

ORGANISED CRIME in Bosnia and Herzegovina

A silent war fought by an ambush of toothless tigers
or a war not yet fought?

Ms. Sheelagh Brady
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About the Author

Sheelagh Brady recently held the position of Analyst in the Mission Analytical Capability Unit of the European Union Police Mission in Bosnia Herzegovina, having been seconded from An Garda Siochana (Irish National Police Force).

Sheelagh has over 13 years service with the police, attached to regular policing unit and more specialist units, such as local detective and drug units, the National Air Support Unit and Community Relations and Community Policing Unit. She also worked as an Analyst with the Organisation Development Unit reporting directly to senior management of the police.

She holds a number of academic qualifications, amongst which, a MA in Criminal Justice Studies from John Jay College of Criminal Justice (NY) and a MSc in Crime Science from the Jill Dando Institute, University College London, having achieved scholarships to study both.

Sheelagh aspires to pursuing a PhD in the near future, and has particular interest in the areas of Organised Crime and Corruption, Gang activity and related behaviour and the design of evidence based responses.

Sheelagh can be contacted at sheelaghbrady@gmail.com or through LinkedIn at <http://ba.linkedin.com/in/sheelaghbrady>

FOREWORD

Personally I am honoured and glad that Ms. Sheelagh Brady chose me to write a foreword for this report and to contribute in the creation of a document such as 'Organized Crime in Bosnia and Herzegovina - A silent war fought by an ambush of toothless tigers or a war not yet fought?'. Since I have been secretary general of the Centre for Security Studies for a couple of years, my understanding of this issue is extensive, and I am delighted that the author looked for the assistance exactly in this Centre.

Furthermore, throughout my long experience in the field of security studies I have not met a more ambitious and devoted person as Ms. Sheelagh Brady. Her experience, skills, and abilities are greatly expressed throughout the report.

Moreover, this extraordinary work of Ms. Brady is a long lasting treasure BiH will certainly use for many more years, in its attempt to manage the issue of Organised Crime. This work is pioneer in the field of Organised Crime. In Bosnia and Herzegovina there are only few researchers that covered this extremely important field of security. Thus, we can proudly say that this report is a strong pillar for everyone who aims for a better future for this country. In addition, this document encourages other researchers to explore this field. The information, examples, and charts provided are concise, simple, and clear, and difficult ideas are presented in ways that are easy to understand. The author's devotion to the work is at the highest level of proficiency.

To conclude, I would express my deepest admiration for this report, as it exposed real life situations; it is pragmatic, reasonable, and it portrays causes, consequences and possible solutions to the problem of Organised Crime. In raising issues such as the connections between the stability provided by the international community and related increased opportunity for crime, the lack of empirical research, the significance of developing the Rule of Law, as well as highlighting the inadequate cooperation between law enforcement agencies in BiH, she has opened a bulk of issues that require a further comprehensive approach from investigators, researchers and scholars.

Denis Hadzovic, Secretary General of the Centre for Security Studies

Sarajevo, October 2012.

Srdjan Blagovcanin, Transparency International Bosnia Herzegovina, stated that this "report provides a detailed, comprehensive analysis of the history and structure of organized crime in Bosnia and Herzegovina. Organised crime is a very serious problem that affects B&H and without a sound insight into the nature of organized crime, it is impossible to fight it. Therefore, this report will have practical and academic importance."

Organised Crime in Bosnia Herzegovina

A silent war fought by an ambush of toothless tigers or a war not yet fought?

Executive Summary

Much has been written on Organised Crime (OC) and Corruption in Bosnia Herzegovina (BiH) since the war, with the majority of it iterating the same message, year on year. A small number of interesting pieces of research have been produced during this time but little has achieved substantive influence. Whilst acknowledging the common misconception that the issue of OC in BiH is over discussed, the author believed that more should be done to challenge this wealth of material, with the view of adding to the debate, whilst also demonstrating the need for change. This piece of research also aims to show that little has been achieved over the last 20 years in providing clarity to the evolution of OC in BiH from before the war until today. It achieves this by examining the vast array of literature, reviewing court data available and conducting primary research to add something new to debate. It is recognised that a lot of research has been restricted by a lack of access to real data, but this, in the opinion of the author, is not a good enough excuse to rehash the same rhetoric continuously without real evidence of its relevance. Whilst this piece of research did encounter the same issues relating to data access, it was determined that through primary research, valuable data was available to not only add something to the debate but furthermore present a grounded argument that a shift in approach is required. The report achieved this, and while acknowledging the limitations and difficulties currently existing in BiH, has clear recommendations of how to move this issue forward. Adding another unique dimension to this report, the views and opinions of organised criminals themselves were gathered and included; a view rarely presented. Although many have criticised these views as one sided and tainted, the truth is that criminals offer an important and distinctive perspective of the criminal justice system, and although they may have agendas; who is to say that the non criminal interviewees did not either? However, by interviewing a wide range of actors, a more balanced response is presented here. In fact, the opinions did not differ considerably between the criminal and non criminal interviewees, whilst their perspective may have.

Much of the earlier research appears to have taken at face value incompatible opinions or arguments. Little has been conducted which challenged them. As a result, this piece was completed in an attempt to test many hypocritical arguments previously presented. To do this, the piece examined the data already presented and widely available, from before the war until today. This was done in an attempt to establish the pre-existing arguments. In addition, this literature review provided the preparatory work for the primary research, by providing structure to the interviews. Semi-structured interviews, with a wide range of actors in the field (State Ministers, police commissioners, academics, international actors, journalists, etc.) were used in an attempt to challenge the old rhetoric by directly questioning the interviewees and challenging the pre-existing arguments commonly presented in both academia and media. Unfortunately, even learned people tended to be willing to accept these conflicting arguments with little contradiction. Others accepted their hypocrisy but did little to challenge them. Through the use of these interviews, these arguments were pulled apart and debated in the attempt to get clarity on certain issues and to get people to acknowledge the inconsistencies in this debate. By including a wide range of actors, a more holistic and far reaching perspective was gathered. Interviewees who presented certain mantras were questioned about counter arguments, some openly discussed them, while others resisted debate.

Interestingly, certain areas threw up real debate between the interviewees; one area of real discourse was in relation to the existence or non existence of OC before the war. Many suggested, like much of that presented in previous research that OC did not exist in BiH before the war, whilst at the same referring to the role of organised criminals in the early stages of the war. When these views were further questioned, significant accounts emerged, such as political and social differences between pre war and post war times, the role of travelling criminals and Diaspora in organised crime, and accounts of organised criminals from neighbouring states active in BiH prior to the war. A number of the interviews resulted in highlighting issues rarely discussed or written about. Disagreement also transpired as to the true extent of OC in BiH, with some suggesting it was and still is at epidemic levels, while others said it was highly mystified and over exaggerated. In numerous reports, and in the interviews, reference to official statistics which present low levels of drug seizures, low levels of serious organised crime convictions, etc. seem to be deemed acceptable alongside allegations that BiH is a transit route for serious organised crime. How can one compare an official annual drug seizure level of less than 100kg versus allegations and specifics of regular hauls of heroin being transported through BiH in truckloads, annually? Yet these conflicting issues seemed to be tolerated and are left to go unquestioned, publicly and officially. Through the examination of these contrasting views and in light of the primary research conducted, it is confirmed that little has changed in the message that is currently being portrayed with that which has been presented over the last number of years. However, what this research did find was that this reluctance to further the debate may have a sinister dimension. It appears that many appear willing to accept this status quo because of the protection and security it is alleged to offer to them and to previous allies. Specific examples were given to demonstrate this. One allegation in respect of the government implied that they restrict budgets of specific agencies to ensure actions and challenges to the system are ineffective, while still presenting an illusion of conformity at both the national and international level.

This report shows that the extent of OC within BiH cannot be assessed in full, due to the limitations of the current system. It states that instead of continuing the current debate there needs to be a shift in mindset and approach by a wide range of people. Everyone can play a role in achieving this change; it is not good enough to continue the blame game or to allow oneself to be continually dragged into the same cyclical arguments that have and still are providing sanctity for many to continue their illegal activities. This reports sets out tangible recommendations to begin this shift. It was written in an attempt to move the debate forward into action and change, to highlight the hypocrisy of many of the existing arguments, and to get people together who are prepared to create a system whereby OC and Corruption are managed in a transparent and accountable manner. Now it is up to others to determine whether there is the drive and commitment to achieve this change. Design may be complicated, implementation may be marred with frustration and difficulty, and financial resources may be limited, but in a country where so many proclaim an interest in its future, can there not be the desire and skills to act to bring about this change.

The main findings of this report include the following:

- OC in BiH was present before the war, and was not, as some have suggested, a by-product of it. However, wartime conditions did provide opportunities for OC to flourish, with the post war environment doing little to cease criminal activities.
- From before the war, but more identifiable during and after, relationships emerged between organised criminals and the powerful elite, some arguably the result of necessity to keep the status quo, and some because of a desire to protect personal and/or professional interests. Some of these relationships are still said to be evident today.

- Even though the picture of OC in BiH is not complete, the level of OC does not appear significantly higher than surrounding countries. In addition, OC in BiH appeared to emerge from the war, along similar patterns to other post war countries.
- Crimes such as drug trafficking, weapon trafficking and the trafficking and smuggling of humans seems to have been major issues for BiH historically, and still remain present today, but detailed accounts of their current nature are limited; very different opinions as to the true extent of patterns and trends exist. Other crimes, such as vehicle thefts, organised burglaries and robberies, appear to be newer crime types, but as official data is limited, levels are difficult to assess.
- Accurate information of OC groups active in BiH is blurred to say the least. Speculation exists that they are loosely structured, with some transnational dimension. It is reported that there are a very small number of strict hierarchical groups; which appear to be active, both at home and abroad.
- An accurate picture of the extent of OC and related criminal groups is also somewhat limited. This is, allegedly, due to issues such as a lack of intelligence data, limited data exchange, police agency structures, political obstruction, limited/restrictive budgets, etc.
- This blurred picture provides an opportunity for manipulation, allowing alleged relationships between criminals and the powerful elite to go unidentified and un-investigated.
- Corruption appears to be an issue of huge concern in this review, with many suggesting that little action is taken to respond to such allegations. It is evident that the number of prosecutions of high profile cases is limited, with the few who are convicted spending little or no time in prison.
- The police agencies, albeit criticised due to structure and processes, do not appear to be heavily criticised in respect of corruption, but the prosecutors and judiciary are heavily so. Serious allegations of corruption are rife within this area from those interviewed.
- A large number of allegations of improper practices emerged, not only in the criminal justice systems, but also within the political and business realms, many of which should not be left unchecked. For example, allegations of involvement of members of the powerful elite with drug trafficking, unofficial weapon production, etc. require further investigation.
- Worryingly, the issues of non traditional type organised crimes, such as privatisation, procurement and tender fraud, was continuously being highlighted as areas of huge concern, due to the level of associated corruption. However, little response was evident in this area. In fact, many of the police agencies noted that they did not have the capacity to investigate these offences, or emerging crimes, such as cybercrime, financial crime, etc.
- A lack of transparency, accountability and oversight was apparent on many levels, and although the majority of those interviewed acknowledged the existence of a number of areas of concern, very little in the way of suggestions of how these three key elements could be implemented. In the majority of cases, acceptance of faults did not appear to be matched with a willingness to act, noted by continuous reference to a lack of political will for change.

Caveat

Notwithstanding that this report was widely researched, the report should be read with the understanding that no large scale investigations were conducted into allegations made whilst carrying out this review. However, to ensure a level of accuracy, a wide ranging data collection method was used and a large amount of people were interviewed. As a result, only allegations or issues raised by a number of people were included, with the exception of some unique ones. It was decided to include these, not as a statement of fact, rather in an attempt to highlight the extent of opinion in relation to Organised Crime in Bosnia Herzegovina. In addition, it is noted that many of the references to particular crimes during certain periods are not quantified; however this was due to the lack of data on which to assess statements made. Therefore, this report just provides an overview of the situation; more work in this area is definitely required.

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1 Introduction

1.1 Overview of Post Conflict Experiences

Post conflict countries are commonly hindered by a weak political system, providing a platform for both Organised Crime (OC)ⁱ and Corruption, and further undermining the security, political and governmental institutions and economy.ⁱ Increased criminal activity is a typical side effect of these weak systems. In addition, many find themselves labelled as the most corrupt countries in the world.ⁱⁱ These factors are seen as obstacles to state rebuilding, to effectiveness and efficiency of state institutions, to building positive economic conditions, to attracting foreign direct investment, to the success of international intervention and all have a direct impact on the sustainability of peace. However, it should be noted that many of these factors may pre date a conflict, while weak institutions, the silence of the majority and the desire to protect personal or professional interests, during and after, assist in further embedding them into the daily lives of many. In addition, the wide variety of actors at play, during these periods, is often reflected in a wide array of opposing interests and agendas, making any positive intervention difficult.

Criminality, in post conflict countries, is said to be facilitated, not only by traditional post conflict criminal opportunities, but also by high levels of corruption, especially where the accountability and independence of the police, the judiciary, and public service officials is low. Crime and serious crime for that matter, is often endemic in post conflict countries. It's rise is commonly attributed to the availability of weapons, and the presence of a black economy, poverty, limited opportunity, etc.ⁱⁱⁱ Interestingly though, many post conflict countries have also shown how governments and politicians have turned to criminals and illegal activities during conflicts to fund their actions and retain power, in conjunction with maintaining and increasing personal wealth. In many cases these relationships were maintained after the war. As a result, many criminals attempted to emerge from conflict, with support from the ruling class, as respected businessmen putting their ill-gotten gains into 'legitimate' business.^{iv} These relationships are said to exacerbate the level of corruption, and in turn criminalise political and economic systems. Therefore, the absence of a coherent and immediate response to criminality and corrupt behaviour in the aftermath of conflict can assist in embedding these issues into many areas of society. It has also been suggested that the higher the level of oppressive governance in a country, the more organised and powerful the criminal world will be both in the traditional and non traditional sense, further making successful intervention difficult, if at all possible.^v

As mentioned above, high levels of OC in post conflict countries have been said to undermine the impact of the International Community (IC) in peace operations. However, in contrast, it has been alleged that the IC can contribute to crime, by providing the minimum level of stability within post conflict countries, which in turn can provide increased opportunity for crime.^{vi} The IC have a tendency of contributing large amounts of money without, checking how it is spent, introducing auditing measures and demanding associated returns. This can, and has lead to misuse and corruptive spending practices by local actors, with little or no ramifications. However, little research examining this relationship has been conducted to date. It has been suggested that international policies in post conflict countries are not always fully implemented; this may not be due to a lack of desire, but more

¹ For the purpose of this report, OC will be defined in its broadest possible sense, *'illegal activities committed by three or more persons working together as a group'*. The debate surrounding definitions of OC is acknowledged, as are the limitations of using such a wide definition, however, as the picture is so blurred here in BiH, a wide definition was deemed most suitable.

often appears to be due to the inability to fostering an environment for successful implementation. Policies are often directly and indirectly obstructed, and are often altered in the interest of other compromises or political bargaining. These all provide criminal and corrupt opportunities. Unfortunately the need for negotiation and bargaining is frequently driven by actors trying to protect their own interests, be they political or personal. This gap between design and that which is implemented often highly compromises the results.^{vii}

However, this cannot be taken as a complete condemnation of the role of the IC. Its role in developing the RoL and in tackling OC and Corruption in post conflict countries is not all negative, however, it would appear fair to suggest that the IC has not always played a strong enough key role in providing the stability necessary to develop and implement strong RoL practices. Without question, this provides the opportunity for OC to flourish. Research has shown that a number of common failures hinder effective international responses in the area of the RoL. In a report prepared by the Office of Counterterrorism, National Security Council (2003), having examined the experiences in Bosnia Herzegovina (BiH), Kosovo, Afghanistan and Iraq, they found that there were five key gaps in the IC's responses in post conflict societies.^{viii} These include: inability to rapidly address immediate post-conflict civil order requirements, failure to provide for courts, correctional facilities and border security, inadequate effort to develop local capacity, lack of political will to confront criminal elites, and weak international capacity to establish and enforce the RoL. Furthermore, in 2006, in a report produced by the Conflict Prevention & Reconciliation Social Development Department, for the World Bank, eleven issues were highlighted in regards to lessons learnt about RoL reform. These included a lack of coherent strategy and expertise, insufficient knowledge of how to bring about change, a tend to focus on form over function, emphasis on the formal legal system over the informal and traditional system, short terms reforms instead of looking at longer strategies, wholesale vs. incremental and context determined change, the need for local change agents, limited ability to engender local ownership, rush and compromised constitution making, poorly designed legal education programs and the need to sequence and prioritise change.^{ix} These elements, in conjunction with the domestic factors, make reform of the RoL and Criminal Justice related issues difficult, and as such, high levels of OC and Corruption in post conflict environments are not unique.

