committed. [Art.12]
- In case an incident takes place, States are required to:
 - Take offenders or alleged offenders into custody for as long as necessary for criminal or extradition procedures to begin, allowing immediate communication with their home State; [Art.6(1),(3)]
 - Begin an immediate inquiry; [Art.6(2)]
 - Notify other States that have jurisdiction or interest in the matter; [Art.6(4)]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.7]

- Assist each other in criminal proceedings; [Art.11]
 - Facilitate the continued journey of passengers and cargo as soon as practicable; [Art.10(2)]
 - Report all circumstances to the ICAO. [Art.13]
- 4) Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)
- Extends the above convention to include terrorist acts at airports serving international civil aviation

Maritime Terrorism:

- 5) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)
- Protects maritime navigation (ships) in same manner as international aviation (aircraft.)
- 6) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
- Protects fixed platforms on the continental shelf in same manner as aircraft and airports.

General Terrorist Activities:

- 7) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)
- Defines persons who are entitled to special protection from attack.

- States are required to stiffly criminalize murder, kidnapping, or other attack on the person or official premises, private accommodation, or means of transport of the protected person – as well as criminalizing threat, attempt, and participating as accomplice. [Art.2(2)]
- States must establish appropriate domestic jurisdiction over such acts. [Art.3]
- States must take all practicable measures to prevent preparations for such acts within their territories, including exchanging information and administrative coordination. [Art.4]
- States should include such offenses as extraditable offences in every new extradition treaty. [Art.8]
- In case an incident takes place, States are required to:
 - Communicate to other States immediately if the suspect or offender is believed to have fled; [Art.5(1)]
 - Transfer any information about the victim and circumstances to the victim's official State; [Art.5(2)]
 - Keep the offenders or alleged offenders in the State for as long as necessary for criminal or extradition procedures to begin, allowing immediate communication with and an official visit from their home State; [Art.6]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.7]
 - Guarantee fair treatment during proceedings; [Art.9]
 - Assist each other in criminal proceedings; [Art.10]
 - Communicate the outcome to the UN Secretary-General; [Art.11]

8) International Convention against the Taking of Hostages (1979)

- States are obliged to establish hostage-taking as a criminal offense under domestic law, with punishments appropriate to the gravity of the offense. [Art.2]
- States must prevent hostage-taking by adapting domestic legislation to counter preparations and illegal groups and activities within their territories, allowing for appropriate informational exchange within the administration. [Art.4]
- States must establish appropriate domestic jurisdiction over such acts. [Art.5]
- States should include such offenses as extraditable offences in every extradition treaty. [Art.10]
 - In case an incident takes place, States are required to:
 - Take all measures possible to secure release of the hostages and return all objects obtained through the hostage-taking; [Art.3]
 - Take offenders or alleged offenders into custody for as long as necessary for criminal or extradition procedures to begin, allowing immediate communication with and official visit from their home State or from the International Red Cross; [Art.6(1),(3),(5)]
 - Begin an immediate inquiry and notify other States that have jurisdiction or interest in the matter or the UN Secretary-General; [Art.6(1),(2)]
 - Communicate the outcome to the UN Secretary-General; [Art.7]
 - Guarantee fair treatment during proceedings; [Art.8(2)]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.8(1)]
 - Assist each other in criminal proceedings; [Art.11]

9) Convention on the Physical Protection of Nuclear Material (1980)

- Requires that States take appropriate steps to ensure that during transport, nuclear material is protected according to specific guidelines – and include this in their domestic law. [Art.3, 4(4)]
- Prevents States from importing or exporting nuclear material without assurances that the protection guidelines will be met. [Art.4]
- States must identify and inform each other of their central authority and contact responsible for protection of nuclear material and for response operations if such material is compromised or threatened. [Art.5(1)]
- States are obliged to establish criminal offenses under domestic law for, *inter alia*, unlawful contact or transfer of nuclear material, threatening demands for nuclear material, or threatening use of nuclear material – with punishments appropriate to the gravity of the offense. [Art.7]
- States must establish appropriate domestic jurisdiction over such offenses. [Art.8]
- Offenses under this Convention will be considered an extraditable offense in all previous extradition treaties, and States must undertake to add it to all future extradition treaties. [Art.11]
- States should cooperate with each other and international organizations to obtain guidance on protection systems for nuclear material during transport; [Art.5(3)]
- States must ensure appropriate confidentiality toward information gained from other States; [Art.6]
- States must inform the depository of the domestic laws and regulations which give this Convention effect. [Art.14(1)]
- In case an incident (or threat) takes place, States are required to:

- Exchange information and cooperation to any other interested States or international organizations; [Art.5(2)]
- Ensure that alleged offenders remain in the State until necessary for criminal or extradition procedures to begin, notifying all other States with jurisdiction or interest in the matter; [Art.9]
- Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.10]
- Guarantee fair treatment during proceedings; [Art.12]
- Assist each other in criminal proceedings; [Art.13]
- Communicate the final outcome to the UN Secretary-General; [Art.14(2)]

10) Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)

