



BOSNIA AND HERZEGOVINA

COUNCIL OF MINISTERS

**UPDATE OF FURTHER MEASURES UNDERTAKEN
ON THE IMPLEMENTATION OF THE ROAD MAP FOR VISA LIBERALIZATION**

Sarajevo, April 09, 2010

BLOCK 2 Illegal migration, including readmission

Border management (benchmarks 6-9)

- **Implementation of the Integrated Border Management (IBM) strategy and Action Plan, in particular,**

modernization of infrastructure, equipment and IT technology

Four additional border crossing points are equipped with biometric passport scanners. As of March 1, 2010 109 scanners are installed on 38 International BCPs. Those 38 BCPs covers 90% of border crossings. Installation of additional scanners will be continued after accomplishment of tender procedure by EU Delegation in Sarajevo, within IPA2007 project.

measures taken to strengthen human resources, including training

During period January-March 2010, training of entire Border Police staff is conducted with regards the usage of Migration Information System (MIS).

Twinning project „Assistance to the authorities of Bosnia and Herzegovina in effective migration management“ has started in February 2010“. During 18 months of the project Dutch and Danish partners will provide dozens of specific trainings for Border Police and other institutions in charge for implementation of Integrated Border Management Action Plan.

Asylum (benchmarks 11, 12)

- **Measures to ensure a sustainable solution for backlog of asylum applicants**

Since December 19, 2009 there were no newly received asylum applications for citizens of Serbia including Kosovo.

During February and March of 2010, 19 citizens of Serbia including Kosovo are resettled to third countries (Canada) through UNHCR program. Out of 19, 12 were asylum seekers whose procedure was ongoing in the second instance at Court of Bosnia and Herzegovina, and 7 of them were already recognized refugees.

During February and March 2010 Foreigners Affairs Service of Bosnia and Herzegovina issued 43 expulsion orders for rejected asylum seekers from Kosovo. 20 orders have been executed by

voluntary return of rejected asylum seekers from Kosovo. 23 expulsion orders are in the preparation for execution.

Migration Management (benchmarks 10, 13-17)

- **Measures to strengthen the integration of returnees**

During 2009, Bosnia and Herzegovina has received 55 requests for readmission from EU countries. During 2009, 42 requests have been realized, 2 requests were rejected and for 11 cases readmission procedure is accomplished in 2010. During period January-March 2010, 24 requests have been received. 9 requests have been realized, 3 requests were rejected, in 5 cases requesting country gave up request, 7 cases are in preparation for readmission.

During 2009 and first three months of 2010 there were no returnees who were in need for any kind of reintegration support.

BLOCK 3 Public order and security
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General/Overall policy on preventing and fighting organized crime and terrorism

(Benchmarks 19, 24)

- **Measures taken for harmonization of the domestic legal and policy framework between state and entity levels**

After adoption of Amendments to the Criminal Code of Bosnia and Herzegovina in January 2010, and publishing in Official Gazette No. 8/10, ministries of Justice of entities and Brcko District has formed working groups which are working on draft amendments to the entities and Brcko District criminal codes.

- **Effective investigations, indictments and convictions against organized crime**

In order to improve capacities for fight against organized crime High Judicial and Prosecutorial Council of Bosnia and Herzegovina on March 31, 2010 has appointed 10 new prosecutors in the Prosecutor office of Bosnia and Herzegovina which means that in accordance with staffing plan of the Office 95% (38 out of 40) positions are fulfilled.

Bellow are listed some of the examples of the cooperation and collaboration of Law Enforcement Agencies through exchange of intelligence and information and common operations which resulted in effective investigations, indictments and convictions against organized crime during March 2010.

On March 31, SIPA officers confiscated a large quantity of high-purity cocaine with an estimated value of 300,000 KM, and arrested three persons suspected of organized crime related to illicit trafficking in narcotic drugs. The arrested persons were under investigation of the BiH Prosecutor's Office.

On April 5, police officers from Canton Sarajevo Ministry of Interior Narcotics Department arrested two persons on suspicion of illegal drug production and trafficking, seizing packs of heroin, a bottle of methadone, money and three mobile phones.

In a joint operation conducted on April 7, State Investigation and Protection Agency (SIPA), BiH Border Police and Tuzla Canton Police arrested seven persons suspected of organized crime related to drug trafficking. 155 kilograms of narcotics, divided in 150 packets, were hidden in a false bottom of the vehicle. Two persons were arrested on the spot, while five more persons connected to this case were arrested in the Banja Luka and Tuzla regions.