The BiH Perspective

OC and Corruption are reportedly intrinsically linked in BiH, in both the traditional OC and in the white collar criminal sense. However, measuring the extent of either of their relationship with each other is difficult. The actual extent of the problem of OC in BiH is widely debated and very difficult to measure, with many of the assessments based on speculation and political interest, rather than on empirical research. However, regardless of the true extent of the problem, it is a widely held belief that both OC and Corruption pose a significant risk to BiH and Europe at large. Many suggest that the response of the International Community (IC) and domestic politicians has done little in tackling OC and Corruption, noting that policies implemented have been shaped by the conflict itself and the local politics of the time, rather than being driven by a need to reform the RoL. The domestic, post conflict, dimension is arguably only one element that limited reform in BiH, the lack of a coherent international response, one which garnished domestic support was also lacking. The IC have been criticised for a lack of early intervention in the area of OC at a strategic level. They did not demand results, provide benchmarks and/or continuously follow up the evolution of OC or the response. Instead, a highly negotiated response was implemented in BiH, where semi-autonomous actors, actively protected their own interests.^x In addition to this, the illicit war, and post war, economies and the state structures as defined by the Dayton Peace Agreement also played a significant role in reducing the scope and effectiveness of the IC response in this area.

Albeit that the BiH experience does not appear to be much different from most post conflict countries, it has been portrayed throughout much research that this does not apply to the BiH OC problem. As a result, the actual extent of the problems and issues surrounding OC and Corruption will be examined within this review. It could be argued that there has been a saturation of research in this area from the BiH perspective over recent years, and this argument would not be without merit. However notwithstanding that, it could also be argued that no key learning or significant positive change has been evident in response. This is where this paper aims to be different, making evidence based recommendations based on a comprehensive review of a wide range of data and material examined.

1.2 Aims of research

The aim of this piece of research is to establish the factors influencing the current state of play of OC in BiH, with the purpose of establishing the possible next steps in the management of it. To achieve this, the report attempts to examine existing research material on OC from before the war to the current day.

To do this a timeline analysis was conducted, examining specific periods within BiH history, starting from before the war, that have particularly influenced the development of OC. Using timeline analysis it is easier to see what factors were at play at particular points in time. Unfortunately and what adds to the complexity of this area is that many of these factors are so intertwined that it is difficult to identify the dependent and independent variables.

This report begins with a comprehensive and extensive literature review of available material. It then outlines how and what type of data was collected for the purpose of this review, before providing an analysis of the data gathered. All of this material is examined and reviewed within a discussion section, prior to the extraction of key conclusions from the overall review. These conclusions will then be used to structure evidence based recommendations, to ensure the practicality of this work.

1.3 Purpose of research

It is hoped that this review will be of benefit to a wide number of individuals, institutions and the IC in providing them with a historical evolution of OC and corruption from before the war until today. In addition, it aims to provide an up to date view, based on this evolution, of the current situation within the context of the obstacles of data access, cooperation and the lack of political will to tackle these issues through a transparent and cooperative mechanism. Due to these limitations, the exact level of OC and Corruption in BiH is immeasurable at present, but reviews such as this can provide the foundation on which to develop further research and to build evidence based responses. Reports such as this are important to bring awareness to this issue. Baring in mind Transparency International's index rating of BiH as the 91st most corrupt country in the world, out of 183, it is important that further research is conducted. In a country where the general view that corruption is everywhere, why are only a small number of case investigated and before the court?

2 Literature Review – a Chronological Review

2.1 Transition from Yugoslavia into BiH

In the back drop of one party rule in Yugoslavia (1945-1989), a strong link between the security sector² and criminal groups developed, in particular during the disintegration and secession of the former Socialist Federal Republic of Yugoslavia. During the 1980s, with the onset of decentralisation, crime and corruption became more prominent in the region's political arena.^{xi} The transformation to decentralised economies benefitted the old elite who were still functioning within the framework of the new political and economic state. However, they were not the only ones; this period also saw the inception of a developing elite, who positioned themselves outside the established statehood using illegal markets and methods. Interestingly, linkages between the ruling elites and these criminal elements began to emerge.^{xii} It has been argued, in fact, that it was the symbiosis between authorities and OC during the creation of the new Yugoslav states that forced the Balkan countries to war.^{3 xiii} Many of these relationships were further developed during the war, with a vast number becoming stronger and more interdependent. In addition, it was suggested that the transformation of state interests to private ones paved the way for increased corruption, and crime.

During the 1980s, the state condoned and facilitated the black market.^{xiv} Some have suggested that this was the initial beginnings of OC in BiH. That being said, it is difficult to fully assess this assertion, or to fully explain the presence and role played by OC in pre-war BiH. Apart from its role as a transit route, the 'black market' appears to be the only other recognised form of OC in BiH during the 1980s.^{xv} Nonetheless, there are many elements of this market that make this era interesting, not only in BiH but in the Western Balkans in general. These markets were reportedly used as a means of personal gain for the elite and as a tool of the secret service agencies. For example, in Serbia, Milosevic's government merged law enforcement agencies and security services with organised criminals, not only to create productive relationships, but also to supervise extensive black and grey economies.^{xvi} These relationships were later allegedly used to circumvent imposed sanctions, to create money for Milosevic and his government, and to prevent an uprising amongst the impoverished.^{xvii} As a result, his period of influence was alleged to not only be corrupt and autocratic, but also a criminal regime; one which facilitated the trafficking of drugs and weapons, the extortion and kidnapping of individuals and targeted assassinations.^{xviii} Systems throughout the surrounding countries mirrored these practices.^{xix}

During the first two years of the 1990s, OC and the activities of criminal groups flourished in the Western Balkans and within BiH.^{xx} Fragmented political structures, due to the disintegration of communist parties and the establishment of national ones, and corruption, further facilitated the activities of criminal groups. The fall of communism, newly opened borders, and terrible economic conditions all contributed to an environment conducive to the growth of OC. Interestingly this period also played a significant role in the future position that BiH would hold internationally with regard to the illegal trade in weapons. BiH like other former states of Yugoslavia benefitted from Tito

² This incorporates a multitude of "security providers", from law enforcement agencies to secret services, and in the BiH context to national defense and homeland security developing along ethnic lines.

³ "The relationship between parallel trade and violent conflict offers no causal explanation of the Bosnian war while it refers to a self-expanding reproductive cycle between the decline of the economy (lowering the opportunity costs for illegal activities), the increasing importance of national borders and differences, the retraditionalisation of social relations(mafia), the economic usage of violent conflict, the criminalization and commercialization of the military and education of commercial interests in the conflict and out of this the resulting differences."

stockpiles. In the 1950s, he ensured that stockpiles of weapons were conserved in secret warehouses throughout the country.^{xxi} Although the US military funded an aid programme to decommission much of these weapons in the 1970s, many were not properly disposed of⁴. Surprisingly many of the weapons which were reportedly destroyed in this process were later used by the Serbian militia during the war in BiH.^{xxii} Unfortunately, inadequate inventory monitoring, weak export controls and alleged official corruption both before and after the war ensured that many of these weapons remained available to paramilitaries and criminal groups.^{xxiii}

2.2 *Wartime Period – 1992-1995*

Although the significance of this period for BiH is undeniable due to the war, it is also significant in respect of OC in BiH, as it provided further favourable conditions for the development of same.^{xxiv} Wartime conditions and subsequent sanctions and embargos imposed by the IC, it is argued, led to the proliferation of OC in BiH and to the further development of the pre-war emerging grey and black economy.^{xxv} Moreover, it is intimated that the criminal economy occurring during the war, actually created, in itself, a self-sustaining logic to the war, as it provided a significant income for many. In addition, it has been suggested that the prolonged war was a means of protecting wartime criminals from possible investigation post war.^{xxvi}

OC was common in BiH. Smuggling channels from before the war were used to transport oil, cigarettes, tobacco and arms. It has been suggested that drug smuggling continued during the war with the support of the State Security organisations, which it is alleged played a significant role.^{xxvii} Wartime conditions and the associated breakdown of the Rule of Law (RoL) made it easier for people to be exploited and created increased opportunities to take advantage of. These conditions also ensured legitimisation of certain questionable behaviours by a wide range of actors.^{xxviii} The first noticeable shift was the support given by the political elite to the increased role of paramilitary style groups, which was evident on all three feuding sides⁵. In Sarajevo, the initial group to take to the streets in the early days of the conflict were criminal and paramilitary groups.⁶ In fact, it has been alleged that in order to intensify the war, paramilitary criminal groups were sent to the front line, as many ordinary people did not want to participate.^{xxix} According to UN Commission reports, a large part of the campaigns of ethnic cleansing were carried out by these groups.^{xxx} The UN identified 83 paramilitary units operating during the war, on all sides. These groups were hired to instil hate and fear, and were reportedly responsible for much of the killings, rape and looting. They were also involved in smuggling and other black market activities. The interesting element to this was that many of these feuding groups cooperated across enemy lines. Furthermore, once peace was restored, these relationships did not disappear.^{xxxi}

The police also allegedly played a role in maintaining and facilitating this type of criminality during the war. The police forces, for the most part, were divided along ethno-political lines, similar to the ethnic parties that formed the first post-socialist government.^{xxxii} As a result and during the war, the police played an active role in the establishment of ethnic national (para) states, which led to a

⁴ The serial numbers of these weapons were used to prove the authenticity of these claims. Surprisingly, the events surrounding how this happened were never investigated.

⁵ Bosniaks, Serbs and Croats.

⁶ The notorious gangsters Musan Topalovic (Caco) and Ismet Bajramovic (Celo) were but a few. The same occurred within the Croat controlled areas; one of their groups was called the Wolves and was lead by another prominent Sarajevo underworld figure. The Serbs, were represented by the Arkan Tigers and the White Eagles.

specific form of re-politicization of the police.^{xxxiii} This, in conjunction, with the formation of the paramilitary styles groups and criminal elements, assisted in embedding organised crime and corruption into the foundations of the post war state. Furthermore, this modification of the police resulted in an unclear demarcation line between crime itself and crime prevention.^{xxxiv}

For the IC's perspective, this period provided the EU with the opportunity to become a political player in the area of foreign defence policy.^{xxxv} Conflicts in the former Yugoslavia were viewed as the first test for the embryonic Common Foreign and Security Policy (CFSP), with EU negotiators brokering the ceasefire that stopped the war in Slovenia in July 1991 (the Brioni Agreement).^{xxxvi} Nonetheless, with the outbreak of war in Croatia and the emergence of the war in BiH the limitations of the newly formed CFSP began to surface.^{xxxvii} As things further deteriorated, the EU got marginalised by the interventions of the UN and other international actors. Areas previously under the remit of the EU, such as diplomatic efforts, the implementation of sanctions and the provision of humanitarian aid, were all brought under the framework of the UN, reducing the role of the EU considerably.^{xxxviii}

However, it could be argued that the IC played a significant role, albeit maybe not intentionally, in providing a new breeding ground for OC in BiH, and the surrounding countries, through the application of sanctions. Between 1992 and 1996 restrictions in trade and financial relations were imposed in the Western Balkans, through a decision made by the UN Security Council.^{xxxix} These sanctions were aimed at trade, air travel, financial transactions, scientific and technical cooperation, and sports and cultural exchange. Later they were broadened to include the freezing of assets abroad. Many of these were applied to BiH in 1994, with the intention that they would act as a form of pressure on Milosevic's government to curtail its rebels in BiH.^{xl} Unfortunately, these sanctions did not work as planned; in fact they had quite significant repercussions in the area of OC and Corruption on both the Western Balkans and BiH. Smuggling became a national security activity, due to the need for vital commodities.^{xli} In Serbia, for example, Milosevic allegedly appointed Mihalj Kertes to oversee and regulate sanctions, a man who was said to have previously played a leadership role in coordinating the smuggling of arms to Bosnian Croats and Serbs, as the Head of Customs.^{xlii} The sanctions were lifted in October 1996.^{xliii} However, their impact substantially contributed to the emergence of an elite for whom the sale and supply of sanctioned goods provided the platform to further their political/economic dominance. Alliances developed between nationalist political parties, local crime syndicates (transnational paramilitaries) and criminalised state security agencies.^{xliv} It is argued that this era saw the evolution of rudimentary OC but in fact it was actually quite sophisticated from the outset, and as a result quickly grew.^{xlv} Money laundering was also reported in the region during this time, with many high ranking politicians using their direct or indirect connections with previously public companies to launder their acquired wealth.^{xlvi}

The illegal sale and supply of weapons also flourished at this time, even amidst an international weapons embargo, which was placed on the former Yugoslav region.^{xlvii} While Serbia had access to stockpiles, those in Croatia and BiH, had little.^{xlviii} BiH and Croatia turned to the black market to obtain weapons, with some reportedly coming from as far away as Argentina and South Africa.^{xlix} One of the largest illegal shipments came from Iran, through Croatia and into BiH. This was alleged to have been part of a secret US programme aimed at boosting the Army of BiH. As a reward for letting the arms move through Croatia, the Croatians were allowed to retain 30% of each load.¹ Ironically, near the end of the war, Serbia illegally imported weapons along the same routes as BiH and Croatia.^{li}

2.3 *Aftermath of the war – Dayton 1995 - 2000*

The post war era in BiH was marred with the apparent legitimisation of criminality and corruption. As previously mentioned the emerging relationships from before the war and those created during the war, did not just disappear with the cessation of the conflict. They continued to go from strength to strength, with many remaining today. Even though the Washington Agreement (1994) and the signing of the Dayton Accord in 1995 brought an end to the war in BiH, it has been argued that it was not the correct mechanism to move BiH forward into a fully functioning democratic society. It was purported that it actually provided the necessary elements to further develop the already present, OC and corruption, due to its alleged a-typical and undemocratic nature.^{lii} In relation to OC, the condemnation of Dayton was very severe. It was said to work contrary to the effective management of OC.^{liii} It was argued that Dayton created a state that was erroneously expensive to run due to its highly decentralised nature,^{liv} one where there was no clear power sharing mechanisms, which contained weak or nonexistent state level institutions and one which was divided along ethnic lines.^{lv} This all provided the necessary factors for OC and Corruption to flourish and as a result, the post war period in BiH was plagued by OC and Corruption. Interestingly, a New York Times reporter in 1999 reported that nationalist leaders embezzled as much as 1 billion dollars in public funds and international aid since the signing of Dayton four years earlier.^{lvi}