- States must take necessary measures to prohibit and prevent manufacture of unmarked explosives within their territories. [Art.2]
- States must also prevent movement of unmarked explosives into their territories. [Art.3(1)]
- States must control movement of all unmarked explosives manufactured or brought into the country before the Convention came into force. [Art.4(1)]
- States must ensure that all stocks discovered or not held by the authorities for legitimate military or police purposes be destroyed, consumed, marked, or rendered permanently ineffective within 3 years of Convention coming into force. [Art.4(2)]
- States must ensure that all stocks held by authorities that are NOT an integral part of duly authorized military devices be destroyed,

consumed, marked, or rendered permanently ineffective within 15 years of Convention coming into force. [Art.4(3)]

- State parties must, if possible, transmit any information to the International Civil Aviation Council that will help it evaluate technical developments in the manufacture, detection & marking of explosives. [Art.8(1)]
- States parties must inform the Council of measures taken to implement the Convention. [Art.8(2)]

11) International Convention for the Suppression of Terrorist Bombing (1997)

- States are obliged to establish terrorist bombings as a criminal offense under domestic law, with punishments appropriate to the gravity of the offense. [Art.4]
- States must establish appropriate domestic jurisdiction over such offenses, and notify the UN Secretary-General. [Art.6(1),(2),(3)]
- States must prevent bombings by adapting domestic legislation to counter preparations and illegal groups and activities within their territories, allowing for appropriate informational exchange within the administration. [Art.15]
- States are urged to create standards for marking explosives in order to identify their origins in case of a blast. [Art.15(c)]
- States should include such offenses as extraditable offences in every extradition treaty. [Art.9(1)]
- In case an incident (or threat) takes place, States are required to:
 - Immediately begin an investigation; [Art.7(1)]
 - Ensure that alleged offenders remain in the State until necessary for criminal or extradition procedures to begin, notifying all other States with jurisdiction or interest in the matter; [Art.7(2),(6)]

- Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.8]
- Assist each other in criminal proceedings, investigations, or extradition proceedings; [Art.10]
- Guarantee fair treatment during proceedings according to domestic and international human rights law, including allowing suspects or offenders to contact their State of nationality and be visited by a State representative and/or International Red Cross representative; [Art.14, Art.3(3)(a),(b), Art.7(5)]
- Inform the offenders or suspects of their rights; [Art.3(3)(c)]
- Notify other States that have jurisdiction or interest in the matter, possibly through the UN; [Art.7(6)]
- Communicate the final outcome to the UN Secretary-General; [Art.16]

12) International Convention for the Suppression of the Financing of Terrorism (1999)

- States are obliged to establish terrorist financing as a criminal offense under domestic law, with punishments appropriate to the gravity of the offense. [Art.4]
- States must enable legal entities within the State to be held liable if management of the entity has committed an offense. [Art.5(1),(2)]
- States must ensure that such entities are subject to sanctions promoting deterrence, including monetary sanctions. [Art.5(3)]
- States must adopt measures necessary to ensure that terrorist financing is in no way justifiable. [Art.6]

- States must establish appropriate domestic jurisdiction over such offenses, and notify the UN Secretary-General. [Art.7(1),(3)]
- States must take measures to identify, freeze, and seize any funds allocated toward financing terrorism, and allow for forfeiture of such funds. [Art.8(1),(2)]
- States may share forfeited funds and should consider setting up system to use such funds to compensate victims. [Art.8(3),(4)]
- Terrorist financing will be considered an extraditable offense in all previous extradition treaties, and States must undertake to add it to all future extradition treaties. [Art.11(1)]
- If alleged offenders may be present in a State's territory, then the State must
 - Investigate, and take measures to ensure the persons remains in the State; [Art.9(1),(2)]
 - Allow the persons to communicate with and be visited by a representative of their home States; [Art.9(3)]
 - Guarantee fair treatment to offenders or alleged offenders, in accordance with domestic law and international human rights law – and inform them of their rights. [Art.17; Art.9(3)(c)]
 - Notify other States that have jurisdiction or interest in the matter, possibly through the UN; [Art.9(6)]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.10(1)]
 - Assist each other with investigations or extradition proceedings, with assurances that information will be kept confidential unless agreed upon; [12]

- Communicate the final outcome to the UN Secretary-General; [Art.19]
- States should cooperate in *preventing* terrorist financing by:
 - Taking measures to prohibit illegal activities of persons that encourage, instigate, organize, or engage in terrorist financing; [Art.18(1)(a)]
 - Requiring financial institutions to efficiently identify customers and identify unusual or suspicious transactions; [Art.18(1)(b)(i)]
 - Adopting regulations prohibiting blind trusts or anonymous accounts; [Art.18(1)(b)(i)]
 - Requiring financial institutions to verify the legal existence of the customer or business customer through public registries; [Art.18(1)(b)(ii)]
 - Requiring financial institutions to report complex or unusual transactions with no apparent lawful or economic purpose – without fear of breach of privacy lawsuits, if done in good faith; [Art.18(1)(b)(iii)]
 - Requiring financial institutions to maintain records for at least 5 years; [Art.18(1)(b)(iv)]
 - Creating measures for supervising all money-transmission agencies; [Art.18(2)(a)]
 - Creating measures to monitor cross-border cash and bond movements, without impeding freedom of capital; [Art.18(2)(b)]
 - Exchanging accurate and verified information within the State's administration; [Art.18(3)]
 - Cooperating with each other on identifying persons and funds used to finance terrorism – including considering mechanisms for sharing information. [Art.18(3)(a),(b)]

In addition, States have been urged to quickly finalize and ratify the Comprehensive United Nations Convention on International Terrorism.