In an operation conducted on April 7, Brcko District Police arrested two persons suspected of organized crime related to money forgery. Equipment for money forgery is seized as well as around 50.000 falsified banknotes including Euros. Operation is conducted in cooperation with police of the Republic of Serbia.

8.3.2010. Upon consideration and acceptance of the Plea agreement, concluded between the Prosecutor's Office of BiH and the accused Aleksandar Todorović, the Court pronounced the Verdict in the Aleksandar Todorović (X-K-08/645-3) case finding the accused Todorović guilty of the criminal offence of Organized Crime in conjunction with the criminal offence of Illicit Trafficking in Narcotic Drugs. In that regard the Court sentenced him to one year of imprisonment and seized the illgotten goods gained by the perpetration of the criminal offence in the amount of EUR 11.380,00.

8.2.2010. In the Violeta Rodić and another (X-K-09/850) case the Court confirmed the Indictment charging the accused Violeta and Saša Rodić with the criminal offence of Human Trafficking.

11.3.2010. In the Vinko Jurić (X-K-08/641-1) the Court pronounced the first-instance Verdict by which the accused Vinko Jurić was found guilty of the criminal offence of Illicit Trafficking in Narcotic Drugs and sentenced him to five years of imprisonment. The Court acquitted the accused Jurić of the charge of Illegal Possession of Arms or Explosive Substances.

17.3.2010. The Court pronounced the first-instance Verdict in the Ante Tomas (X-K-08/566-1) case finding the accused Ante Tomas guilty of the criminal offence of Illicit Trafficking in Narcotic Drugs and sentencing him to 10 years of imprisonment. The property gain obtained by the commission of the criminal offence to the amount of EUR 51.000,00 shall be forfeited from the accused. The narcotic drug Heroin in the quantity of 5,935.746 g and other objects used in or obtained by the commission of the criminal offence shall also be forfeited.

17.3.2010. In the Ranko Stanković et al. (K-48/09) case the Court pronounced the first-instance Verdict by which the accused Ranko Stanković was found guilty of the criminal offence of Facilitating the Escape of a Detainee and sentenced to 2 years of imprisonment. Within the same case the Court acquitted the accused Milo Krsmanović, Miroslav Blagojević, Zdravko Vrečo, Dragan Mašić, Srđan Vilotić, Miro Prodanović and Dragan Milošević of the charge that they committed the criminal offence of Lack of Commitment in the Office. Also, within the same case, the Court accepted the Plea agreements concluded between the accused Brankica Davidović and Ranka Dragičević and the Prosecutor's Office of BiH. In that regard the Court imposed a suspended sentence upon the accused in the duration of six months respectively.

24.3.2010. The Court dispatched the second-instance Verdict in the Ibrahim Nuhanović and another (XKŽ-08/516-1) case by which the appeal filed by the Prosecutor's Office of BiH was refused and the appeals filed by the accused Ibrahim Nuhanović and Sanel Pezić were partially upheld, therefore the Trial Panel's Verdict of 26 June 2009 was modified in the sentencing part. In that regard the accused Ibrahim Nuhanović was sentenced to 6 years of imprisonment while the accused Sanel Pezić to 4 years of imprisonment.

08.4.2010. The Court pronounced the first-instance Verdict in the Gani Kovaci and others case finding the accused Gani Kovaci guilty of the criminal offence of organized crime and smuggling of migrants and sentencing him to 8 years of imprisonment, accused Musair Dulic guilty of the criminal offence of organized crime and smuggling of migrants and sentencing him to 4 years of imprisonment and accused Besim Sinani guilty of the criminal offence of organized crime and smuggling of migrants and sentencing him to 2 years of imprisonment.

Statistics on organized crime offences in 2009 are attached in Annex 1.

Policy on preventing and fighting trafficking in human beings (benchmarks 20, 24)

- **Measures taken for harmonization of the legislative framework at State, entity and Brcko district level regarding the criminal offence of trafficking in human beings.**

After adoption of Amendments to the Criminal Code of Bosnia and Herzegovina in January 2010, and publishing in Official Gazette No. 8/10, ministries of Justice of entities and Brcko District has formed working groups which are working on draft amendments to the entities and Brcko District criminal codes.

Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 21, 24)

- **Effective measures taken against (suspected) money laundering, including temporary suspension of suspicious transactions, investigation, prosecution and convictions**

The details of money laundering, tax evasion cases and forfeiture of property gain originating from those offences, provided by Bosnia and Herzegovina Prosecutor's Office, are listed below in chronological order, by years.