In the case of BiH, smugglers, arms traffickers and quasi criminal combatants did not merely profit from the war and feed off military conflict, but were decisive in its outbreak, longevity and outcome. They were not merely by-products of the war but were integral to it.^{lvii} In fact, many groups, made up of former combatants, insurgents and military, were willing to jeopardize peace to continue reaping ill-gotten gains.^{lviii} Interestingly, many of these wartime criminals emerged from the war as part of new elite, having close ties to politicians and the security sector.^{lix} A symbiosis emerged between the criminalised political economy and political elites; in many cases political parties were inseparable from criminal groups. The US General Accounting Office said that there was a web of alliances between criminals and national political officials, which all benefited from the slow reform in RoL, the economy and the ongoing tensions within BiH.^{lx}

In the absence of a RoL, proliferation and uncontrolled availability of small arms and light weapons increased significantly. Trafficking routes mimicked earlier drug trading routes. Throughout the Western Balkans, trafficking in illegal arms intensified.^{lxi} Arms and ammunition no longer needed were trafficked out of the country to other conflict zones.^{lxii} Serbia, BiH and Croatia, allegedly, supplied weapons and machinery to Iraq. It is further alleged that this was coordinated and exported through private companies, yet supported by powerful elites. Trafficking routes used during the war were expanded after the war, with former soldiers and combatants becoming middle men, and former enemies developed joint smuggling ventures.^{lxiii} The ability to transcend ethnic division apparently was possible amongst those using these thriving smuggling networks.^{lxiv} This is an interesting aspect of the war, one which is not always presented or acknowledged; interethnic tension often over shadow the examination of this cooperative criminal and political economy between different ethnic groups, a substantive amount of which occurred during the war.^{lxv}

After the war, the traditional heroin trafficking route changed slightly⁷, the Western Balkans were no longer an integral part of the route.^{lxvi} In many cases the trafficking route was redirected through Macedonia and Kosovo, under the control of Albanians. The war really strengthened these criminal

⁷ The route at this time went through Turkey, Bulgaria, Romania, Hungary, Slovakia, Czech Republic, German and the Netherlands.

Albanian activities, and due to their international networks they prospered. These groups were hierarchical, disciplined and extremely violent, and as a result, they retained much of the market.^{lxvii} Former pre war drug routes⁸ and routes created during the war were expanded for use in the smuggling of people in the aftermath of the war.^{lxviii} There was an increase in human trafficking during this time, with women being forced into prostitution, men into labour, children (Roma) begging.^{lxix} It is purported that in the 1990s, members of the IC equated for about 70% of traffickers profits.^{lxx} A lack of social awareness, the absence of a RoL, a large presence of internationals, coupled with factors such as low levels of education, low employment rates etc., all influenced the growth in this area.

Cigarette smuggling appeared to increase in the Western Balkans during the post war era. The Guardia de Finanza, in Italy, compiled a report linking multinational tobacco companies and Balkan governments in cigarette smuggling rings; Montenegro in particular. During the mid to late 1990s, and even with heightened EU attention, the Western Balkans remained a warehouse facility for smuggled cigarettes throughout Europe.^{lxxi} The EU Anti-Fraud office estimated the loss of tax revenue to member states was approximately 4.7 billion euro in 1998 alone. One container or truckload of cigarette was worth approximately 1 million euro in tax revenue, so it was a very lucrative enterprise for criminal gangs. It has been suggested that the scale and logistical network necessary could not have been possible without the direct involvement of states and multi-national companies.^{lxxii}

The State institutions were severely damaged during the war, and as a result facilitated this growing level of OC and direct and indirect corruption.^{lxxiii} Law enforcement agencies were unaccustomed to democratic environment as they were more designed to serve in secrecy and to be very suspicious towards reform, accountability and information exchange.^{lxxiv} Radical reform of their functions, objectives and tasks were recommended; however this was met with resistance. Other institutions underwent reform but to varying degrees of success.

2.4 OC intensifies, as does the response: 2000-2005

These five years marked a significant change of pace in relation to international activity and reform. Under the leadership of Paddy Ashdown, High Representative, a number of new institutions were set up. These included the Intelligence and Security Agency, OSA, SIPA, the court of BiH with specialised chambers for war crimes and organised crime and corruption, a state Prosecutor's Office, the High Judicial and Prosecutorial Council, the Ministry of Defence and a unified Defence Forces of BiH (OSBiH).^{lxxv} Unfortunately a number of these institutions were slow to get up and running, and even today, have yet to have the impact that was envisaged. During these five years \$5 billion was spent on restructuring in BIH; however it still remained stagnant and dysfunctional. This was reportedly due, in part, to the war and its post socialist past, and also to a large group of powerful elites with the ability and desire to maintain the status quo.^{lxxvi} EU political strategies and programmes were said to be significant, but lacked sufficient operational mechanisms and proper implementation. The European Union Police Mission was established during this period, with the aim to reform existing police forces.^{lxxvii} The portfolio overlapped in part with EUFOR, which was established in 2004.^{lxxviii}

Unfortunately, at the same time as the activities of internationals appeared to intensify in BiH, the global international focus turned from OC to terrorism, this meant that European, global, and more

⁸ The routes used were based on the traditional pre-conflict smuggling route, through or from BiH into Croatia, Slovenia and on to Italy / Austria.

specifically the Western Balkans regions response to OC suffered.^{lxxxix} However, the fight remained in BiH. However, in many ways, this could not have happened at a worse time for BiH as neighbouring countries were no longer providing the same level of attention to OC. As noted by the UN Secretary Generals Representative in reference to BiH “wartime underground networks have turned into (political) criminal networks involved in massive smuggling, tax evasion and trafficking in women and stolen cars” during this time.^{lxxx} Principal Deputy HR Donald Hays (2002) clearly stated that the biggest threat to security in BiH was not nationalism, but rather criminality, corruption and unemployment.^{lxxx} However, decisive action was taken. The Criminal Code and Procedural Laws were imposed by the High Representative (HR) and the Parliament of BiH, also took on the fight. However, unfortunately this commitment seemed to dwindle by 2006 and into 2007.

The earlier sanctions and embargos, although lifted, still impacted BiH during this period. However, little attention has been paid to the criminalising consequences of these. Much of the economic activities were pushed underground, which dramatically inflated the incidents of illicit trade. Approximately 50% of BiH’s economy was black market based by 2003.^{lxxxii} For example, the sanctions on Serbia and Montenegro (Federal Republic of Yugoslavia), although deemed to be some of the most effective in history, fuelled corruption, smuggling & criminality. Those involved in such smuggling were shown to be connected with and protected by the government.^{lxxxiii} Through assistance of the BiH government, the opportunity was given for those adept in the underground economy to enhance their skills and connections. Unfortunately this produced new winners and losers and considerably redistributed the wealth in BiH.^{lxxxiv} ⁹

During the early 2000s, authorities reported significant increases of OC groups from the Western Balkans. In addition, they were said to be tightly interwoven into political structures, the police, the judiciary, and the secret service.^{lxxxv} The OC groups themselves appeared to have wider loose networks. Balkan criminal groups began to emerge prominently in major EU countries.^{lxxxvi} Groups were forming alliances with Russian and Italian gangs in trafficking counterfeit dollars, arms and migrants.^{lxxxvii} In the Western Balkans, terrorism and organised crime was reportedly linked, with OC the primary source of funding for terrorism.^{lxxxviii} Croatian, Bosnian Herzegovinian and Serbian groups worked together in the area of vehicle theft, with BiH being known for its major market in stolen cars.^{lxxxix} Smuggling of cigarettes, alcohol, and petroleum products were widespread, for which BiH was mainly a transit country.^{xc} State Investigation and Protection Agency (SIPA) was established in 2004, but was not viewed as the beacon of light in the fight against OC that it may have been envisaged. In fact, its role against OC was met with public controversy and massive political pressure.^{xc}

It has been suggested that this level of crime and smuggling could not have been conducted without the cooperation by low and high level officials and politicians, and there is evidence to suggest that this was the case. It was reported that such collusion was one key component of the high level of corruption in BiH at this time. This link between OC and high level corruption was said to be a product of the failure of the establishment of the RoL and the lack of a political and economic environment where real leaders and entrepreneurs could operate.^{xcii} Corruption was not only reported at high levels at this time, it was also evident in everyday lives. Paying bribes to police, to local authorities and service providers to avoid prosecution, and or to speed up slow and bureaucratic

⁹ The role of the government in breaching sanctions is not a new phenomenon in the Western Balkans; in most countries where sanctions are imposed, the government response or intervention in this area is justified by their need to minimise negative fallout and to reduce the chance of civil unrest. However, it has been counter argued that they do this to generate revenue, strengthen their hold on power, retain the status quo and in many cases to foster alliances with clandestine transnational economic actors.

systems became a common event.^{xciii} Interestingly, the corruption in BiH was reported at this time to be significantly different from corruption in other countries; it was viewed as a state of mind, held by the vast majority of people.^{xciv}

It was reported that in 2003 the Republika Srpska (RS) lost 500 million km due to excise and tax evasion, an amount nearly equal to the entity's annual budget.^{xcv} In a World Bank survey of the same year, BiH was placed among the top countries with the highest level of state capture (public and private sector actors influencing the formation of law & regulations to their advantage).^{xcvi} According to the BiH: Diagnostic Survey on Corruption (2003), bribes accounted for approximately 10% of total business expenses.^{xcvii} This level of corruption was reportedly due to factors such as, low salaries, inefficient penal policies, poor human resources, unsupervised powers of customs and authorities, no rigid trade policies & commercial protectionism.^{xcviii}

During this time, the High Representative to BiH reported to the UN that BiH still lacked modern criminal intelligence capabilities. They had outdated equipment, undertrained officers and no clear strategic vision.^{xcix} This, in conjunction with the decentralised forces, lead to limited cooperation and coordination on cross jurisdictional issues, which in turn allowed OC groups to profit.^c During this time OC became an obstacle to legal, political and economic reform, which had a negative impact on development, stability and security in BiH. As in the rest of the Western Balkans, factors such as, RoL issues, permeable borders, displaced people, refugees, economic and social conditions, frustrated paramilitary formations, and corrupt high level officials with links to OC, all contributed to this growing issue.^{ci}

At this time, trafficking of humans through and into BiH increased. However, this related more to the trafficking of women for sexual exploitation. In 2003, the Border Police was established, but in the early days it did little to impact the trade of women, as sophisticated networks dominated this arena.^{cii} The trade of women was reportedly producing extremely high revenues per month, much of which was related to the sex trade/prostitution. Those involved appeared to be very well organised, well connected and appeared largely immune to prosecution.^{ciii} There was reportedly close collaboration between traffickers and the local police, and a judicial system unwilling or unable to prosecute.^{civ} A senior international observer, quoted in the Observer, alleged that there were strong indications that authorities colluded in both trafficking and smuggling of illegal immigrants at the highest level in BiH.^{cv} The IC have not been immune to criticism in this area, with many arguing that their presence attributed to the demand for this sex trade, with others going as far to suggest direct involvement by members of the IC.

The early 2000s saw the Balkan area continue their participation in the sale and supply of illegal arms. Croatia and Slovenia were reportedly an important source of small arms to the illegal arms market in Amsterdam, at this time.^{cvi} Interestingly, NATO forces reportedly found weapons in BiH being smuggled to Kosovo; the operation allegedly organised by Agencija za Istrazivanja Dokumentacija (AID), while also including top officials from the Ministry of Defence of BiH.^{cvii} The trade in weapons appeared to be quite well structured and organised at that time. Spanish intelligence suggested that the IRA were buying weapons and ammunition from arms groups based in the RS. Such weapons were said to have originated from the former Yugoslav Military, the Military of BiH and the police. French and Spanish authorities also established links between Croatian arms and explosives, and ETA.^{cviii} In fact, it was purported that during this time BiH and Croatia became major sources of illegal arms for both the IRA and ETA.^{cix} Interestingly, both ETA and the IRA allegedly paid for some of these arms with Columbian Cocaine.^{cx}

This overlap between the illegal trafficking of narcotics and weapons is not a Balkan specific trend. In many cases this exists in the interest of good commerce. For example, during the same period relationships occurred between the IRA and FARC. In response for IRA training, FARC gave them access to money and arranged for arms to be obtained from Russia, while the ceasefire and decommissioning was taking place in Ireland. Both money and narcotics changed hands in this deal. In fact, it is reported that the IRA used some of these drugs to pay arms dealers in Croatia.^{cxv} Croatian arms dealers reportedly were protected by Hrvatska Demokratska Zajednica BiH (HDZ BiH), Ministry of Defence, internal affairs, customs service and secret service, even the Croatian Diaspora assisted.^{cxvii} Guns and ammunition were not only trafficked into, through and from BiH, most domestic criminal activities were indirectly connected with arms that were illegally held. It is reported that almost all murders and suicides committed by firearms in Canton Sarajevo, in 2003, were committed with weapons that were not licensed. Also many rapes, robberies, and drug related crimes were committed with illegally held weapons.^{cxviii} A large quantity of surplus weapons of national armies in the Western Balkans were destroyed during this period as part of a US sponsored Programme. Yet still much remained in the hands of civilians or poorly guarded army stockpiles.^{cxix}

The early 2000s saw a re-emergence of the southern branch of the Balkan drug route.^{cxv} While the dominance asserted by the Kosovo Albanians in the mid 1990s continued. Scandinavian and German officials noted these Albanians were involved in the importation of 80% of Europe's Heroin.^{cxvi} They were also reportedly involved in the cocaine and cannabis trade, at this time.^{cxvii} This era also saw a significant shift in the Columbian cocaine trafficking route into Europe, shifting from Spain to the Western Balkans.^{cxviii} In addition to the Albanians, the Western Balkans during this time was heavily involved in the drug trade; Serbia played a significant role in heroin & the synthetic drug market, and Macedonia in its production of precursor chemicals.^{cxix} BiH was reportedly a haven for drug trafficking, and was a significant marijuana and opiate transit point. Interestingly, it was reported that about 20% of drugs that went through BiH were retained for domestic purposes.^{cxix}

This growth in OC and corrupt behaviour in BiH during this time was assisted in part from the significant overlap between politics and the economy, the success of the criminal/political elite, national governments avoiding RoL and a low risk economy for criminals.^{cxxi} This collusion was assisted, specifically in BiH, by a real lack of implementation of new legislation, due, in part to a lack of resources, and/or understanding of needs.^{cxviii} Money laundering became a growing problem during this period; OHR estimated that as much as 3 billion KM was being laundered through BiH each year during this period.^{cxviii} This flourished due to the fact that BiH was primarily a cash based