Noting the strong link between organized crime and terrorism, there is also one UN Convention on combating international organized crime, along with four additional Protocols:

UN Convention Against Transnational Organized Crime (2000)

- States are required to adopt laws establishing participation in an organized criminal group, laundering, corruption, obstruction of justice (and being an accomplice to such acts) as serious criminal offenses. [Art.5(1); Art.6(1); Art.8(1); Art.11(1); Art.23]
- States must furnish copies of laws that give effect to this Convention to the UN Secretary-General. [Art.6(2)(d); Art.13(5)]
- States must take measures to establish appropriate jurisdiction over such offenses. [Art.15(1)]
- States are to establish liability of legal persons for these offenses, including dissuasive criminal and non-criminal sanctions. [Art.10]
- States should ensure that any prosecutorial discretion is used with maximum effectiveness against these offenses. [Art.11(2)]
- States should establish a long statute of limitations for these offenses. [Art.11(5)]
- States must adopt measures to identify, trace, freeze, and confiscate any proceeds of crime or objects used to commit the crimes. [Art.12(1),(2),(3)]
- States should create special investigative techniques for combating these crimes. [Art.20(1)]

- States should use proceeds from confiscation to compensate victims, fund IGO's who fight transnational organized crime, and share with other affected States. [Art.14(2),(3)]
- States must empower courts or other competent authorities to order financial records to be opened or seized. [Art.12(6)]
- States must take measures to provide both witness protection *and* assistance to victims. [Art.24; Art.25]
- States must take measures to encourage past offenders to cooperate with law enforcement. [Art.26]
- States must consider analyzing trends in organized crime and sharing information on effective prevention and policing. [Art.28]
- States must initiate, develop, or improve training programs for law enforcement personnel, and assist other States with the same. [Art.29]
- States should consider concluding bilateral and multilateral agreements for cooperation under this Convention, including these offenses in any extradition agreements and allowing for transfer of criminal proceedings. [Art.13(9); Art.16(3); Art.16(17); Art.17; Art.19; Art.20(2); Art.27(2)]
- States should take measures to ensure expedited extradition and simplified evidentiary requirements for these offenses. [Art.16(8)]
- States must designate central authorities for receiving requests for mutual legal assistance, and for preventing transnational organized crime, and notify the UN Secretary-General. [Art.18(13); Art.31(6)]
- States are foster close cooperation between their domestic administrative bodies and also with other States' administrations, including informational exchange. [Art.27(1)]

- States should focus on preventing transnational organized crime by:
 - Developing national projects to promote best practices in preventing transnational organized crime. [Art.31(1)]
 - Strengthening cooperation between law enforcement and private entities; [Art.31(2)(a)]
 - Developing codes of conduct for professions such as lawyers and accountants; [Art.31(2)(b)]
 - Disqualifying offenders from managing legal persons; [Art.31(2)(d)(ii)]
 - Establishing national records of disqualified persons; [Art.31(2)(d)(iii)]
 - Reintegration of past offenders into legal society; [Art.31(3)]
- States are to combat money-laundering specifically by
 - Creating a comprehensive domestic regulatory and supervisory regime for financial institutions; [Art.7(1)(a)]
 - Ensuring that judicial, administrative, and law enforcement bodies cooperate and exchange information on both the national and international level; [Art.7(1)(b)]
 - Considering establishing a national financial intelligence unit; [Art.7(1)(b)]
 - Implementing measures to monitor the flow of cash across borders, without impeding the free movement of legitimate capital; [Art.7(2)]
 - Using regional and multilateral organizations as a guideline, and endeavoring to promote multilateral cooperation; [Art.7(3),(4)]
- States are to combat corruption specifically by

- Adopting measures to promote integrity and prevent, detect, and punish corruption of public officials; [Art.9(1)]
- Ensure effective action by authorities through adequate independence; [Art.9(2)]
- Should States take action against alleged offenders, they are required to:
 - Ensure the presence of defendant through the proceedings, while respecting defendants' rights; [Art.11(3); Art.16(9)]
 - Consult with other States who have jurisdiction or interest in the matter; [Art.15(5)]
 - Either extradite or submit such cases to the competent domestic authorities for prosecution; [Art.16(10)]
 - Cooperate with other States in investigations and criminal proceedings to increase their efficiency, while keeping any shared information confidential; [Art.16(10); Art.18(1),(2),(3),(4),(5)]
 - Guarantee fair treatment to alleged offenders; [Art.16(13)]
 - Follow the Convention's specific set of guidelines for requesting mutual legal assistance; [Art.18(14),(15)]
- Upon request from another State, States must:
 - Identify, trace, freeze, and/or seize any proceeds, property, equipment, etc. from the crime; [Art.13(1),(2)]
 - Allow, according to specific guidelines, the transfer or people already in custody to give evidence; [Art.18(11)]
 - Allow for the transfer of criminal proceedings; [Art.21]

