

AD HOC COMMITTEE ON COUNTERING TERRORISM

NOTE TO THE FILE OFFICIAL VISIT TO BOSNIA AND HERZEGOVINA

5 – 8 June 2018

INTRODUCTION

On 5 – 8 June 2018 the OSCE Parliamentary Assembly Ad Hoc Committee on Countering Terrorism (CCT) visited Bosnia and Herzegovina (BiH) and held fruitful meetings with the OSCE Mission in the country and with relevant counter-terrorism stakeholders at central and local levels. The Parliamentary Assembly (PA) delegation was led by the Committee's Chair Makis Voridis (Greece) and included Vice-Chair Stéphane Crusnière (Belgium), members Aude Bono-Vandorme (France) and Abid Raja (Norway), Secretary of the French Delegation to the OSCE PA Anne-Cécile Blauwblomme-Delcroix, OSCE PA Senior Advisor and Liaison Officer Marco Bonabello, and OSCE PA Research Assistant Guido Almerigogna.

The visit served multiple aims, including to: (i) sharpen the OSCE PA understanding of key challenges faced by BiH in terms of terrorism, violent extremism and radicalization that lead to terrorism (VERLT), (ii) promote the full implementation of the international counter-terrorism framework, (iii) pledge support to the work of the OSCE in the field and (iv) encourage a broader parliamentary engagement on preventing and countering terrorism and VERLT.



The visit was organized in co-operation with the **OSCE Mission to Bosnia and Herzegovina**, which provided excellent support to the CCT during the whole stay, as well as interesting contextual briefings on the host country. During the first day of the visit, the CCT met with the Speaker of the Parliament, with representatives of the Ministries of Security and Justice, with the Acting Chief Prosecutor and with civil society experts. It also

held a working lunch with the BiH Intelligence Agency. On the second day, the CCT traveled to the municipality of Travnik, where it visited the local OSCE Field Office and the Cantonal Police Commissioner, and to Zenica, where it got acquainted with the largest prison facility in Bosnia and Herzegovina and had the opportunity to interact with a few convicted terrorists.

The main topics addressed during the visit included issues related to **foreign terrorist fighters** (FTFs) and their return, border control measures, **coordination and information-sharing** between different state authorities, **prosecution of terrorism-related offences in line with human rights standards** and the rule of law, **radicalization and de-radicalization**, and **the role of civil society** in preventing and countering terrorism and VERLT.

Overall, the visit proved instrumental to bring more visibility to the work of the OSCE in the region and to identify challenges and lessons learned in the field of countering terrorism and VERLT.

OVERVIEW OF THE MEETINGS

OSCE Mission to Bosnia and Herzegovina

The **head of the OSCE Mission to Bosnia and Herzegovina, Amb. Bruce Berton**, and his team welcomed the CCT delegation and briefed about the situation in the country and the OSCE's work to support national reform efforts. Some of the challenges mentioned include persisting inter-ethnic tensions, the complex constitutional framework of the country, the harsh political climate, high youth unemployment rates and the latest trends in terms of regional migratory flows. Concerning terrorism, the Mission highlighted that the main challenges BiH is facing are substantially three. The first



is a rather weak border control system, with only one border checkpoint fully operational for receiving/processing asylum procedures. The second is the return of foreign terrorist fighters (FTFs): while the relatively modern legislation on FTFs was assessed positively, the absence of any state-led

deradicalization and reintegration programs was also underlined. In this context, the Mission hailed the constructive engagement of the Bosnian Islamic community in mainstreaming positive narratives. The third is the excessive fragmentation of power between different central and local entities and institutions, with an overlap of competences and even of criminal laws, which often hampers effective coordination. Against this background, implementation of existing strategies and laws could be



improved. In addition, it was noted that the current level of political confrontation can lead to a deliberate misuse of terrorist threats to further exacerbate inter-ethnic tensions. Finally, Mission experts highlighted key efforts to support local authorities in preventing and countering terrorism and VERLT, which range from policy development to legislative reform, and from capacity building for law enforcement to prevention efforts in local communities. Notably, the Mission played an important role in the development of the BiH 2015-2020 counter-terrorism strategy.