10 Two examples in BiH of this overlap between government officials and OC included one relating to tax evasion and the other to conflict of interest. A Minister was forced to resign over a customs scandal involving textile imports into BiH from Turkey, Bulgaria, and Hungary. It was alleged that customs officers in return for a bribe (KM 14000 per shipment) charged import tax based on a reduced evaluation sometimes 90% less than the official figure. This allegedly cost the RS Treasury 30million KM between Sept 2001 and June 2002. It is intimated that this could not have been achieved without knowledge of the senior level politicians. In addition, investigations took place into the mismanagement of the Ruling Party and state owned hydro electric utilities in the RS and western Herzegovina. On foot of an international audit, it was found that the company (Electrprivreda RS) was losing upward of 166 million KM annually through mismanagement, conflict of interest, theft and neglect. While a similar audit said Elektroprivreda Mostar was bank rolling HDZ activities. This indicates the level of collusion occurring in BiH at this time. In Serbia during this time, slight progress was made to ensure an effective response in the fight against OC. Yet, it still remained heavily involved in the Balkan OC networks, especially in the area of drugs and human trafficking. It is reported that the then Prime Minister, Zoran Djindjic, lost his life trying to combat corruption, OC and the grey economy.

economy.^{cxxiv} In relation to high excise goods, such as fuel, tobacco and alcohol, fictitious companies were used as receivers of these commodities. No tax was paid as the companies did not exist, while the goods were traded on the black market.^{cxxv} A Customs and Fiscal Assistance Office (CAFAO) report indicated that tax was paid on no more than 40% of commodities sold in BiH during this period.^{cxxvi} Cigarette smuggling remained a serious problem, and links were reported to the drugs trade. Swiss Banks and institutions allegedly assisted in the facilitation of this smuggling market, as smuggling cigarettes was not a crime in Switzerland, once the cigarettes were not sold in the country. OC groups bought large quantities of duty free cigarettes from multi-national tobacco companies through shell companies based in Switzerland. The Western Balkans remained a place where corrupt elites, criminalised state security agencies and criminal groups networked to ensure profit in this area. A willingness for multinational companies to sell large quantitative of cigarettes to shell companies linked to crime syndicates, coupled with a refusal to cooperate with national law enforcement agencies, meant this type of crime flourished. For many, a risk analysis had made it evident that cigarettes smuggling could be shipped on a scale greater than drugs, making them almost as profitable, but attracting less attention.^{cxxvii} However, by the end of this period, the scale of smuggling in the 1990s and early 2000s was greatly reduced. Legal and civil action was taken against the cigarette companies and the practice of selling without questions ceased, or at least reduced considerably.^{cxxviii} This marked the shift into the trade of counterfeit cigarettes.¹¹

2.5 Reality emerging: 2006 - 2010

Notwithstanding the desire by the IC that the Dayton agreement would see a reduction in the level of nationalist politics and a shift to a more democratic style, very little changed. Ten years on, three parties still led the political system. Interestingly, it was suggested that the main fault line at this time was not between these three groups; rather it was between the politicians collectively and the IC.^{cxxix} That being said, the EU continued their goal of improving national capacities, and intra-regional cooperation.^{cxxx} However, problems still existed. There appeared to be no comprehensive strategy, an unreformed security sector, a weak justice system, and a large number of police forces working under different laws/criminal codes, significant changes did not occur until 2008. In addition, and probably the most debilitating factor was that there was clear resistance from politicians to harmonize many of the laws, to make improvements in these aforementioned areas or to unify the police.^{cxxxi} In addition, in 2009 the presence of international judges and prosecutors working on OC cases was suspended, with huge consequences some have said.^{cxxxii} Corruption was still high, but action was being taken, at least at some level. In 2008, they conducted an investigation into alleged fraud and corruption in the construction of the new RS government building in Banja Luka.^{cxxxiii} The investigation focused on the roles of several entity government officials, including the then Prime Minister.^{cxxxiv} He, allegedly, resisted this investigation, intimating that the case was politically driven.^{cxxxv}

The political system and law enforcement, to a point, were still very nationalistic and were inefficient to fight OC, which was multi-ethnic, cross border and well integrated.^{cxxxvi} Many criminal groups of different ethnicities and nationalities happily worked together when required.^{cxxxvii} Within the elite, there appeared to be little awareness and acknowledgment of social and economic costs inflicted by OC in BiH.^{cxxxviii} Domestic and foreign investors were less willing to risk capital and there appeared to be a general public distrust in authority and an unwillingness to abide by the RoL.^{cxxxix} This lack of awareness or complacency meant that efforts to improve legislation, to reform the law enforcement agencies, or to create networks developed to fight OC were usually internationally supported or

¹¹ In 2004, 10-15% of cigarettes smoked in Europe were counterfeit.

influenced, not nationally or locally driven.^{cxl} As a result, the cost, time and effort focused at fighting OC limited the rebuilding and reform efforts in other areas. This lack of action at a national level could also have been due to deterioration in the political system around the time of the 2006 election.^{cxli} In addition to that, the international economic downturn was beginning to be felt.

Weapons were still reported to be flowing through the Western Balkans. Amnesty International reported that weapons were being moved from Serbia and BiH into Liberia and the Congo.^{cxlii} However, greater cooperation between Serbian, Croatian and Bosnian Herzegovinian Law Enforcement Agencies emerged, which led to a disruption of several OC groups involved in smuggling smaller quantities of weapons. Many hand guns and pistols were destined for Austrian, Italian and other West European markets. Drugs were often found in these cargos, highlighting the continued link between these two commodities.^{cxliii} In the later part of this period, arms and weapons trafficking reportedly became the least visible aspect of OC activity in BiH. The trafficking of women was still evident. ASTRA (Anti Sex Trafficking Action), the leading NGO, noted that the penalties were still low, and purchasing of service of trafficked women was still not illegal. Although the numbers had reduced, some would have argued that it had just gone underground.^{cxliv}

The fight against drugs was still limited in BiH. No specific agency responsible for dealing with the fight against drugs was established. The police response was at a local level, which was not equipped nor had the capacity to deal with OC groups; this, at a time, when 80% of Europe's heroin was reported being shipped through the Western Balkans.^{cxlv} Croatia was the only country in the Western Balkans with a National Strategy on suppressing trafficking and abuse of illegal drugs.^{cxlvi} In Kosovo, the criminals appeared to hold more power than politicians.^{cxlvii} Cooperation between Kosovo Albanian, Serbian, Bosnian Herzegovinian, Croatian drug groups, and Afghan heroin producers and western European distributors were well organised and clearly active.^{cxlviii} The traditional routes had remerged strongly; growing amounts of shipments were being moved through Kosovo, as their borders were particularly porous.^{cxlix}

2.6 A slow and painful recovery: 2010 until the Present Day

Sadly, the BiH system is still not in a position for complete self-government. Because of constant disagreement in the decision making process in the State parliament, most of the important laws are still adopted under pressure of the IC.^{cl} This prevents much needed political development from taking place. Self government is one of the most important democratic institutions, as it facilitates citizens to exercise their rights, obligations and needs. In addition, it provides the platform to discuss and make decisions on everyday issues, such as housing, employment, infrastructure, education, healthcare, culture, security, protection of human rights & environment.^{cli} Unfortunately few of these topics are on the agenda at any significant level in BiH, if at all. Many citizens do not yet expect or demand accountability, transparency, and equality of services.^{clii} According to the Balkan Monitor Insights report, citizens prefer to retreat into their private lives than engage in politics. 67% of respondents in 2009 and 74% in 2010 still had little faith in national institutions. Citizens of BiH were three times more likely to be dissatisfied with their government, than other Balkan countries. 47% of citizens believed that OC had increased in the last 5 years, and were unconvinced that the government could fight it, however the level of individuals saying it impacted on their daily lives reduced. These crime types and corruption are reportedly keeping this region from developing into fully functioning democracies, with links between criminal networks and political actors making the implementation of new laws/regulations and reforms difficult. This is also reportedly preventing good governance

procedures from being embedded. Only 15% felt that the government were doing all they could to fight OC.^{cliii}

It still appears that unresolved issues resulting from Dayton continue to block political progress and prevent BiH from moving forward, rather leaving it in a state of paralysis and vulnerability.^{cliv} It is suggested that the ‘soft power’ approach used by the IC since the mid 2000s, coupled with a willingness to maintain and employ Dayton Implementation and Enforcement Mechanisms has created a rule free environment. This has allowed politicians feel like they can pursue their own agendas with little resistance. There are still many ethnic divides present in post war BiH, such as education, employment ratios in the public sector, the use of public space, areas dominated by one group over another, biased media, etc.^{clv} These factors have all contributed to securing little impact on strengthening the RoL and the fight against OC and corruption to any great degree.^{clvi} Furthermore, this has had considerable negative effects, and as a result BiH is still experiencing a slow and painful recovery.^{clvii} There has been a significant reduction in the post war level of civil society, as funding sources appear to have been greatly reduced. The EU have tended to move away from issues such as minority return, conflict prevention and peace building towards issues relating to accession, such as democratization and good governance.^{clviii} Yet many would argue that work is still required in these aforementioned areas. Donors are struggling as how best to integrate civil society actors into their strategies and build sustainable local ownership.^{clix} This is difficult as the citizens of BiH seem to suffer lethargy and a reluctance to take on the government and elites. As a result, there is a reluctance of political leaders to take on or pursue policies that help citizens.^{clx} International business investment has not been significant as the system discourages investment due its complicated legal and administrative structures, and due to the level of corruption.^{clxi}

Decentralised policing still remains ever present, which is not conducive to effective policing, as it remains prone to political pressure and interventions.^{clxii} However, police services have developed in terms of professionalism, modernization and democratization, but there is still room for improvement. Unfortunately, police are still exposed to political pressure over autonomy and political/ethnicity loyalty. The capacity of the police to investigate cases involving the political elites and state officials remains limited, making it increasingly difficult to deal with OC and corruption, at this level.^{clxiii} Furthermore, this lack of ability of the police to investigate cases has been magnified by the lack of judicial will to hold public officials accountable.^{clxiv} In addition, the lack of accountability of the prosecutors leaves them vulnerable to political pressure and unwillingness to select the difficult or complex cases. In 2010, the EU Progress Report suggested that the complex legal and judicial system makes reform difficult. With the report further noting that these systems are frequently hampered by political interference.^{clxv} In fact, a common opinion appears to be that the decision not to extend the mandate for international judges and prosecutors to work on OC cases in 2009 appears to have made the level of political interference worse. Popular fears appear to be rising about potential conflict; whether this equates to a threat of similar events of 1992 it is unclear, but it is suggested that organised violence on a different level may be seen.^{clxvi}

2.7 Chapter Summary

This section provided an overview of the evolution of OC and corruption in BiH from before the war until today. It highlighted the patterns and trends during this period. The report will now present the data gathered for this review which will be discussed in relation to this literature review within the discussion section.

3 Data & Methodology

3.1 Current Study

The rationale of this study was to examine OC in BiH in a broad but thorough manner. The study aimed to identify the influencing factors to the current state of play of OC in BiH, examining the chronology of events that has led to this point. It was also designed to provide the relevant actors with the best possible account of the current situation as it relates to OC from a combined perspective. This approach was deemed most suitable as the data available was very limited and often laden with validity issues. With that in mind, to improve validity and data quality issues a broad review of available data was conducted. Unfortunately the data gathered are not without their limitations, but in an attempt to reduce the impact of this, triangulation was used to increase the accuracy and the validity of the findings. Furthermore, the methodology was designed to be descriptive in design, using a mixture of qualitative and quantitative methods, never claiming to be purely scientific in nature.

3.2 Data Description

A number of data sets were used for this study to ensure a complete as possible view of OC in BiH was achieved. This approach was also used with the aim to triangulate the data to ensure more validity in the findings.

A comprehensive *literature review* was carried out to try to establish a sense of the level of understanding of OC in BiH from before the war until today. The documents chosen ranged from peer reviewed articles to reports produced by leading international agencies. It must be noted that availability of documents changed across the time period chosen, appearing to rise to a peak between 2000 and 2005, and reducing slightly since. This may be reflected in quantity of information provided during each period.

A review of a small number of EUPM documents that related to OC was conducted. Unfortunately, the documents were not systematically selected; rather the decision was made based on the availability of certain documents. This was done to get an understanding of what was and is known about OC from EUPM's perspective.

A *review of all court cases* that came before the BiH State Court, Section II OC, Economic Crime and Corruption, that were available on the State Court website, were reviewed. 313 cases were available from 2003 until today, however, because only 240 cases were available in English; the dataset analysed consisted of these 240 cases.

Interviews were conducted with a wide range of national and international actors, working either directly or indirectly in the fields of OC and corruption. The interview list ranged from high ranking national Ministers and international actors, to reporters and academics. This provided a very interesting and diverse account of the topic at hand. Interviewees were given the commitment that their names would not be printed. This was done to try and increase their openness and honesty. Semi structured and loosely structured interviews were conducted with all interviewees, with interviews ranging from one to two hours in duration. To ensure consistency those working in similar areas were asked similar questions and topics, however some interviews did not lend themselves to this level of

structure, so they were loosely conducted based on knowledge, experience and motivation of the interviewee to participate. This freedom contributed to a creating of wide and varied, yet relevant dataset.

Interviews with inmates of a Prison in BiH, convicted of OC related offences, were conducted. Permission was gained from the appropriate authorities to conduct these interviews. Each inmate was informed that they were not compelled to talk and if they wished at any time to terminate the conversation they were free to do so. They were assured that all the information provided would be dealt with the strictest of confidence. However, according to Prison rules, they were informed that any reference to future crimes would have to be reported to Prison Authority. Nine accepted the invite, while one declined. The prisoners were interviewed by an interviewer and an interpreter.

3.3 Chapter Summary

This section examined the type of data gathered and the rationale behind using it. The next section presents the findings gathered through each process.

4 Data Analysis and Results

4.1 EUPM Document Review

A small number of documents produced by EUPM on the topic of OC, or related issues were reviewed. Unfortunately, the situation did not differ significantly from reports written in the mid 2000s, with those written recently. In general, the same themes and trends emerged. Organised criminal groups were said to range from small scale localised networks engaged in criminal enterprises to transnational groups with broad ranges of activity. This, it was noted, makes analysis difficult. These documents did show the international dimension of OC in BiH, noting links between groups and networks with criminals in countries such as Serbia, Macedonia, Montenegro, Kosovo and Albania. The reports stress the importance of maintaining an understanding of OC at play in these countries, as the links are significant. In addition, it was noted that the geographical position of BiH is significant in understanding OC in the country, but also within the region.

The common crime types emerging from these reports were also similar, with many suggesting a significant amount of known groups to be active in the trafficking, sale and supply of drugs. However, it was noted that the quantity of drugs found in hauls was reducing. Trafficking and smuggling of humans was deemed significant historically, but in recent times, this was said to have reduced. Vehicle crime was also said to be significant in the past, however reducing year on year. The motivation to steal cars in BiH was viewed from two or three lenses; the theft of luxury vehicles from BiH for onward transmission abroad, the theft of vehicles for parts whether inside or outside of BiH (but transported back to BiH) and the theft of cars for ransom. These crimes are said to have been reduced considerably in later years. The trafficking, sale and supply of weapons is also highlighted in most reports, however, the true extent of the issue never seems to be presented. This is acknowledged with notes and caveats that detailed intelligence in this area appears to be limited. Other issues presented, include illegal logging, fuel smuggling, etc.