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

- States must establish trafficking as a criminal offense, including attempt, organizing, or being an accomplice. [Art.5]
- States must ensure assistance to victims by
 - Protecting victims' privacy and identity through confidential proceedings [Art.6(1)]
 - Providing information on proceedings; [Art.6(2)(a)]
 - Allowing them to present their concerns during criminal proceedings; [Art.6(2)(b)]
 - Implementing measures (along with NGOs) toward victims' physical, psychological, and social recovery – in particular housing, legal and personal counselling in a language victims can understand, medical assistance, and employment and educational opportunities; [Art.6(3)]
 - Providing for physical safety of victims [Art. 6(5)]
 - Ensuring that the domestic legal system allows for victims to obtain compensation for damages [Art.6(6)]
 - Adopting measures allowing victims to remain in the State [Art.7]
 - Accepting the safe and preferably voluntary return of traffickees that are nationals or residents of the State [Art.8(1)&(2)]
 - Protecting persons from revictimization [Art.9(1)(b)]

States must establish comprehensive policies toward preventing **and** combating trafficking by:

- Undertaking research, information, and mass media campaigns, as well as social and economic initiatives; [Art.9(2)]
- Cooperating with NGOs and other organizations; [Art.9(3)]
- Creating bilateral and multilateral agreements to alleviate factors which make people vulnerable; [Art.9(4)]
- Adopting or strengthening measures to discourage demand; [Art.9(5)]
- Exchanging information between law enforcement agencies; [Art.10(1)]
- Providing or strengthening training for law enforcement and immigration officials; [Art.10(2)]
- Strengthening border controls and direct cooperation between border services; [Art.11(1)&(6)]
- Adopting measures – including sanctions – to prevent commercial carriers from being used to commit the offense, including establishing obligation on carriers to ascertain that all passengers have appropriate travel documents; [Art.11(2)&(3)&(4)]
- Denying entry or revoking visas of persons implicated in trafficking; [Art.11(5)]
- Ensuring that State travel and identity documents cannot be easily misused, falsified, or altered; [Art.12]
- Allow for timely verification of the validity of documents, in case another State party requests; [Art.13]

Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)

- States must establish migrant-smuggling as a criminal offense. [Art.6]
- States must ensure that migrants themselves will not be subject to criminal prosecution. [Art.5]
- States must cooperate to suppress smuggling of migrants by sea. [Art.7]
- Each States must designate an authority responsible for responding to requests for assistance or information by other States, and notify the UN Secretary-General. [Art.8(6)]
- States must strengthen border controls necessary to prevent and detect smuggling, including direct cooperation with other border services. [Art.11(1),(6)]
- States must adopt measures – including sanctions – to prevent commercial carriers from being used to smuggle, including establishing obligations on carriers to ensure proper travel documents. [Art.11(2),(3),(4)]
- States should have methods of denying entry or revoking visas of persons implicated in trafficking; [Art.11(5)]
- States must ensuring that State travel and identity documents cannot be easily misused, falsified, or altered; [Art.12]
- States must provide or strengthen training for law enforcement and immigration officials, cooperating with IGOs, NGOs, and other relevant organizations – including humane treatment of migrants. [Art.14]
- If a vessel is suspected of smuggling migrants then States must:
 - Respond to any requests for information or boarding by other States; [Art.8(1),(2),(4)]
 - Notify the State of the vessel’s flag [Art.8(3)]

- Ensure the safety of the vessel, people and cargo – maintaining interests of the flag State; [Art.9(1)]
- Compensate the vessel for any loss or damage if no wrongdoing is found; [Art.9(2)]
- Denying entry or revoking visas of persons implicated in trafficking; [Art.11(5)]
- Allow for timely verification of the validity of documents, in case another State party requests; [Art.13]
- Afford migrants protection against violence; [Art.16]
- Facilitate safe return of migrants, including issuing appropriate documents; [Art.18]
- States must take measures and cooperate to increase public awareness of the criminality of migrant-smuggling. [Art.15(1),(2),(3)]
- States must cooperate to combat the root socio-economic causes of smuggling. [Art.15(3)]
- States should conclude bilateral and regional agreements to prevent and combat smuggling. [Art.17]
- States must take measures to prevent smuggling by sharing information on [Art.10]:
 - Means of transport, routes, embarkation points, etc.;
 - Identity and methods of known criminal groups;
 - Authenticity of travel documents;
 - Best practices in prevention and law enforcement;

Protocol Against Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (2001)

- States must establish illicit manufacturing and trafficking in firearms, ammunition, and components as a criminal offense, including organizing, directing, aiding, abetting, facilitating, or counseling. [Art.5]
- States must adopt legal measures to allow confiscation, seizure, and destruction of illicit firearms. [Art.6]
- States must ensure maintenance of information on firearms for at least 10 years. [Art.7]
- States must require marking of firearms at the time of manufacture, including country, manufacturer, serial number or other user-friendly markings. [Art.8(1)(a)]
- States must require markings on all imported firearms. [Art.8(1)(b)]
- States must encourage manufacturing industry to develop measures against removing or altering markings. [Art.8(2)]
- States must ensure that deactivation of firearms render them permanently inoperable and be verifiable by record – and prevent illicit reactivation by law. [Art.9]
- States must maintain an effective system of secure export and import licensing and control, verifying import licenses from other States, obtaining clearance from transit States, and requiring licenses to include date and place of issuance; expiration; countries of import, export, and transit; final recipient; and description of firearms shipment. [Art.10(1),(2),(3),(5)]