During the second day, the CCT had also the opportunity to visit the **OSCE Mission's Field Office in Travnik**, which covers two Cantons and twenty-two Municipalities. The Head of the Office, **Mr. Cristiano Barale**, and his able team briefed about four main areas of engagement: democratic governance, rule of law, human rights and education. Given the political polarization of the region, the Field Office strives to focus on inter-ethnic reconciliation programs, countering violent extremism (CVE) and youth empowerment. CVE is carried out in partnership with local authorities through the organization of workshops, public campaigns and trainings. Ultimately, the OSCE's approach is considered consistent and impartial by the local communities, which contributes to make the OSCE field presence welcomed and appreciated.

CCT members commended the OSCE Mission to Bosnia and Herzegovina's comprehensive efforts to promote peace, stability and democratic reforms in the country, both at central and local levels, with special emphasis on its radicalization prevention work. The need to engage parliamentarians more consistently in counter-terrorism matters was repeatedly voiced, along with the OSCE PA's readiness to boost co-operation with the OSCE field operations in this domain.

BiH Parliament

The Committee was welcomed in the Bosnia and Herzegovina's **Parliamentary Assembly** by the **Speaker of the House of Peoples, Mr. Barisa Colak**, and by **Mr. Halid Genjac, member of the House of the People Constitutional-Legal Committee**. They both highlighted the important role the Parliament plays in adopting legislation and in mobilizing resources to counter and prevent terrorism and VERLT. In this context, they welcomed the OSCE PA initiative to promote greater parliamentary engagement in counter-terrorism. Mr. Colak and Mr. Genjac briefed about the new legislation adopted in 2014,



which amended the Criminal Code of BiH by introducing new terrorism-related offences (e.g. joining foreign para-military and para-police formations) and by increasing the length of prescribed penalties, thus aligning the BiH legal counter-terrorism framework to relevant international standards. Subsequently, it was also highlighted that out of the approximately 250 FTFs who traveled to conflict areas in the Middle East, only around 50 individuals have returned thus far, while approximately 100 persons have perished there and the others are still unaccounted for. Asked to elaborate on specific terrorism threats in the country, they confirmed the presence of groups that spread dangerous narratives. In this regard, it was noted that extremism feeds extremism, even when of different nature, and that attention must always be kept high. Considering the rather complex BiH institutional structure, the current level of coordination and information sharing was assessed rather positively by both interlocutors. Instead, inadequate border control was mentioned as a particularly weak link within the Bosnian security framework. Allegedly, several border checkpoints are unattended and illegal crossings are growing significantly. However, it was also noted that regional border co-operation on terrorism issues is quite effective. The absence of any state-led de-radicalization and reintegration program for terrorists was also noted as a potential weakness, while FTFs' children are not considered a priority.

Other BiH Authorities

Mr. Mario Janecek, Counter-Terrorism Adviser of the BiH Ministry of Security informed that BiH did not record any new departure to join paramilitary forces in conflict zones since 2016. Within the approximately 250 reported FTFs, approximately 10 left to join the conflict in and around Ukraine. Emphasizing the challenges posed by the return of FTFs (approximately 60 thus far), he reported that there is an ongoing debate within the Government on how to address it efficiently. For instance, he informed of the ongoing efforts to develop guidelines on reintegration programs, which are missing. Mr. Janecek also stressed the challenge of ensuring effective coordination and information-sharing between different BiH stakeholders, highlighting the very complex institutional-legal framework, with overlapping mandates between security agencies operating at State, Entity and Cantonal levels. He noted that the establishment of the **Counter-Terrorism Task Force**, which reunites directors of relevant law enforcement and intelligence agencies and meets on an ad hoc basis, is helping to minimize the problem, but more comprehensive approaches are still needed. Against this backdrop, he qualified the existing level of police co-operation on countering terrorism as good, and stressed that the State Investigation and Protection Agency (SIPA) and the Intelligence and Security Agency (OSA) are working hard to build closer inter-agency co-operation frameworks, such as the **Counter Terrorism Operational Group** which meets regularly to deal with individual terrorism cases (over 60 cases so far). Mr Janecek also noted that the allocated resources are probably not adequate to effectively match the terrorism challenge. Apparently, two top counter-terrorism positions in the Ministry are still vacant despite several years of political negotiations. Finally, he confirmed several challenges in the implementation of relevant international obligations in the field of border control and information



sharing: regrettably, Advance Passenger Information (API) and biometrics systems are not yet fully operational. Concerning regional co-operation on border control matters, the latest migration-related challenges are becoming a source of tension with neighboring countries.