Most of the reports presented known criminal groups at play. However, even with these accounts, the intelligence is limited, and as a result it is difficult to determine the levels or interconnectivity between the groups and related crimes. Some interesting factors were raised. For example, in a review of cases monitored by EUPM between 2006 and 2011 it was shown (within the limitations of the data) that in many cases a large number of people were arrested for specific crimes, many of whom were never prosecuted. Of those indicted, it was noted that convictions were only secured in about 40% of cases. The data used was not of high quality in this regard, so this should be taken lightly. Issues raised for not securing convictions ranged from a lack of evidence, to failure to prove cases and to a lack of witnesses. In addition, it emerged that there appeared to be tolerance to improper behaviour relating to the conduct of investigations, to political influence and to a fear of taking on high profile or complicated cases. It emerged that there seemed to be a break down in processes when cases involved politicians, state officials, police, etc. Issues surrounding prosecutors and police emerged, noting that cooperation between both was often limited, procedures were slow and time consuming, and cases were passed between a number of prosecutors and jurisdiction on many occasions.

A number of the reports examined the conditions at play in BiH that have contributed to OC. They noted that as a result of the war, grey and black market economies emerged, giving criminals the opportunity to amass wealth and power. It was highlighted that the economic conditions of post war BiH up until today have contributed to high levels of unemployment, poor social conditions, limited opportunity etc., all risk factors to criminality. Other issues were highlighted throughout the

documents, such as the lack of ability to compile intelligence and to provide a complete picture of OC. In addition, it was noted that there appears to be no effective mechanisms for data sharing. This was linked with complaints that structural issues with police agencies limited the ability to create a full image of OC in BiH. The limited capacity of the police was also suggested to be due to issues such as low salaries, weak systems for internal control, public complaints, lack of support for investigations etc. It was also noted that border control ability was and still is difficult due to the fact that many of the border areas are remote and made up of small communities. It was suggested that these factors have been used by criminals to assist in criminality. However, significant efforts were reported in this area by the Border Police, with much success, prior to and since Visa liberalisation.

On a positive note, more recent documents refer to the increased and improved use of Special Investigative Measures (SIMs). However, limitations in this area are noted. Unfortunately, it does not appear from these reports that uniformity exists in availability and use of equipment in relation to SIMs. Interestingly, the presentation of non-traditional type OC in BiH was and is not widely presented in reports about the OC situation in BiH. Most make reference to the link between public officials and OC, but fail to examine issues such as privatisation frauds, inappropriate procurement and tender procedures, etc. These are usually presented in other documents, as unrelated issues. Even the presentation of newer types of crime, such as cybercrime, financial fraud type crime, money laundering, etc. seem to be lacking significant reference. Those that do address these issues usually indicate that methods to investigate these allegations have been met with resistance and a lack of prosecution.

4.2 Case Analysis¹²

The original State Court dataset included 313 case files. However, 73 cases were excluded as English translations were not available. A working dataset of 240 cases was created and used for analysis purposes.

Figure 1 illustrates the percentage of these cases, according to the year in which a verdict was reached.

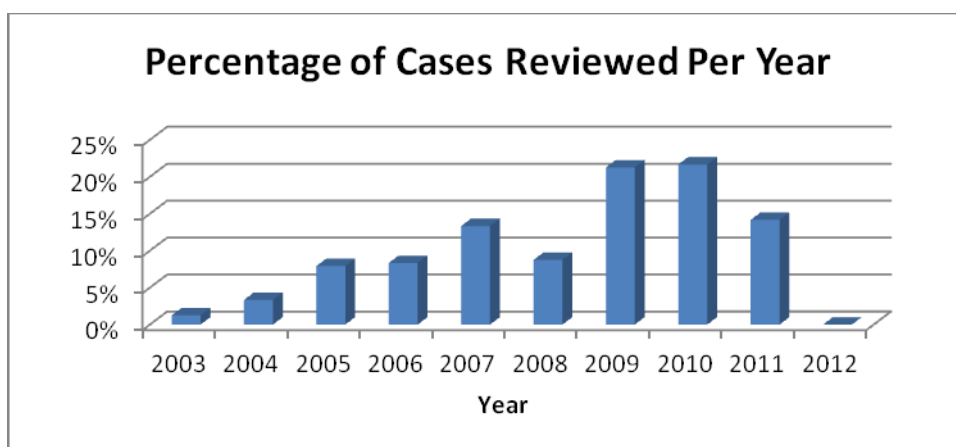


Figure 1 Percentage of Cases Reviewed Per Year

¹² Albeit that this court was established to prosecute cases of OC and Corruption, other courts deal with these type of cases too. Therefore this is only a representation of cases that came before the State Court.

There were 406 defendants were involved in these cases. An analysis of their ethnicity garnered the following results, 29% (n=117) of defendants were categorised as Bosniak or Muslim, 19% (n=77) were categorised as Croat, whilst 26% (n=106) were categorised as Serb. There was no data available for 20% (n=81) of the defendants. The remaining 6% (n=25) were categorised by their nationality and not ethnicity.

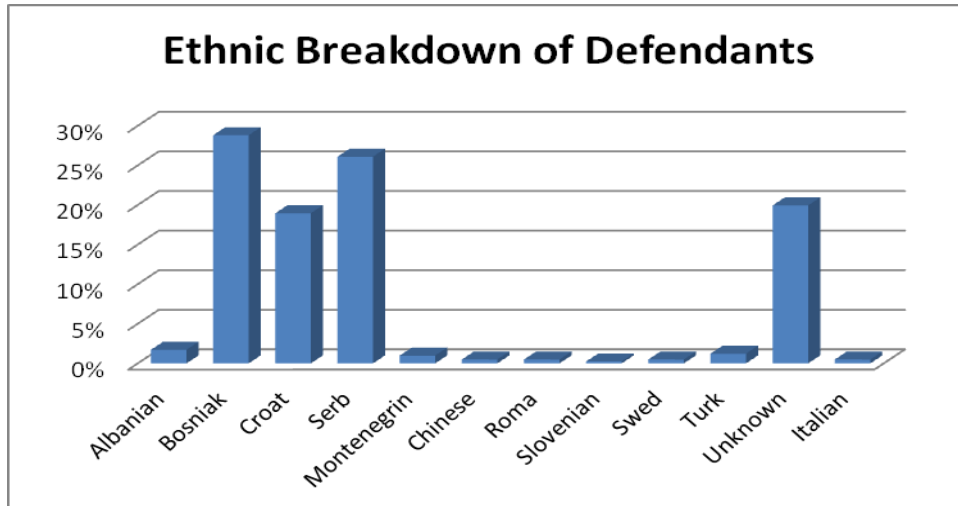


Figure 2 Ethnic Breakdown of Defendants

From examination of cases, there does not appear to be a high level of interethnic cooperation between offenders. Only 8% (n=20) of cases showed interethnic cooperation, with much being due to the cross border aspect of the case. However, cases were often split into smaller investigations prior to the trials so the full understanding of interethnic cooperation that may have been present, cannot be fully understood. The majority of cases were to do with drugs or human smuggling.

The personal characteristics of the defendants were reviewed to examine the rate of reoffending between the sample. Unfortunately the data was unavailable for 53% (n=214) of defendants; 30% (n=121) had no previous convictions, while only 17% (n=71) of defendants had previous convictions recorded against them. These convictions ranged from traffic offences, to trafficking of drugs, murder and the smuggling of persons. In addition, 2% (=8) of defendants had two cases before the State Court during this period.

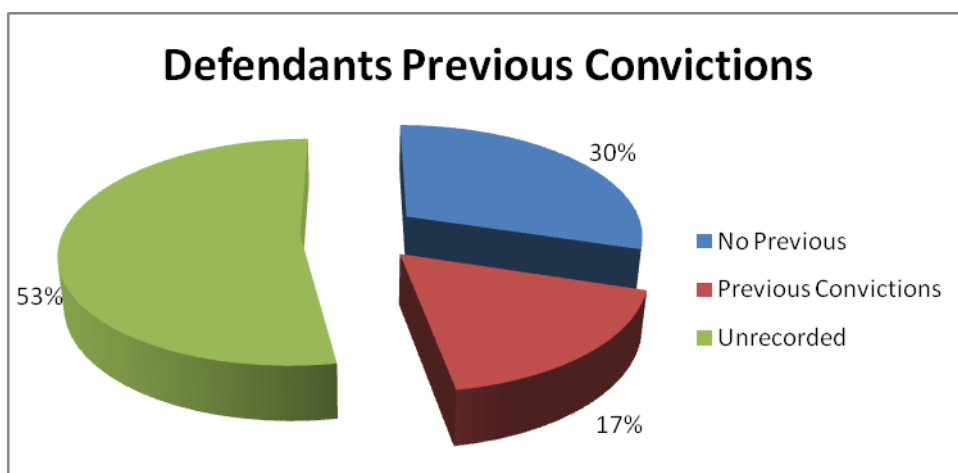


Figure 3 Defendants Previous Convictions

An analysis of the educational standard of the defendants was conducted. Unfortunately data was unavailable for 69% (n=280) of the defendants. From the available data, 18% (n=73) had Secondary School education, 6% (n=26) only had elementary school level, 6% (n=25) had University education, with 1% (n=3) having PhDs.

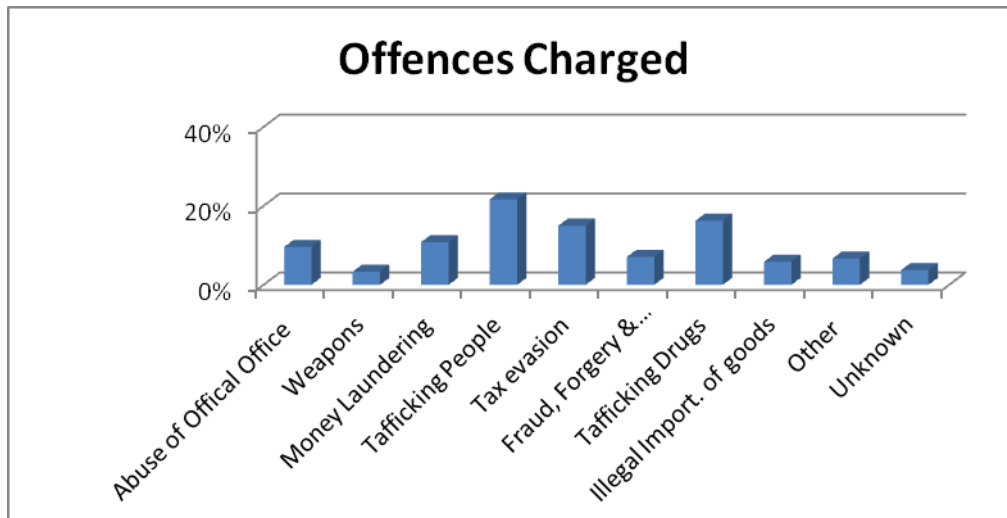


Figure 4 Offences Charged

When one examines the offences for which the dependents were charged, just over 50%, namely 53% (n=127), of cases were to do with the trafficking of people or drugs, or for tax evasion. Other significant offences were Abuse of Office, 10% (n=23) and Money Laundering, 11% (n=26). When one examines the changes over the years, it is evident that trafficking & smuggling of human cases peaked in 2009, while trafficking of drugs peaked in 2010. 2011 saw a considerable drop in all cases, but the cases of illegal importation of goods appeared to have increased.

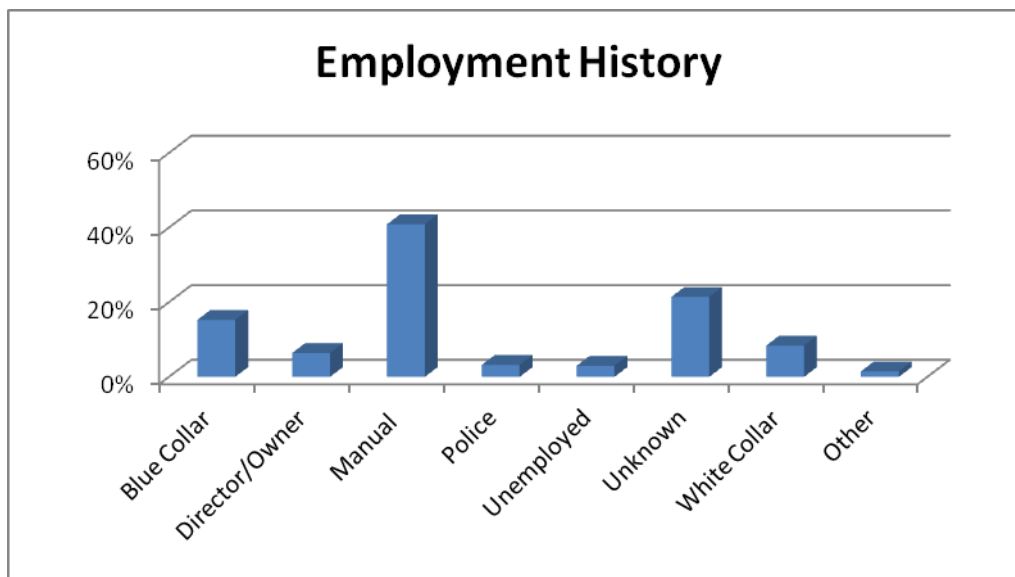


Figure 5 Employment History

The employment history data is a little unreliable, as in some instances it gives the occupation at the time of the case or in other cases it gives the last known occupation. However, even with that, it is of benefit to understand the occupational background of these offenders. 41% (n=166) were manual workers, 15% (n=62) were blue collar workers, 8% (n=34) were white collar workers, 6% (n=26)

were directors or owners, 3% (n=13) were police officers, while the remainder were unemployed or their occupation was unknown.

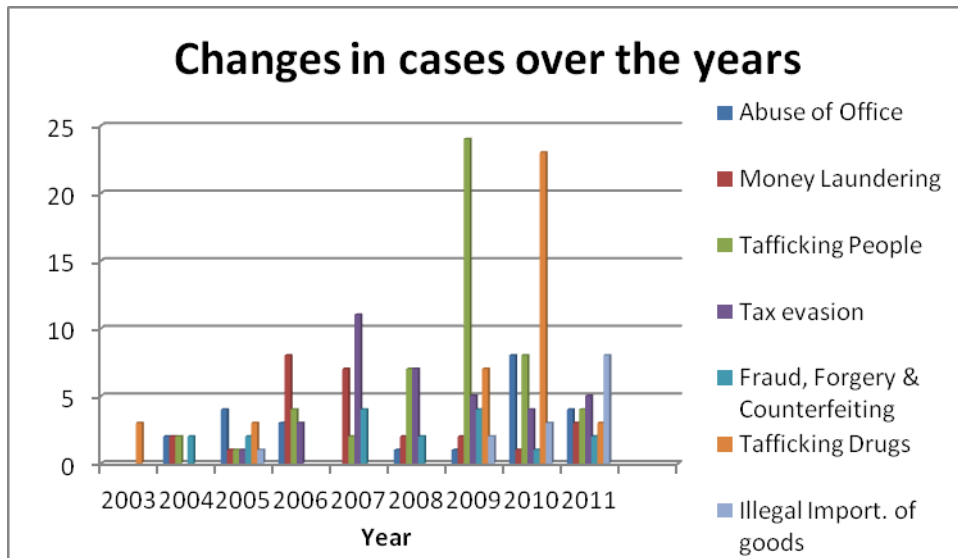


Figure 6 Changes in cases over the years

In 85% (n=203) of cases a guilty verdict was applied. In 6% (n=15) of cases the verdict was unknown, 4% (n=10) were dismissed, and 5% (n=12) were acquitted. Of the 5% (n=12) of cases acquitted, 42% (n=5) were cases of abuse of office, 20% (n=2) were tax evasion or fraud and 20% (n=2) were accepting a gift or benefit. In relation to the dismissed cases, 30% (n=3) were abuse of office, 20% (n=2) were Money Laundering and 20% (n=2) were for drugs.