- States must require the security of firearms during manufacture, import, export, and transit. [Art.11]
- States should establish a system for regulating brokers of firearms, including required registration, licensing, and disclosure of transactions. [Art.15]
- States must seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers, and other commercial actors in carrying out this Protocol. [Art.13(3)]
- States must exchange information on carriers, known criminal groups, means of illicit activities, methods of law enforcement, and technological information – while ensuring confidentiality of shared information. [Art.12]]
- States should cooperate to prevent and combat illicit firearms, including training and tracing. [Art.12(4), 13(1), 14]
- States must designate a national body as the point of contact for other States about this Protocol. [Art.13(2)]

V.4. Council of Europe Obligations

As a new member of the Council of Europe, BiH also needs to sign and ratify many of the CoE treaties and protocols. In particular, the following conventions related to terrorism must be signed and ratified:

- *European Convention on the Suppression of Terrorism;*
- *European Convention on the Control of the Acquisition and Possession of Firearms by Individuals;*
- *European Convention on Mutual Assistance in Criminal Matters,* along with its two “additional” Protocols;

- *European Convention on Extradition*, along with its two “additional” Protocols;
- *European Convention on the Compensation of Victims of Violent Crimes*;
- *Convention on Laundering, Search, Seizure and confiscation of the Proceeds of Crimes*;

BiH must also implement the *Criminal Law Convention on Corruption*, which it has already signed and ratified. The convention entered into force in January 2002. The convention reiterates much of the substance of the *UN Convention against Transnational Organized Crime*. In addition, States must:

- Adopt legislation establishing a crime for bribery of *foreign* as well as domestic officials and officials of *international organizations*; [Art.5,6,9,10,11]
- Submit to the Secretary-General of the Council of Europe the central authorities responsible for sending and answering requests for mutual assistance, information, extradition; [Art.29]

V.5. Organization for Economic Co-operation and Development Guidelines

As mentioned in the Bishkek Programme of Action, the OECD, through its Financial Action Task Force on Money Laundering (FATF), has put forth Forty Recommendations – which OSCE Member States agreed to rapidly ratify. These forty recommendations for the most part duplicate the obligations under the *UN International Convention for the Suppression of the Financing of Terrorism* and *Convention against Transnational Organized Crime*. In addition, the FATF recommends that States:

- Ratify and implement the 1988 UN *Convention against Illicit Traffic in Narcotics, Drugs and Psychotropic Substances*; [Recommendation #1]
- Prohibit financial institutions from having anonymous accounts or obviously fictitious names; [#10]
- Prohibit financial institutions or employees from warning customers if their information is being reported to the authorities; [#17]
- Ensure that financial institutions with branches or subsidiaries in countries with insufficient anti-laundering measures still abide by these principles; [#20]
- Take measures to guard against control or acquisition of financial institutions by criminals; [#29]
- Record international flows of cash and report it to the IMF; [#30]

In addition, the FATF had requested that even non-Member States (such as BiH) submit by May 2002 a “Self-Assessment Questionnaire for the FATF Special Recommendations on Terrorist Financing.”

V.6. European Union Plan of Action

The European Council arranged an extraordinary session in response to the September 11th attacks, in which it adopted a “Plan of Action” of European policies to combat and prevent terrorism. Included in the plan were the following policies:

- The establishment of a pan-European arrest warrant, to replace extradition proceedings;
- Creating a comprehensive list of presumed terrorists and organizations;

- Sharing with Europol all useful data;
- Ratifying all relevant UN conventions;
- Implementing the FATF 40 guidelines;
- Updating aircraft security – including specialized crew training, increased cockpit safety, and increased monitoring of luggage;

VI. Progress in BiH in the Fight Against Terrorism

VI.1. BiH Institutions in the Fight Against Terrorism

There are many institutions and organizations within BiH which work to fight terrorism. The recently-formed State Border Service (SBS) will soon have almost complete control over the state's external borders. The SBS has jurisdiction to control the movement of persons and items entering or exiting the country. Effective border controls are emphasized in every anti-terror document, and it is important that the SBS have the necessary tools to prevent trafficking, smuggling, false identification while still allowing efficient movement of goods, capital and persons.

Local police and IPTF are engaged in investigations, surveillance, raids and arrests against potential terrorist individuals, supporters, or organizations. SFOR also furthers its mandate to provide security through intelligence-gathering and enforcement.

In response to the need for better intelligence-gathering, the federation government has in recent weeks created a unified, entity-wide intelligence agency. The Republika Srpska has its own intelligence agency, as well. As yet, the federal government does not have its own national intelligence service, and it is unclear how much information-sharing exists between the entity agencies.