Mr. Zeljko Bogut, General Secretary of the Ministry of Justice, Mr. Mustafa Bisic, Assistant Minister for the Execution of Criminal Sanctions, and Ms. Gordana Tadic, Acting Chief Prosecutor, provided an interesting overview of prosecution efforts in the country and informed that terrorism offences are dealt with at State level. Overall, there have been 48 cases of terrorism, including FTFs and internal terrorism, with average conviction rates of approximately 3 years. It was emphasized that with the 2014 amendments, the range of terrorist-related offences has been significantly widened. The following offences were introduced: *Unlawful establishing and joining foreign paramilitary or parapolice formations, Funding of terrorist activities, public incitement to terrorist activities, recruitment for Terrorist Activities, training for terrorist activities, organizing a terrorist group*. Seeking to fulfill obligations stemming from the Council of Europe Additional Protocol to the Convention on Prevention of Terrorism, further offences are in the process of entering into force. The amendments also extended the length of criminal penalties. For example, prison sentences for joining foreign paramilitary formations has increased from 1-5 years to 5-8 years. Moreover, as of June 2018, jail sentences can no longer be transformed into monetary sanctions or suspended out of good conduct. The adoption of the new legislative framework allowed to set aside the old plea-bargaining mechanism, at first considered a useful instrument to acquire critical information from terrorists, but which led to excessively lenient penalties. The Acting Chief Prosecutor also informed about its mandate to Chair the **Counter-Terrorism Task Force**, the organization of specific training sessions on prosecution of terrorist offences and the appointment of eight prosecutors to work exclusively on terrorism cases. Moreover, she noted the ongoing efforts to investigate the growing links between terrorism and organized crime, for instance in facilitating the movement of terrorists. Instead, no convictions for financing of terrorism were reported. Concerning best practices, the Ministry of Justice emphasized the specific attention paid to safeguarding human rights standards in prisons, including the two with special facilities for high-risk individuals (in Zenica and Foca), where currently 13 terrorists are serving their sentences. As operational shortcomings, interlocutors mentioned the lack of adequate resources, the gap between existing legislation and its effective implementation, the coordination between the central and local prosecutors, as well as limited strategic planning.

The **Central Bosnia Canton Police Commissioner, Mr. Faik Adilovic** welcomed the CCT in the Travnik police premises and briefed about its terrorism-related work, which is based on the Cantonal



Counter-Terrorism Action Plan. In this context, he highlighted three priorities: 1) monitoring events that could exacerbate inter-ethnic tensions; 2) investigating paramilitary formations; and 3) monitoring the movement of known or suspected terrorists on behalf of central authorities. Referring to the level of coordination with central counter-terrorism stakeholders, he advocated for a more transparent and comprehensive exchange of information. The Commissioner also noted that penalties foreseen for terrorism related offences are quite

mild, with the police engaged in extensive monitoring of former convicts. Asked about local deradicalization and reintegration programs, he noted that unfortunately none exist and that the police could indeed play an important role in the future, possibly in co-operation with the OSCE.

During the visit of the Zenica Prison facility, the Director Redzo Kahric spoke at length about the 11 terrorists that are currently convicted in his facility, 4 of which are Bosnian FTFs who have returned from conflict zones. When asked about existing measures to prevent the radicalization of other inmates, the Director stressed that all terrorists are serving their sentences in the high security section of the facility, but they can still socialize with other inmates in

the same section (e.g. they share the same rooms). The Director informed that all convicts behave well and that they stay rather isolated from other inmates. The prison management is closely monitoring these convicts and so far it did not detect cases of radicalization occurring in the facility. The Director confirmed that the Zenica prison is not implementing any deradicalization program, noting that the responsibility for such programs rests with the Ministry of Justice. Asked on what to expect after release from jail, he noted that prisoners will continue to constitute a danger for society, as they are still radicalized. In this context, he agreed with other interlocutors that existing penalties are rather mild.