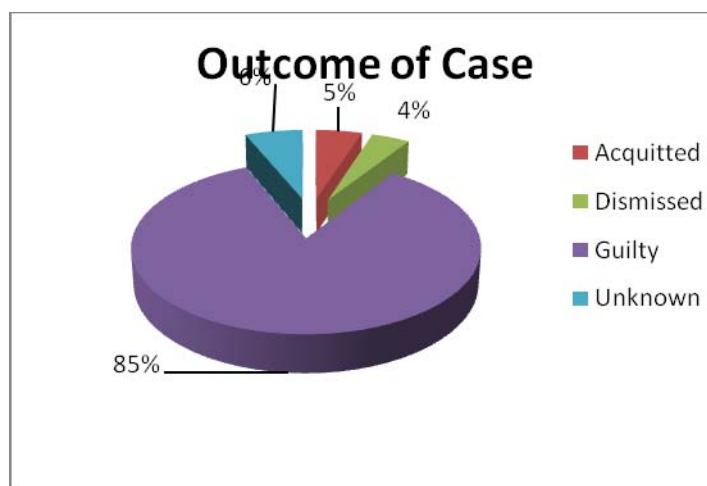


Figure 7 Outcome of cases

When one examines the countries to which the offenders cooperate with, there are no major surprises. Croatia, Montenegro and Serbia have the highest rate of linkages between themselves and BiH

criminals. Turkey, Slovenia, Kosovo and Albania were also significant. The European links appears to be most significant with countries such as Germany, Italy and Austria.

This data was not without its limitations, but it gives a picture of individuals who go through the judicial system at State level, the offences for which they are tried and the verdict of the cases. In a country where data quality is limited and access is difficult, having access to court outcomes such as these is quite considerable.

4.3 Interview Analysis

The interviewees were questioned on a wide range of issues to do with OC, corruption and related issues. There were many contradicting opinions and views, but this added immensely to the insight gleaned.

4.3.1 OC and Corruption before, during and after the war

For those who could provide their views on the situation before the war, they were asked to describe if they believed OC was present or not during this time. A number of different opinions emerged. Some said there was no OC, a number said it was present but in a small way and was mainly associated with drugs and the black market. When asked to explain why this was the case, most said that criminality was not easy, as there was an increased local police presence, a lot of low level informants, and the system was such that people would not think of committing serious crime. Others suggested that the system before the war was so different that it is not possible to compare it with post war BiH. State security was only spoken about and planned by the highest of political levels. It was also noted that the police during this period were proficient and efficient at the operational level, but were driven by Tito's regime. Although described as effective, it was highlighted that this system may not have been entirely democratic; there was the influence of repression, detention rights were different and the death penalty was in force throughout.

However, on further examination of the issue a more detailed picture emerged. Interviewees said that when the social system began to decline in 1981, OC as it is known today began to emerge. In fact, it was stated that it was the criminals that emerged during this time that were sent to the streets at the start of the war, as they were the only element organised enough to provide a resistance. It was stated that before the war, citizens of BiH were criminally active abroad, working with Diaspora or as travelling criminals. BiH criminals travelled to Germany, Sweden, Holland, etc, committing burglaries. It was further suggested that the security services allowed them to transport their ill-gotten gains and money across the border back into BiH, so the proceeds could be spent in BiH, which would benefit the Exchequer. However, it was highlighted that Kosovo Albanians were the leading groups of criminals active at this time, smuggling goods through BiH into Europe. They were reportedly involved in crimes such as weapons trafficking, vehicle crime, and the illegal transfer of goods across borders. Murders before the war, were mainly committed with a knife, with one interviewee suggesting that out of ten, a knife was used in seven, while now, out of ten, a gun is probably used in nine.

When asked about OC during the war, many stated that OC was widespread. Criminals on each side used opportunities that presented because of the war to steal, smuggle, and breach sanctions, etc. under the guise of securing safety. Those once on the social margins, started participating in society based on their criminal abilities. Albanians appeared to retain their position and profited greatly during the war. Criminals already active took the opportunities the war brought to develop their empires and reportedly got political support to do so. Others grew up through it. Many became active

in the areas of weapons and drug trafficking, but expanded into other areas, as the need arose. Weapons were plentiful, as was ammunition. Trucks left Sarajevo during the war filled with cigarettes and returned with goods, much of which were sold on the black market. Bribery became another key element of criminality during the war. Politicians soon learned that it was more acceptable to take money from businessmen and the IC than it was from traditional criminals and was less of a hot topic. It was stated by a number of interviewees that the majority of money invested into BiH during and after the war left as quickly as it came. It was estimated that only 10% of it was used as intended. The rest reportedly ended up in off shore accounts, which is, allegedly, now returning to the country to fund large building projects. However, it was also stated that there is no one looking into these allegations.

When asked if anything was done to prevent these types of crimes during the war, it was highlighted that due to the breakdown in moral tolerance experienced during the war, many crimes seemed acceptable. This is an accusation that could be examined through further academic research. In addition, it was suggested by a few, that the police did try and target these groups during the war, but that many were more powerful than the police, and had political support and protection. Furthermore, it was reported that when the police did challenge these groups, the police themselves were removed. Interestingly a number of interviewees suggesting that the war was abused to ensure many of the elite made and protected their empires, working with criminals to do so. During the war many politicians supported the activities of the criminals to ensure political financing and to benefit from the black market economy. Many of these networks and relationships were never broken up and continued after the war. As noted earlier, a lot of these criminals were the first to the battlefields at the start of the war and as a result, many became famous and revered in their towns during and after the war. In fact, a number of these criminals reportedly became part of the political elite after the war.

Little changed in the aftermath of the war; it seemed to be very profitable for those involved in OC, with many thriving from both political and public support. The reverence given to many of the warlords was slow to change after the end of the war. Youths and up and coming criminals saw this and tried to follow in their footsteps, with many also driven by a lack of opportunity and an economic downturn. Politicians began to protect their positions and newly acquired interests and assets. It was noted by a few that a small number of these were also leaders of organised criminal groups. Even with demands for change increasing domestically and internationally, not many of these elite were willing to give up their positions. A number of interviewees also noted that the aftermath of the war was hindered by a lack of tradition and culture of democracy, which was evident in a desire of the masses for the State to fix all the problems within BiH. Lethargy developed amongst the ordinary citizens about the role they could play in moving the country forward. The ethnicity argument continued but OC and corruption appeared to transcend these divides. The smuggling of goods and drugs increased, and the problem of prostitution grew, leading to increased human trafficking.

When asked if things had changed from post war OC today, the majority of those interviewed stated that it had. The increase of non traditional OC, such as corruption, financial crime, cybercrime, etc were all identified as problematic, much of which was not present in post war BiH. Public procurement, privatisation, and tender processes were all highlighted in relation corrupt behaviour, yet it was said that these crimes were rarely examined or investigated. It was noted that many of those buying newly privatised companies did not perform in the manner expected of them, yet nothing happened to them. This area was suggested by many as hugely corrupt. In fact, it was estimated by a number of interviewees that 70% of all institutions were corrupt. It was purported that many good strategies were written, good legislation were presented before the parliament, but no political backing was evident and limited implementation hindered the development of positive change. The state of the

economy and the rate of the unemployment were given as reasons why normal citizens entered the grey or black economy. Interestingly, some suggested that it was the duty of the citizens to take responsibility for what was going on in the country; that they had decided through war that democracy was the desired governing approach and now they should demand they got it. Others said that neither BiH nor its citizens knew what it was like to have a democracy and therefore did not know what to fight for, and what to demand. It was also suggested by many that a major reason why the citizens have never demanded change is that they are continually manipulated by ethnic and nationalistic arguments. However, many agreed that OC and corruption were in fact more damaging to BiH society than ethnicity arguments.

Financial institutions in BiH were also said to be in a state of decline, until recently. It was alleged that banks were participating in white collar crime with no recourse or oversight. It is purported that the banks could not be partaking in this behaviour without the involvement of the government at the highest levels. It was suggested that foreign capital was being eaten up because of corrupt behaviour, with no or very limited levels of oversight. Many suggested that the situation is still deteriorating, and could actually be worse than presented. It was highlighted that the country was not in a state of anarchy, but that there was no trust and confidence in it all the same. It was noted that BiH is over administered, which makes it hard to identify the good and the bad actors, but without political will to change this will not be addressed. Many suggested that the lack of a clear road map, either drawn up domestically or by the IC has impeded BiH in moving forward. It was also purported that nothing would happen until a strong and functioning RoL system was introduced. In addition, it was suggested that the Criminal Justice System was still not strong enough for the RoL to act as it should. It was highlighted that OC, corruption and terrorism all pose a threat to BiH. Many said that a new specialised prosecution section should be established, equipped and trained to take on high risk individuals and high profile cases. However, many agreed that the creation of more agencies needed to stop, and that those already in existence needed to be refocused under a common structure, to ensure resources were used effectively.

However, when asked about whether these issues were unique to BiH, many suggested they were not; rather they were traits of a country in transition. When asked what the future held for BiH, it was agreed that the situation in BiH would eventually have to change. Accession was highlighted as a real positive opportunity to drive reform of corruption, OC and security related issues, as the EU will not accept complacency in this area. However, it was also noted that the EU will need to redefine their role. The accession process was highlighted as being designed more to tick boxes, than to necessarily drive sustainable change. The Instrument for Pre-accession Assistance (IPA) projects may help it was suggested, but it was not envisaged that their impact would be highly significant. It was highlighted that any further intervention should have short, medium and long terms goals, with constructive review throughout the process, and accountability and penalties for non achievement. It was agreed by the majority that there was no alternative to domestic ownership, but more oversight and more accountability by the IC was agreed on.

It was also agreed by many that membership into NATO would have a positive impact. This they said will help citizens to have trust in the safety and security of the State and will put an end to the fear of further conflict. However, when asked if another war was possible, some suggested it was likely as the situation deteriorated and the public begin to feel further marginalised. However, others stated that it was unlikely as the politicians would not let it happen as they would not let it jeopardise their interests.

The interviewees were also asked about specific elements of OC and Corruption. Some very interesting elements came through; some may be perceived to fall outside the remit of OC and corruption, however interestingly they could be linked here in BiH. To make it a little easier, the information was broken down into groups.

4.3.2 BiH OC Types

Drugs and related crimes were said to be one of the oldest forms of OC in BiH, with the majority agreeing that this dated back to before the war. It was alleged that in the 1980s, the security services allowed a certain amount of drugs to cross the border for a small fee. In the 1990s, Serbia, Croatia and Slovenia were mentioned as the main countries trafficking drugs into the Western Balkans. During the same time many Sandjaks¹³, from Serbia moved to BiH; many of whom were said to be proficient at moving drugs and cleaning associated money. At this time hauls were considerable; hauls of 100kgs were found; now hauls are said to be only a percentage of that, about 2 or 3 kg. Notwithstanding this reduction, some suggest that the level of drug trafficking has increased considerably since the war. Without a doubt, the situation is unclear. Much of the drugs now, such as Afghan heroin and South American cocaine move through Montenegro, working with criminals from other parts of the Western Balkans and Europe. Interestingly, it was alleged that Montenegrin banks have given unsecured loans to known drug traffickers to enable them grow their empires. Others argue that Kosovo and Albania now appear to be the big logistical points, with couriers taking smaller packages along untraditional routes. It was suggested that BiH is not part of this route. Cocaine originating from South America is increasingly found and a growing relationship between the Balkan states and South America is apparent. It has been suggested that there is considerable government involvement in this emerging network, but the extent of this claim has yet to emerge. It was noted that that BiH was used in the past as a drug warehouse location, but this appears, from these interviews, to have changed in the last number of years. Some have argued that when one particular alleged criminal left BiH, seizures dropped. It was further suggested that there is a strong link between cocaine trafficking in Montenegro and the Republika Srpska (RS), for transmission on to Italy, which is also closely linked with cigarette smuggling. This network was said to be using other older developed networks. In addition, it was purported that BiH has a growing consumer market, but not one very significant. However, a small number of those interviewed have suggested that this may increase alongside improvements in the economy.

Weapons were highlighted as a commodity traded significantly from within BiH, with many suggesting a very close link with the drug trade. It was indicated that before the war, the majority trade in illegal weapons was related to the sale and supply of small arms. However, as a result of access to weapons and ammunition after the war, the sale in other weapons increased. It was purported by one police agency that the trade in weapons was the second biggest issue (second to drugs) for policing in BiH today. They noted, as did others that the reason why the trade is so significant, is that there are still old weapons, from post war stockpiles, that are cheap and unmarked, and easily accessible. This, therefore, has resulted in a high level of international demand. In contrast it was intimated that the domestic demand for weapons is low, as many people have retained guns since the war. Two explanations for this were given. It was suggested that people do not want to give up their weapons as they still do not have trust or faith in the state of security in BiH and in the police, and that as punishment for illegally held weapons is low, they believe that the benefit of keeping them in their possession outweigh the punishment if caught.

¹³ Bosniaks coming from a region along the border of Serbia and Montenegro which was called the Sandjak of Novi Pazar during the Ottoman times, and which existed until the Balkan Wars of 1912.

Another crime type that was highly spoken about relates to human trafficking, smuggling and prostitution. Even though there was an admittance that this was a real problem it was agreed by many of the interviewees that the frequency of human trafficking and smuggling into and through BiH has decreased. Nonetheless, it was also suggested that just because the figures indicate a reduction, this may not necessarily be the case, as a reduction in numbers only indicates incidents that come to the attention of the authorities. In addition, due to the introduction of the visa free regime for citizens of BiH, the numbers of nationals wishing to illegally enter the EU from BiH will have reduced. Some have indicated that human trafficking is still active along the Serbian Montenegrin route and might proceed to increase when Croatia enters the EU. The RS Ministry of Interior (MOI) introduced a specific unit to deal with this, which is reportedly working well. The Border Police were also said to have become very successful at tackling this problem, with many significant arrests.

Prostitution was reported as being a huge problem in post war BiH up until the early to mid 2000s. Many accused the IC of being the driving force behind the rise in this activity. That being said, many suggested that the IC's response to this problem was a significant one in halting the problem. However, a change in domestic political will also occurred at this time. This joint approach was evident in a proactive and cooperative response to target prostitution head on, with direct action by International Police Task Force (IPTF) and a change in the penal policy. The response was said to be targeted and decisive, making huge inroads in a very short time. It was intimated by one interviewee that a huge impact was achieved in three months. Many interviewees used this response as a clear indication of the positive impact of political will and a coordinated approach to a problem, if desired.