In addition, with the backing of the international community, the federal government formed the Joint Co-ordination Team for the Fight against Terrorism in Fall 2001. The 'team' brings together representatives from the international community (including the IPTF Commissioner and representatives from the UN High Commissioner, The Chairmanship of the EU, the United States Embassy, SFOR, and the OHR) with representatives from appropriate national and entity government bodies (including the BiH Ministries of Foreign Affairs, European Integration, Civil Affairs and Communication, Human Rights and Refugees; Federation and RS Ministries of the Interior; Chief of State Border

Service; and the BiH intelligence chief.) The team is chaired by Ivica Misić, the Deputy Minister of Foreign Affairs, and meets roughly bi-weekly. The team meetings are designed for information-sharing, rather than policy debate or anti-terror implementation. Discussions rarely stray from the enforcement of criminal anti-terrorism measures, such as arrests, investigations, extradition, etc.

Signing & Ratifying Agreements

The pace of ratification of international agreements has been sluggish. BiH has not yet signed on to four of the twelve major UN treaties on terrorism:

- 1) International Convention for the Suppression of Terrorist Bombings (1997)
- 2) Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)
- 3) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)
- 4) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)

In addition, BiH has signed but not yet ratified the 1999 *International Convention for the Suppression of the Financing of Terrorism*.

BiH is also not yet a party to the Council of Europe-sponsored *European Convention on the Suppression of Terrorism*. In fact, of all the relevant Council of Europe anti-terrorism conventions and protocols, BiH is a party only to the *Criminal Law Convention on Corruption*. No other Council of Europe convention or protocol related to terrorism or international organized crime has been signed or ratified by BiH. Upon reception as a full member of the Council of Europe, BiH took up a long list of obligations and created an action plan to comply with each. For

example, BiH has committed to sign and ratify *the European Convention on the Suppression of Terrorism* within two years of admission to the Council of Europe. However, this plan does not include most of the conventions and protocols related to terrorism.

Implementing Agreements

While BiH has signed and ratified a few of the major conventions and protocols against terrorism – and is politically bound by the OSCE Bucharest and Bishkek guidelines – it is yet unclear how much has been done to implement these obligations, either legislatively or administratively. The pace of law-making and administrative decision-making at all government levels is slow at best, and much more work needs to be done to ensure that the country meets its international commitments.

In addition, the BiH Council of Ministers created a ‘Plan of Activities for BiH and Entity Institutions in Preventing Terrorist Activities and Acts’ in September 2001. The plan called for fast action in the following areas:

- Creating and controlling unique identification and citizenship documents;
- Strengthening the SBS and customs control;
- Establishing comprehensive aviation and airport security;
- Recording and investigating all NGO activity in BiH;
- Investigating and controlling all financial activity of known or suspected terrorists;
- Creating specialized training for police and anti-terrorist enforcement;

- Ratifying the UN *International Convention for the Suppression of the Financing of Terrorism*.

The deadlines set for these important policy measures were late Fall 2001. However, many of these initiatives have not yet been carried out.

A short questionnaire of approximately thirty questions was submitted to the Ministry of Foreign Affairs, to monitor BiH's progress in complying with its international obligations in the fight against terrorism – especially ratifying UN and CoE conventions and meeting the demands of the OSCE agreements. Only a brief explanation was provided on how BiH has met its obligations under the Code of Conduct and Bishkek Plan. In its answers, the Ministry states that the government plans to accede to all 12 UN conventions by December 31, 2002 as demanded by Security Council Resolution 1373, and that it will realistically meet its CoE obligations within a two-year window. It remained unclear how far BiH has come in actually implementing the policies laid out in the international documents, especially the UN and CoE conventions and protocols.

Anti-Terrorism Enforcement

Based on the information disseminated at the Joint Co-ordination Team meetings, the pace of investigations of various 'suspicious' groups or persons is quite sluggish. For example, the case of the 104 persons who may have received their identification illegally has been the topic of discussion for several months.

The international presence seems also to be much more effective at enforcing anti-terrorism policy than local enforcement agents. SFOR and IPTF have been heavily involved in the intelligence-gathering, investigations, raids, and arrests of suspected terrorists. The lackluster performance of local police in the 'house surveillance' of Mr. Nedal is one example of how much progress is yet to be made in the professionalization the Bosnian police forces.

In addition, extradition of suspected terrorist individuals has not been carried out smoothly. Many complaints erupted at the method by which the individuals suspected of plotting to attack the U.S. Embassy in Sarajevo were handed over to U.S. authorities. While it is important that criminal proceedings be carried out efficiently and swiftly, it must be made clear that human rights of suspected offenders are honored, in order to stifle terrorist sentiment. In addition, Mr. Nedal was able to slip away from the authorities because of a drawn-out process of extradition to Italy. As mentioned in many of the UN conventions and other international documents, all efforts should be made to ensure proper extradition procedures via bilateral agreements for alleged terrorist offenders.

Terrorism Prevention

The federal government is currently debating a new ‘criminal code,’ at the level of the Council of Ministers, and has been for several weeks. It is yet to be determined whether the forthcoming criminal code will contain adequate anti-terrorism measures.

Many of the international conventions and agreements on terrorism note the importance of sharing anti-terrorist intelligence in preventing terrorist activity. With its newly unified intelligence service, the Federation should become more effective at gathering and deciphering intelligence. However, the entity agencies remain separate. In addition, though officially members of the Joint Co-ordination Team, RS representatives rarely joined the bi-weekly information-sharing meetings.