(2004 and 2005)

- Court of BiH rendered 17 final Verdicts upon 14 Indictments of the Prosecutor's Office of BiH.
- 25 natural and 17 legal persons were accused.
- Total amount of "laundered" money was BAM 16,996,515.34, the tax evaded amounted to BAM 21,421,736.32.
- Prison sentences of 56 years and 7 months in total, suspended sentences of 2 years and 6 months in total and fines (as accessory punishment) in the amount of BAM 185,000.00 were imposed.
- Funds in the amount of KM 1,212,967.00 and EURO 45,000.00 were forfeited.
- Measures of termination of a legal entity were pronounced for two legal persons, ban on performing a job in the duration of 5 years was imposed for two persons and the covering of costs of proceedings in the amount of BAM 20,407.00 was ordered.

(2006 and 2007)

- BiH Prosecutor's Office issued 82 indictments, BiH Court rendered 21 first instance Verdicts.
- The total amount of money "laundered" as found in the first instance verdicts is BAM 20,447,080.87, and the amount of tax evaded in these cases is BAM 721,971.00.
- First instance verdicts include 25 natural and 7 legal persons.
- Prison sentences of 21 years and 7 months in total and 5 suspended sentences with prison sentences of 7 years and 11 months in total were imposed.
- Fines imposed amounted to BAM 512,540.00.
- The measure of forfeiture of property gain was imposed in all cases.
- In 4 cases the measure of termination of the legal person was imposed.

(2008)

- During 2008, the Court of BiH rendered 5 first instance Verdicts upon the indictments of the Prosecutor's Office of BiH.
- The first instance verdicts include 7 natural persons.
- 4 sentences of imprisonment, 2 suspended sentences and one fine in the amount of BAM10,000.00 were imposed.
- In all cases forfeiture of property gain in the amount of BAM 39,373.44 was ordered.

(2009)

- During 2009, the Court of BiH rendered 8 first instance Verdicts upon the indictments of the Prosecutor's Office of BiH.
- The first instance verdicts include 10 natural persons and 2 legal persons.
- 6 sentences of imprisonment, 1 suspended sentence and 6 fines in the amount of BAM 190,200.00 were imposed.
- Total amount of laundered money was 1.836.665,85 BAM , the tax evaded amounted BAM 3.711.366,79.
- In all cases forfeiture of property gain in the amount of BAM 1.220.130,94 was ordered.

In March 2010. One final verdict has been handed down:

Friday, 19 March 2010, The Court dispatched the second-instance Verdict of the Appellate Panel of the Section II for Organized Crime, Economic Crime and Corruption of the Court dated 9 March 2010 in the Zoran Bulatović (X-KŽ-06/177) case. According to the second-instance Verdict the appeal filed by the Defence Counsel of the accused Bulatović was refused and the Trial Panel's Verdict dated 24 September 2009 was confirmed. By the Trial Panel's Verdict the accused Bulatović was found guilty of the criminal offence of Money Laundering and sentenced to 3 years of imprisonment and fined in the amount of BAM 10.000,00 KM.

- **Measures taken to adapt the legislative framework to international standards in the area of confiscation of assets and to harmonies it between state and entity levels.**

After adoption of Amendments to the Criminal Code of Bosnia and Herzegovina in January 2010, and publishing in Official Gazette No. 8/10, ministries of Justice of entities and Brcko District has formed working groups which are working on draft amendments to the entities and Brcko District criminal codes.

Policy on preventing and fighting corruption (benchmarks 23-24)

- **Adoption of law on anti-corruption body**

In order to speed up establishment of the Anti-corruption Agency and its development Parliamentary Assembly of Bosnia and Herzegovina decided to appoint Acting Director of the Agency. Acting Director will perform its duty in full capacity until appointment of the Director and Deputies is done in line with the Law. Appointment of the Acting Director will be on the Agenda of the next Parliamentary Assembly.

- **Results in effectively tackling suspected cases of high-level corruption**

Statistics on corruptive criminal acts in 2009 are attached in the Annex 2.

Law enforcement co-operation (benchmarks 28-32)

- **Measures taken to introduce systematic cooperation between the different authorities involved in the fight against organized crime (including law enforcement bodies, judiciary, prosecution, but also other relevant structures)**

Systematic cooperation between the different authorities involved in the fight against organized crime and exchange of intelligence between them is improving constantly. Results of such cooperation and exchange of information and intelligence are visible in the list of the successful operations, investigations, prosecution and convictions listed above in the benchmark “Effective investigations, indictments and convictions against organized crime”.

The Board of police directors regularly meets. Last meeting was held on March 18 and 19, 2010. Beside conclusions related to daily cooperation and exchange of information and intelligence the conclusion on establishment of the network of police attachés in the countries with which Bosnia and Herzegovina has concluded agreements which include provision on exchange of police attaches and within the international police agencies, has been made.