Albeit that these were the main crime types that emerged in the interviews, a number of others came through at a smaller rate. It was noted by a number of the police agencies interviewed that burglaries and robberies were significant crimes committed by organised groups in BiH. In addition, they reported a significant increase in relation to robberies, with respect to frequency and the amount taken. This, they reported, is a relatively new form of crime within BiH, and stated that they were mainly conducted by serious organised criminals. In relation to vehicle crime, it was indicated that this has been suppressed to an acceptable level. However, it was indicated that this type of crime is between 10% and 15% higher in the Federation of BiH than the RS. When asked to elaborate on the types of vehicle crime, many suggested it could be broken into two types; the theft of luxurious cars, stolen for export, and then those stolen for parts for markets in BiH and abroad. In relation to the smuggling of cigarettes and alcohol, it was noted that the routes changed in the mid 2000s and a reduction in such crimes had been experienced.

4.3.3 OC and Corruption as experienced in BiH

When asked specifically about OC, it was deemed that the fight was and is not sufficient due to the current criminal justice system. It was said to be the silent war, and BiH citizens were just lucky that more people were not injured or killed by it. However, interestingly a number of the interviewee's intimated that OC in BiH has been heavily mystified and that it is no more endemic in BiH than other Balkan countries. In fact, many suggested it was less of a problem in BiH. In contrast others suggested it is a cancer, and if it is allowed to go untouched it could get as bad as the OC situation in Serbia in 2003, when the President was shot for supposedly trying to clear up the system. This they said clearly showed how powerful organised criminals can become. Many stated that the level of OC in BiH known about is only the tip of the iceberg, as the magnitude of the true extent of the problem is unknown. When asking interviewees about the real problems of OC and corruption, an interesting pattern emerged. Many of those interviewed broke OC down into the traditional crimes and the non traditional crimes, and gave their accounts on these two aspects. In relation to the non traditional,

interviewees noted that politicians were often linked in financial crime and corruptive behaviour. However, a large percentage of those interviewed said that the more prolific form of OC linkable to politicians were those surrounding privatisation, procurement and tender fraud.

What became most striking in a wide range of interviews was the desire to have Corruption and White Collar crimes to be viewed under the umbrella of OC. Many of the interviewees reported major problems in the area of public tenders, procurement, and privatisation, noting a high rate of tycoonism. The majority of cases, they suggested can be linked to political powers, with contracts being inflated, and personal interests protected. Many went as far as suggesting that the political elites have tender and privatisation fraud down to a fine art. Estate capture, public tenders, abuse of public funds, misuse of utility companies, illegal logging, etc. were all highlighted as areas of concern. Business men throughout Europe were also said to have links with BiH politicians profiting from opportunities to launder money. This link with the political elite, they went on to suggest, makes it difficult to distinguish the blurred lines between business men and politicians. It was also noted that public companies were being used to fund political parties, that politicians were purchasing state owned companies, assets etc maximising their own empires and those of their friends and family. Political resistance to investigating these abuses was reported during a small number of the interviews.

It was very clear in the interviews that corruption was perceived as a very significant problem in BiH. The majority of interviewees stated that they believed it was present at every level of BiH society. No institution was immune from this activity, the police, prosecutors, judiciary and police were all said to be susceptible, with many allegations made against very high ranking individuals. Incidents such as the illegal transfer of property into private hands, buying off convictions, police involvement in drugs trafficking, the issuing of unsecured loans to alleged drugs dealers, etc. were all common examples given. However, targeting these cases have all been met with political resistance, whether directly or indirectly? A small number said that the problem was getting worse, and would continue to do so as freedoms were extended. Many suggested that the Transparency International index was a good indicator of the growing problem in BiH.

When asked what this corrupt behaviour looked like, many mentioned the health system and giving gifts to doctors, some mentioned the education system, bribes for classroom places, buying diplomas, etc. They said it happened in the form of money exchanging hands, favours for action, favours for passivity, etc. It was intimated that medical tenders were 10 times more expensive in BiH than in Kosovo, suggesting that someone was earn extra money at the expense of others. Some said the level of corruption in BiH was due to a culture of acceptance that was present. However, others said this was only an excuse. Many said it was present because the system was not strong enough to prevent it, and as a result had become embedded in society and was viewed with a high level of social acceptance. However, others said it was a tradition, and that there was an acceptable limit. But as a few interviewees said one is either corrupt or not, that there cannot be acceptable limits.

When asked about the response to corrupt behaviour, most interviewees said actions only focused on the small fish, ignoring the big ones. Many said it was difficult to prove cases against high level suspects, as they are prepared to defend themselves through bribery, intimidation, etc. They also stated there was no policy to name and shame, and that there was no protection for whistleblowers. It was made very clear that the absence of protection to the whistle blower was a huge reason why people did not challenge this type of behaviour. The majority of those interviewed stated that there was no political will to combat corruption in BiH, yet everyone also agreed that something needed to be done to show integrity in the system. To deal with corruption, the majority of interviewees said that there needed to be a mindset shift and that there needed to be more open and honest conversation

about corruption. They also said that there was a requirement for more proactive investigations, with highly motivated people, willing to take on the system and high profile cases.

Albeit that the anti corruption agency was established, with a strategy and action plan, a large number of interviewees doubted it would have any impact as it has no mandate to respond to allegations of corruption. It was believed by many that it should have been given executive powers, but there was no political will for this to happen. Overall, it was suggested that it was designed to be inefficient. This opened the discussion about why a number of agencies were established, with many noting that a large number of them were established just to tick a box, as many do not have the mandate to act as their name would suggest. In addition, selection boards and monitoring boards were said to be so called independent oversight mechanisms, but many are perceived to be a mechanism whereby politicians can ensure certain people are in power to protect their interests. As a result, many said if you are not willing to play the game, you will not get one, with others saying that even getting and keeping a position may be difficult if you were not prepared keep the status quo.

4.3.4 The key actors at play

When looking at this section, it may be perceived to be beneficial to split the actors at play into two groups, those who participate in OC and corruption and those who fight it, but unfortunately in BiH this line is so badly blurred that it was decided to examine them all together. Even when one thinks of organised criminals, it is difficult not to think of them in the traditional sense, but this seems to be a huge mistake when examining this topic from the BiH perspective. Many organised criminals became real power players in the BiH scene, with a large percentage of those interviewed stating that classical/traditional OC had links in the most powerful political circles. They said this pattern of behaviour was not synonymous with any one ethnic group; rather it was evident across all. It was intimated that corruption was clearly apparent between organised criminals and the politicians, with a number of OC groups funding political parties at the local level to the national level.

As mentioned earlier, many of the criminals at play in OC can be traced back to before and during the war. At this time, a large number of individuals acquired, through criminal means, a substantial wealth. It was purported that some BiH citizens criminally active in other countries prior to the war, returned to maximise criminal opportunities during the war. Famous warlords were created and became highly linked to politicians, through funding political parties, influencing elections, supporting private ventures, etc. It has been noted that many of the warlords tried to turn away from traditional types of OC making attempts to try to put their money into legitimate business. However, this was reportedly done through inappropriate privatisation, procurement and tendering projects. Many are now considered as successful businessmen, but the truth is not far from the surface. A large number are now owners or have significant financial interest in banks, energy and utility companies and media groups. This is not unique to BiH, it was noted that one businessman in Serbia is estimated to own between 7% and 20% of Serbia, alleging that much of the finance used to fund this was gained through illegal means, or through inappropriate privatisation opportunities. Unfortunately, it was clearly stated that examining the sources of these assets has never been appropriately dealt with. However, it was noted by one interviewee that a piece of legislation to investigate the activities conducted to gain illegal assets during the war and how they were subsequently used was put before the government; unsurprisingly it did not get enough support.

When asked about the structure and make up of organised criminal groups active in BiH, the majority of interviewees knowledgeable in this area said that they were, for the most part, loosely structured, working largely with individuals of their same ethnic group, except when working with groups from

other countries. Most were said to be opportunistic and willing to maximise every opportunity available and therefore are active in a wide range of crime types. It was noted that, especially in Sarajevo, that new local groups were emerging trying to fight for territory. These were said to be nothing more than local bullies, hungry for respect and power. Unfortunately they are deemed dangerous, as they have easy access to cheap weapons and they do not appear to be afraid to use them. However, others said that they were not a real threat, as they were well monitored by the politicians to ensure they were kept under control. The RS targets about 20 known groups a year, while the Federation of BiH target about 16. The biggest problem was reportedly in the greater Sarajevo area, which was said to be bigger than the problem in the rest of BiH altogether.

It was noted by many that the Albanians were still the most efficiently organised groups in the Western Balkans and in BiH for that matter. It was said that Albanians were noted for having contacts in every location and willing to use them to make tracking their movements or the movements of their commodities difficult. In fact, it was noted that they, like the BiH criminals were not afraid to use their Diaspora networks to assist in their criminal activities. However, it was the Montenegrins that were labelled as the most brutal. They were also said to be very efficient in the use of highly sophisticated equipment and telecommunications. It was noted that Serbian groups were still made up of the 'old guys', and were very influential. They were said to have close ties with smaller groups active in BiH, who did a lot of money laundering activities in the RS. It was reported that there was much cooperation between Montenegrin, Serbian and BiH criminals.

There has been one criminal identified as the most prolific in BiH. It was alleged that he is active in 94 countries, with over 70 members. It is alleged that much of his wider support is passive; due to fears of recourse, active intimidations, etc and that he closely influences the police through financial support. His group, along with two other groups which are no longer active, were said to be highly structured and hierarchical. These groups were said to be highly motivated, ambitious, have real drive, and are/were active in all types of crimes, such as drugs, cigarette smuggling, weapons, humans, vehicles, violent crime, racketeering, etc. It is alleged that these groups have/had close political links and connections. However, in the case of this offender, his advances to join a political party were turned down. However, it was intimated in a small number of interviews that he was still closely linked with a high ranking politician, who is also alleged to have criminal links. This politician is said to be closely linked with the presidential family of a neighbouring country, also alleged to have strong links to criminality.

When asked if the type of crimes were changing, many highlighted a shift towards economic crimes, financial crimes and cybercrime. These, they said, were highly sophisticated. In fact, it was noted by many that the groups most active in this area were technically very equipped and had a very good awareness of policing methods, surveillance techniques and phone tapping and interception procedures. In addition, many suggested that there was a growing link between OC and corruption, in BiH.

Wahabbis were highlighted as growing in strength, and although labelled as religious extremist it was noted by many that they have a growing part to play in the making of synthetic drugs. It was also noted that they are active in the weapons trade, using the profits for terrorist activities. It was highlighted that extremists descending along the traditional ethos of Chetniks pose a threat too, but it was intimated that they were less organised than the Wahabbis, who it is alleged are driven by a political agenda. In fact, it was inferred that this is why the response to the shooting at the American Embassy 2011 was so low key, as there was political influence to down play the event. When suggested that there appears to be a lack of police or prosecutorial willingness to take on the big

players, the majority of those interviewed said there was no willingness, unless individuals or groups became a risk to their position. It was mentioned that criminals buy immunity through business and politics. They are, reportedly, more than willing to bribe high ranking police, judges, politicians, etc to ensure favourable conditions.

It was noted by a high number of interviewees that there is a link between OC and corruption, and the politicians and political system. Many interviewees said that many politicians were corrupt from the lowest to the highest. However, it was also noted that some individuals and/or parties do appear to have a moral compass at some level. It's noted that one party rejected approaches by one big criminal player to allow him to join and fund the party. Yet it was also noted that this level of morality may not mean that all corrupt behaviour was off the agenda. It was largely agreed upon in the interviews conducted that everything in BiH needs to be looked at through the political prism. In fact, it was suggested by a small number that 90% of the problems within BiH were estimated to be political. As a result, it was argued that little impact will be achieved without a huge shift in mindset, approach and structure within the political elites. It was noted by the majority of those interviewed that the system allows many politicians to protect their own interests before those of the state or its citizens. It was actually alleged by one interviewee that a number of leading ministers were prepared to implement things that were actually unconstitutional and strategies in breach of national security; further intimating that this would be perceived as a coup d'état in many countries. A number went on to say that many politicians were willing to directly protect criminals too, in order to protect their interests and even if they are not directly involved, they are willing to turn a blind eye to much of it.

Some of those interviewed highlighted individual politicians and their role in illegal activities.¹⁴ However, it was noted that the number of politicians directly involved with organised criminals was relatively small; the number indirectly linked may be significantly higher. It was also noted that the largest percentage of those involved in OC were involved in non traditional aspects, such as tender, procurement and privatisation fraud. It was intimated that targeting approximately ten politicians could have real positive impacts on the system as a whole. It was noted however, that known corrupt politicians had been allowed to remain in the system and that this did nothing but undermine reform. It was noted that only one politician was ever forced to stand down after his alleged involvement in an incident. However, this is not common, with most standing tall to even the most serious allegations. On request for clarification it was noted that politicians are no longer directly paid to do things, for the most part. However, they are paid to introduce favourable legislation, strategies, etc. In return their political parties are financially supported; they are given assets, cars, homes, holidays, etc. It was intimated that business men influence the law making process, political process, fund political parties, etc. to ensure favourable conditions. It was highlighted by a small number that this allowed them to be more powerful than any of the traditional organised criminal groups. It was noted by many that politicians have direct links with prosecutors and the police, and were not afraid to exert pressure. The impact of this, it was suggested was that the police and prosecutors lose their independence in how they conduct their investigations. It was noted by a number of the police agencies interviewed that political influence was less evident in relation to police activity than at the prosecutorial level.

Although that this is largely known about, it was noted that nothing appears to be done to target it effectively. When asked what could be done to improve the situation, the majority of interviewees highlighted the need for more accountability. However, it was noted that often those that have the power to act, do not have the desire, and those that desire do not have the power, therefore, implying a

¹⁴ Unfortunately this report did not have the scope to examine the authenticity of these claims, so no direct claims will be included.

need for a political change. It was purported that there was very little regulation in relation to the declaration of assets and interest of politicians, suggesting that this should be more closely monitored. This would at least make the system more transparent and open. However, it was noted by one interviewee that there are calls to make the current system private, making it in fact less transparent than it currently is.

It was nearly unanimously agreed upon that there was an absence of national political will at present in BiH to make the necessary changes to target corruption and OC. A number suggested that this will was not present since the end of the war. It was suggested by many that the political and elite are not willing to reform without a strong push from the IC. However, many noted that small actions could make significant mindset changes. For example, one interviewee suggested that if items were targeted which were less politically protected, positive changes could be made. The system of taking on issues would be built and tested and as positive impacts are felt, bigger issues could be challenged. Some mentioned that the area of drug trafficking, human trafficking and the transfer of illegal goods across the border were all areas suitable for immediate intervention. They were selected as they were deemed to have no real positive reward for the political or business elites.

It was noted that the two entities (the Federation of BiH and the RS) were so intrinsically structurally different politically. These differences make response and assessment of the problems more difficult. In the Federation of BiH, it was suggested that the political and community structures were interlinked, making relationships difficult to identify and describe. They were said to intertwine on the political, religious, cultural and economic levels. In contrast the RS was said to have a more pyramid type structure, on all these levels. On a different note, it was suggested that both entities are lying to each other and are prepared to use inappropriate means to reinforce the division. The complexity of the structure of government in BiH was not the only structural issue that were highlighted in the interviewees. It was suggested that the politicians do not want to see the faults within the current policing structure. When asked why, it was suggested that some have trouble understanding the roles, functions and mechanisms of the police; while others believed that a single police force may be the most efficient, there was no political desire to see this realised.