During the visit of the prison facility, the CCT had also the opportunity to interact confidentially with a **convicted terrorist** who spent almost a year fighting for ISIS in Syria (2015). Throughout the conversation, the inmate demonstrated very limited regret or remorse, and while he stressed several times that he does not agree with the ISIS approach, he firmly believes in the idea of the Islamic State (the Caliphate). He urged our delegation to study Islam more carefully and ultimately

considered it normal to pursue terrorist attacks against civilians after the West has bombed and harassed Islam for decades. Interestingly, he reported of having encountered no specific problem in travelling to conflict zones (flying to Gaziantep, Turkey and then driving to Syria) and back through the so-called migrants' Balkan route, allegedly escaping from the most extremist wing of ISIS.

BiH Civil Society

The CCT had the opportunity to meet also with **representatives of the BiH civil society** working on violent extremism and radicalization, and more specifically with **Mr. Sead Turcalo (Atlantic Initiative)**, **Ms. Aida Ganovic (therapist on radicalization and violent extremism)** **Mr. Anes Cengic (Researcher and former counter-terrorism ministerial advisor)** and **Mr. Muhamed Jusic (Researcher and Islamic theologian)**. All interlocutors confirmed that Bosnian civil society is actively engaged in preventing and countering VERLT. Once again, interlocutors underlined the need to improve synergy between state institutions, which is often difficult due to excessively complex mechanisms, including contradictory laws, and harsh political confrontation. They all emphasized the important role NGOs and civil society could play, for instance in de-radicalization matters, if they were more strategically involved by state authorities, as they can better interpret certain patterns and social developments. In this regard, they presented several of their projects currently being implemented and aimed at preventing radicalization and countering all hate narratives. It was repeatedly emphasized that radicalization is not only linked to Islamic extremism, but also to post-war traumas which are hard to overcome and the on-going inter-ethnic tensions can be exploited for political goals. Asked on how the OSCE could help, the interlocutors agreed on the need to support the role of civil society and bring it closer to national authorities.

KEY FINDINGS AND LESSONS LEARNED

- **Counter-terrorism legal framework** - The recent amendments to the criminal code as well as the establishment of the comprehensive counter-terrorism strategy 2015-2020 have significantly improved the national counter-terrorism framework, essentially aligning it to relevant international standards, including human rights law. That said, the level of implementation of existing norms could still be improved and key counter-terrorism positions in the Ministry of Interior should be filled as soon as possible. Moreover, while the recent legal amendments represented a step in the right direction, the average duration of jail convictions for terrorism-related offences appears to have been fairly lenient to this day. Premature release of still radicalized individuals poses a serious security threat to local communities.
- **Coordination and information-sharing** – The rather complex institutional-legal framework, with occasionally overlapping mandates and not fully harmonized legislation, inevitably hampers country-wide coordination efforts to counter and prevent terrorism and VERLT. While the **Counter-Terrorism Task Force** and the **Counter-Terrorism Operational Group** are useful instruments in this context, more could probably be done to develop comprehensive prevention policies and implement coherent and effective responses at all levels.
- **Prevention of radicalization** - The efforts of state authorities, local religious communities and civil society to prevent violent extremism and radicalization that may lead to terrorism are noteworthy, especially against the backdrop of persisting inter-ethnic tensions in the country. It is imperative that all parties and authorities proactively engage in countering VERLT by endorsing narratives of reconciliation and mutual respect. More attention should be paid to preventing radicalization of inmates in prisons, for instance by better isolating convicted terrorists from the rest of prisoners.
- **Deradicalization and reintegration programs** - While state authorities are debating the issue, there are still no state-led programs in place, and the initiative in this field is essentially left to civil

society. The potential return of other FTFs, as well as the release of terrorists from prisons, makes the steady implementation of such programs urgent, especially in places of detention.

- **Border management** - BiH border control should be strengthened in line with relevant international commitments, including UNSC Resolutions and OSCE commitments. Emphasis should be placed on duly implementing UNSC Resolution 2396 on the return and relocation of FTFs, including the establishment of an Advance Passenger Information (API) system, Passengers Name Record (PNR), biometrics and shared databases and watch-lists in line with international human rights law and the rule of law.
- **OSCE Support** - The work of the OSCE Mission to Bosnia and Herzegovina in support of ongoing national reform efforts and in preventing VERLT was highly appreciated by the host authorities, both at central and local levels. The CCT commends the important contribution of the OSCE in this context and encourages the OSCE Mission to Bosnia and Herzegovina to focus its future assistance on improving existing coordination mechanisms, duly harmonizing relevant legislation, developing targeted deradicalization and reintegration programs and improving border management.