Combating Root Causes

Although the statistics of the refugee return rate are usually presented in a positive light the fact remains that the conditions surrounding return are still far from ideal. According to the International Helsinki Federation for Human Rights the material support from the domestic and

international organizations is not sufficient. Refugees are frequently (from March 2000 – April 2001 alone there were 374 assaults registered against returnees – 65% in RS, 31% in the Federation and 4% in Brcko District) subjected to harassment of both a verbal and physical nature with the most violent assaults taking place in northeastern and eastern Bosnia and eastern and southeastern Hercegovina.⁸⁴

Respect for human rights has yet to be established, as has the rule of law. Reforms of the judiciary system, the police forces and the media are being implemented slowly. The education system is currently under review.

VI.2. Explanations by the Ministry of Foreign Affairs of BiH

Answers by the BiH Ministry of Foreign Affairs to the Special Questionnaire by the office of the senior representative to the HOM of the OSCE Mission to BiH.

- BiH has acknowledged the obligations of adopting 12 UN Conventions and Protocols, ending with December 31, 2002. The process of ratification of the named Conventions and Protocols is ongoing process. “The law on procedure of admitting and applying international agreements” says that in the process of ratification BiH Presidency, BiH Parliament, Council of Ministers, and Ministries in charge must be included.
- BiH has informed the Permanent Council of OSCE regarding the status and intention to ratify all 12 Conventions and Protocols ending with December 31, 2002.
- The permanent UN BiH Mission in New York has received the instructions to follow and take part in the said negotiations, in accordance to its personnel possibilities.

⁸⁴ IHF Report, ‘Follow-up Needs Assessment Meeting of the International Federation for Human Rights’, Bosnia and Herzegovina, 12-13 July, 2001

- In the past period, BiH has advanced the implementation of the existing politico-military obligations and agreements.
- The specific BiH obligations from the Dayton Agreement, Annex 1-B, in which OSCE has important role, are applied with the constant progress. This was concluded in the Conference for the overview of the implementation of the Agreement on Intentions for security and trust development in BiH (Article II) and on the Conference for the review of the implementation of the Agreement for sub-regional weapons control (Article IV). The end of the negotiations by the article V and the activities regarding the beginning of the implementation of the measures, starting with the determination of rules and procedures of the Commission work, will give the additional contribution to the stability in the region.
- Implementation of the obligations from the Vienna Document from 1999 (VD-99) is constantly improved. The exchange of information is on its way, BiH is receiving evaluation, and inspection visits, inspectors from BiH have started to participate in the inspections as Guest Inspectors. With the regards to the number of obligations, limited resources and procedures it can be expected to have graduate progress.
- Implementation of the Code of Conduct in civilian-military aspects of security is the project that Army of BiH, together with OSCE and SFOR are conducting for several years, starting from 1998. Around 60 officers and Ministry of Defence Officials are involved in Seminars and similar activities. A special procedure is predicted for appointing officers on high commanding positions, as well as for appointing generals, and it includes satisfying standards made by the SFOR Commander (according to the standards of countries with developed democracy) and also obeying the legal procedure. Political activities of military personnel are excluded. The institution of General Inspection exists and it is functioning as the instrument of inner democratic control.

- OSCE's document on Small arms and light weapons is compatible with the matching UN document and regional activities in the frame of so called Szeged-process and Stability Pact (RS III). Besides this, starting from year 1997 the joint operation of civilian and military governments and SFOR in gathering and destruction of weapons is conducted. Operation "Harvest" is not well known outside of BiH, but significant results have been achieved. Co-ordination teams are in process of forming, establishment of formal relations with Regional Team in Belgrade and finishing the legislature issues are in process.
- BiH has submitted the Questionnaire regarding the Code of conduct in Politico-Military aspects of security after the April 15, 2002 with regard of the procedure established for the similar cases by the OSCE itself.
- Not connected to the Obligations Plan from Bucharest or for fight against terrorism in general, BiH is ending the establishing of State Border Service, straightening and marking the state border line with the neighbour countries, solving the question of border crossings, harmonisation of the laws that refer to the customs duties, surveillance duties, intelligence duties, admission in the EUROPOL and INTERPOL systems. Bilateral and trilateral international agreements have been signed with the neighbouring countries regarding most of the mentioned subjects. Mechanisms have been established in order to further straighten the co-operation and exchange of information. BiH has been represented in SECI-center in Bucharest.
- In co-operation with MKCK project of training the army forces for international humanitarian law is conducted. Starting from the year 1997 representatives of OS are participating on international seminars and training in San Remo. Classes of International Humanitarian Law are included in the education program of soldiers and officers. Brochures and materials with this subject are handed to the members of OS.

- Besides the above mentioned in the answer No. 5, in order to achieve political neutrality of OS it is also important:
- To adopt Defence policy of BiH; work on Security Policy of BiH; balancing existing Defence Law with the positive changes in BiH;
- Existence of Parliamentary Boards for the issues of defence and/or security; the jurisdiction of Parliaments over the adoption of the defence budget
- Ministers of defence are civilians; Increase of transparency when it comes to planning and financing defence issues;
- Restructuring and profesionalizing OS in BiH;
- Increase of transparency in relations between Army of Republic of Srpska and Army of Yugoslavia;
- Replacing/suspending a certain number of high ranking officers from the commanding duties;
- Starting criminal charges against certain number of military officers for misconduct, that can be also treated, among other, as politically motivated.
- The existing procedures of Council of Europe allow addressing the conventions and protocols during the 2 years upon the admission to the Council of Europe. In regards to the importance of fight against terrorism, it is realistic to expect that BiH will take steps towards the adoption of the said conventions and protocols in predicted period.
- BiH has submitted the report to the “UN Committee for Fight against terrorism” in the predicted time line.

VII. Conclusion - Recommendation on Action

The OSCE Secretariat's 'Road Map on Terrorism' calls for OSCE missions to monitor and report developments related to fighting and preventing terrorism – concentrating on factors within all three dimensions which provide fertile ground for terrorism – and define ways how the OSCE can address these problems. The specific catalog of Mission activities from the Secretariat's 'Road Map' – listed as bullet points below – is not exhaustive, and missions can create their own initiatives.

Politico-Military Dimension

OSCE Missions shall monitor the implementation of existing politico-military commitments.

- The Mission to BiH should use its influence to pressure the government to sign and ratify the many remaining UN and Council of Europe conventions and protocols against terrorism and international organized crime. The Mission should especially ensure that the OSCE Code of Conduct and SALW be complied with in full, including asking for an annual answer to the Code of Conduct Questionnaire.
- The Mission, working with the other international bodies in BiH, should also monitor the implementation of the aforementioned international agreements. Our office has created a comprehensive questionnaire on BiH's anti-terror obligations under international conventions or politically binding agreements. This should be distributed to all levels of government with competencies in the particular fields, including both the federal and entity administrations.

OSCE Missions shall support national authorities in the re-integration of former combatants into society

- The recent handbook for decommissioned military personnel is a example of the efforts the OSCE has taken to help re-integrate those persons into civilian life. The Mission should continue to work with SFOR and the Ministries of Defense in this important post-war process.

OSCE Missions may give assistance in strengthening border police (including expertise on border controls or recognizing counterfeit identification, all necessary facilities or equipment, creating a national IT system)

- Using the resources available to the OSCE, the Mission can assist with implementing best practices from within the OSCE area, and help to bring in expert trainers for the SBS border police.

Economic and Environmental Dimension

OSCE Missions shall address factors contributing to negative socioeconomic and environmental developments;

- As mentioned previously, poverty, unemployment, and disenfranchisement can provide a breeding ground for terrorist sentiment. The Mission should support the position of the OHR that business registration restrictions be eased, to allow for faster economic development. In addition, interviewees mentioned that entrepreneurial training for young would-be businessmen and businesswomen could play a key role in developing the market economy by creating the right mindset for economic growth.

OSCE Missions shall assist in raising voluntary contributions for such projects

Human Dimension

Missions should:

- monitor and strengthen national human rights institutions;
- facilitate an independent and impartial judiciary;
- enhance transparency for criminal proceedings;
- train judges and prosecutors on organized crime and terrorism;
- assist with return policy;
- promoting inter-ethnic dialogue & pluralism, conflict prevention, etc.;
- enhance permanent monitoring of inter-religious relations for early warning.

Co-ordination with other Groups

The Secretariat's 'Road Map' notes the importance of coordinating efforts at stamping out terrorism with other international groups.

The Mission should work with the UN Mission in BiH, OHR, and Council of Europe to push for full signature, ratification, and implementation of the international conventions and protocols against terrorism and organized crime. Regular dialogue should be kept with the Council of Europe (CoE) to check on the progress toward signing and implementing the CoE's anti-terror documents. Similarly, progress should be monitored on the implementation of the 12 main UN Conventions with the UN representatives in BiH.

The OSCE Mission should also continue to work with the international community in BiH to support the development of the economy, civil society, and rule of law. While investigating and prosecuting suspected terrorists or supporters is important, the Mission should focus heavily on eliminating the root causes of terrorism. The Mission should emphasize

that the “common factors of inept governance, poor public security, weak rule of law, pervasive economic backwardness, institutional corruption and organized crime...combine to produce an environment where international terrorist networks can hid personnel and money. From this perspective, the most important Balkans dimension of the war on terrorism is the long-term work of peace-building – institutional reform and development.”⁸⁵

Mission Institutions

The Head of Mission can offer high-level political support toward speeding up the ratification and implementation process of international anti-terrorism agreements. This should be offered both on the state and entity level.

In addition, the Mission should continue to offer legal support – in helping draft legislation which combats terror without diminishing the protection of human rights. The Security, Democratization, and Human Rights departments should all remain involved in this issue.

The importance of the new OSCE Education department should not be underestimated in the fight against terror. Many of the officials interviewed for this paper expressed the view that strengthening the education system – particularly civil society education – would accomplish much to prevent terrorist sentiment. They mentioned the promotion of European democratic ideals and election activism in the classroom as indispensable toward building a civil society free of terrorist sentiment. In addition, by raising the level of university education in BiH, bright students and possible future leaders will be less likely to leave the country and not return. The Mission should support all such education development project.

⁸⁵ “Bin Laden and the Balkans: The Politics of Anti-Terrorism.” International Crisis Group Report No.119. 9 November 2001.