It was evident from most interviewed that the police in BiH are viewed for the most part as efficient and professional, suggesting that investigations into OC cases are done professionally, for the most part, highlighting specific interventions as examples. It was stated that the police had successfully eradicated the activities of the Chinese Triads in BiH, they virtually cleaned up the iconic Arizona Market, and with the assistance of IPTF they reduced the level of human trafficking for prostitution. In contrast, a large proportion of those interviewed, noted that the current policing structure was inefficient in meeting the needs of the BiH citizens and that it had not developed efficiently in the last ten years. They said that the current structure reduces responsibility, using the shooting at the American Embassy in 2011 as a prime example of where no one agency seemed to take responsibility for the investigation. When asked about the structure and why if everyone knew it was dysfunctional was it not changed, they noted that all attempts to change it had failed and now a constitutional amendment would be required if this was to take place. The current structure was highlighted as being a huge drain on resources, and that there was large overlap of competencies, noting that this leads to unhealthy competition and protection of interests. Many noted that having 18 agencies for 3.5 million citizens was excessive. Interestingly, a small number of interviewees admitted that the current structure means that there is no clear picture of the state of security in BiH, and that a comprehensive view of the organised crime problem is impossible, as there is no central policing authority coordinating all police activities and intelligence. The impact of this structural deficiency was also highlighted as one of the key impediments to close cooperation, giving advantage to criminals. In fact,

it was suggested that the capacity of the police to deal with OC and corruption was significantly reduced as a result, with some alleging that this was a desire of the political elite. When questioned about police reform and whether it made any inroad into addressing these deficiencies, the responses were not positive. Quite a considerable amount noted that very little was achieved through police reform. They said it was not politically driven. It was also suggested that it required more distinction between roles and responsibilities of units and agencies, as there is currently no clarity around overlapping competencies.

The lack of cooperation also comes up as a serious issue throughout the majority of the interviews. Some indicated it was due to a lack of will, some to a lack of trust, while others said it was due to agencies trying to protect their own turf. Some said that information was seen as currency, a commodity not many were willing to give up, yet willing at the same time to leave in their drawer unused. It was alleged that in many cases the police have more issues with other agencies working in their areas, than they do to visiting criminals active in their areas. One interviewee noted that this is actually obstruction of the police by the police, as this often limits the capacity of others to respond even when they want. In addition, it was suggested that there was still a large number of officers willing to feed information to criminals, if and when necessary. In addition, they noted that police capacity to conduct and initiate proper investigations only really begin to develop in the early 2000s and yet never reached the standard necessary.

When asked for more clarity in relation to the actual workings of the police, a number of interesting issues emerged. Many could not agree as to whether it was inability, lack of knowhow, or that they simply did not want to do their job, that stopped them from developing to their full potential. An opinion emerged that every police officer was not equally motivated to tackle crime, never mind OC. Issues with regard to the selection of police cadets were raised by a small number of those interviews, noting that those selected did not always have the interest, the experiences or desire to actually police. In fact, one interviewee said that during recruitment pressure on who to choose was so immense that the majority of the candidates were chosen for them. This pressure reportedly came from politicians, businessmen, and even criminals. The RS have tried to deal with developing a more efficient force by improving motivation within its police ranks and within the Ministry of Interior (MoI) in general. In addition, they are reportedly trying to build capacity in the area of emerging crime. Interestingly, it was very clear that the majority of police agencies saw that the police currently do not have the skill set to investigate new or serious crimes, such as cyber terrorism, economic crime, etc. They agreed that the police need better training, more appropriate technology, equipment, etc. to target these newer, more sophisticated crimes and criminals.

In addition, it was stated that the police need to be more focused; targeted and accountable for their actions. When asked, why this was not the case now, a number responded by saying that the police know the players and actors but there is no political will to prosecute. Some went as far as saying that the police often have to consult with the political elite before they target certain OC groups, as many are untouchable. Many suggested that the police were most effective when the gangs were in their infancy, before they created their empires and protection mechanisms. It was noted that the police will not take on specific crimes or criminals if they know they will not receive support, as they are afraid of losing their jobs, being threatened, etc. Others suggested that direct political pressure on the police was a thing of the past, and only present in the really high profile cases. However it was suggested by some that budget control was being used as a means of reducing the police capacity in a wide range of areas indirectly. When asked if the position could get worse, it was purported that issues surrounding the police and their ability to fight OC may deteriorate further in time to come. Due to lack of resources, and inadequate equipment, experience, training, etc. they may not be able to efficiently

fight organised groups who are becoming better equipped and more sophisticated. In addition, a number of interviewees noted that cuts to wages of the police may increase the risk of bribery and corruption within the ranks.

It was also stated that efficiency would never be reached if reform in the police was not conducted within the framework of an overall reform strategy for the criminal justice system at large. Without this, it was said, no reform would be efficient and positive changes would never be realised. It was suggested by the majority of those interviewed that there needed to be serious improvement in the area of police and prosecutorial cooperation. Many suggested that because the relationships between both groups were not very strong, and investigations were jeopardised. They noted that both should be given better training in investigative methodologies, investigative procedures, report writing, interception, and related issues. Many of the police agencies were critical of the prosecutors, stating that they often handpicked their prosecutors to ensure an efficient response. It was alleged by many that the time taken by prosecutors to review cases is too long, and needs to be more streamlined. In addition, it was suggested that they often select the simple cases, as there is more of an emphasis on statistics than quality of cases. It was noted that there are no ramifications if prosecutors failed to process a certain amount of cases or avoided high profile or serious cases. Only about 30% of prosecutors, it was said were willing to push cases forward, and therefore the police preferred working with these that were active. It was suggested that there has been no monitoring of cases, especially high profile ones, no equal distribution of workload, no means of measuring efficiency and no oversight of their work. As a result, it was stated that prosecutors were very vulnerable to influence and to leaking information to lawyers and politicians. For example, in 2009 international prosecutors were removed from prosecuting OC cases. This occurred without any notice or preparation and it created a huge gap in work at the State level. It was suggested by many that this was a political move to remove international interference in OC cases.

Judges were also criticised heavily in many of the interviews. It was noted that about 90% had the ability to do their job, it was suggested that no one was put under pressure to deliver a professional service, so few did. Some suggested that they are often afraid to do their job because of intimidation and fear for their own safety and for that of their family. In response to this, most said they should be given more protection. It was however, also noted that some require more training and experience in specific areas of how to deal with the new emerging more sophisticated cases. It was noted that High Judicial and Prosecutorial Council (HJPC) was there to examine complaints about judges and prosecutors, however this agency, like others, was said to be a toothless tiger.

The last groups of actors looked at was the IC. Their impact in BiH was seen by the majority of those interviewed as being positive, but it was clear that many of their policies, decisions and actions were also perceived to have a negative impact. Many suggested that the current trend whereby the IC are currently reducing in numbers in BiH is hard to understand, as they see the current situation deteriorating and therefore not the time to leave. On a negative note, some suggested that the IC never really took responsibility in BiH, that they did not provide the necessary functions that were required to improve the situation. It was suggested that the IC never wanted to take on responsibility because then they would have to actually act. Some said that BiH felt like a thorn in the side of the EU, while they themselves, the EU states, were in conflict with each other. Many suggested that the IC never had a complete and accurate understanding of the real situation in BiH, that they were blinded to the realities of what was really happening. Some suggested that the IC continued to fund and invest in projects etc. even though they knew of the high levels of corrupt behaviour. It was suggested that even when they were in a position to act they failed to, doing the same thing over and over again. Others suggested that mandates of particular missions were not properly designed with overlap in some areas

and gaps in others. It was also noted that they were not strong enough in developing the RoL, it was suggested that the IC used it as a bargaining tool and a tool of negotiation. Most noted it should have been at the top of the agenda, but it was not. Some remarked that the IC had been too lenient to the politicians, and indirectly supported those who were allegedly funding parties by illegal gains or from public funds. Dayton, it was highlighted, was designed to stop a war, it was never designed to build a functioning state. Many said it may not be too late to act, and that accession may provide the next and best opportunity for change. However, all in all, many saw the role of the IC as a wasted opportunity, with the IC acting in a manner that was over cautious, to the detriment of positive change.

4.3.5 Other significant elements in the fight against OC

It was highlighted that history has had a huge impact on policing in BiH. Some suggested that the older police were used to the old socialist training and had the ability to say nothing, if and when needed. In addition, it was said that had huge experience in intelligence gathering and that these skills were still present. However, this appears to no longer be the case, or at least there does not seem to be a system in place to gathering this information and intelligence adequately. It was alleged that the lack of an efficient data management system made fighting OC very difficult. When many of the police agencies were asked if it was possible that they did not have an accurate understanding of the OC problem in BiH, the majority of interviewees agreed that the current picture was limited. The lack of a central data and intelligence system, and the lack of constructive cooperation were highlighted as two key impediments.

Data access, reliability and availability were reported as a huge problem in BiH, especially when it comes to police data and intelligence. It is collected and compiled in very different ways, using different standards and measurements across the different agencies. It was stated that the police structure makes data management very difficult. In addition, it was intimated by quite a considerable number of interviewees that much of the data and intelligence in the hands of policing agencies was not used to its full potential. Some said it was kept in drawers and not shared or used, while others said it was deliberately hidden and not given to the appropriate agencies. In fact, it was suggested that approximately only 20% of the data and intelligence available was used appropriately.

However, ironically it did not seem to be new information to the police agencies that there were issues with data and data exchanged when asked about it. They all agreed something needed to be done to improve the system. A number blamed the politicians saying that there was no political will to have a centralised system. Some purported that there was no trust and confidence in sharing intelligence, while others suggested that many of the police agencies do not know of the value of good data systems, and therefore do not know how to build the systems. It was suggested that despite the computer systems, donated by the IC to introduce a standardised system, efforts failed. Groups and individuals were unwilling to invest the necessary time and money, or did not fully understand how to do it. It was clearly stated that even minor issues can stop good projects reaching their full potential. The RS police were praised by a number of agencies for having developed an efficient data management system, where as the Federation of BiH Police were criticised for not developing one to appropriate standards. When asked, the RS noted that they had chosen to invest in their data management system and in analytical software, and they have seen significant positive rewards, especially in their fight against OC.

It was noted by many interviewed that they saw the responsibility of improving the data management system lay primarily with Directorate for Police Coordination (DPC). However, many mentioned that this agency was confined by a lack of sufficient resources. Others went as far to suggest that

restricting resources was a political mechanism to restrict their capacity. Interestingly, the lack of data exchange raised complaints from others too. Academics, NGOs, reporters, etc noted that they found it difficult to get their hands on data that may assist them in their jobs and research. It was clear from many that there was no support for multiagency cooperation or knowledge exchange. Specifically, data and information on privatisation, procurement and budgetary spending, etc. was said to be the most difficult to get.

When asked about the levels of police cooperation in BiH between the other police agencies, there was unanimous agreement that it was not at the level it should be. That being said, it was said to work better at the higher level cases, with some good results. However, problems were highlighted about the level and quality of the information being exchanged, and the susceptibility to leakage. It was suggested that it works better at an informal level than a formal level. Notwithstanding that, it was noted that for criminal investigation and later trials, the formal mechanisms are necessary to ensure legality in all activities, so it was important to build functioning formal mechanisms. It was suggested that the current structure of policing agencies within BiH limits the capacity for close cooperation. When asked to explain, it was stated that agencies protect their own interests and resources. It was intimated that this lack of cooperation can allow an environment where crimes go unnoticed.

When asked if this lack of cooperation was evident at the regional level, it was agreed that regional cooperation was considerably different. Six years ago, regional cooperation was very limited, with all requests having to go through the Ministry of Security, which was bureaucratic and inefficient. However now, the majority of interviewees who spoke on this issue indicated that regional cooperation is better than domestic cooperation, with trust and confidences developing as positive results are achieved. Cooperation is said to be very good with neighbouring countries, such as Montenegro, Serbia, Slovenia and Croatia. It is effective with countries from Europe when required, but could be better. Formal agreements are being written and signed to ensure the legality of this cooperation. However, like the domestic level, it is said to work best informally as the official route is time consuming, too formalistic and is inefficient. The importance of such cooperation was continuously reiterated, as all believed that problems are best dealt with at the source and holistically. Many mentioned the benefits that the joint operational task force will bring when set up; however they also highlighted possible problems associated with costs, who will pay, and the need for political support.

The interviewees were asked their opinion about the type of cases commonly targeted, as many reported that high profile cases were being avoided. This line of questioning gathered interesting results. It was suggested that OC cases were often broken up into smaller parts to make them look less like OC case. This however, it was noted makes understanding all dimensions of the case more difficult, and is more draining on resources too. In addition, it was suggested that is why sentences and court responses may appear lenient. It was noted that the serious cases and those involving high ranking people and politicians were not targeted and where they were successful final verdicts were rare. In the early 2000s, cases were said to be taken against 26 major politicians, 25 of which were found innocent. One was found guilty but left BiH the evening before the verdict, allegedly being tipped off. Big players were said to only be targeted when they became a risk, or if a scapegoat was needed. It was suggested that this is the only reason one of the key OC criminals was ever convicted. However, instead of just blaming corruption and inappropriate behaviour, it was also suggested that the complexity of some cases can make it more difficult for prosecutors to willingly take on these cases. However, it was noted that for the most part, it appeared that direct political pressure impeded cases being investigated and being processed through the system. A number of high rank serving politicians were named as benefiting from a lack of willingness to conduct cases in a timely manner.

In addition, it was intimated that many of these cases were dismissed based on deals done with other politicians to have their cases dismissed too. Interestingly, corruptive behaviour, it is said, transcends ethnic groups and political parties.

When asked if legislation was appropriate different opinions emerged. A new legal system was introduced in BiH in 2003 and the Ministry of Justice was established to review, propose and recommend new legislation. It was noted that, many international conventions have been implemented, but never fully applied. The legal system was said to be complex as it was based on a mixed system, which it was reported make the system difficult to monitor. It was generally agreed that the legislation was good, however it was suggested that there are gaps in certain areas that are required to properly investigate OC cases. Although basic standards were said to be acceptable, the specialised and management areas were highlighted as requiring attention. Management training, learning and the implementation of professional practice was said to be required. It was suggested that they were designed specifically to the BiH system, and deliver on departmental and specialist needs. It was noted that this should be delivered to prosecutors and judges. In addition, improvements were said to be required in the areas of surveillance, seizure of assets, interception etc. It was also suggested that some of the legislation was too lenient, or did not fully illegalise activities. It was intimated that legislation in relation to financial and economic crimes was weak.

It was reported that there is a high conviction rate in relation to OC cases, however it was highlighted that all perpetrators were not pursued. Nonetheless, when asked about sentencing, it was suggested by some that they were on the short side, but it was agreed that for the most part they were adequate. When asked to explain why this was the case, many suggested that plea bargaining was used quite frequently, when asked why, it was intimated that it was to avoid lengthy trials. They also noted that probation and suspended sentencing were common outcomes to cases. Many of these outcomes were due to a lack of prison space and an unwillingness to lock people up. Others suggested that there were no ramifications for the judges so they tended to be more lenient, or were doing so because of pressure or intimidation. However, many suggested that it was due to fear and not to bribes. It was intimated that judges are susceptible to influence by offenders, their lawyers and politicians, but low sentences were not always an indication of this.

4.3.6 Areas for Improvement

When asked about why something could not be done to ensure corruption and OC were adequately dealt with, a number of ideas were offered. Accession was viewed by the majority of those interviewed as something that will drive positive reform. Some argued that a better structured policing system should be a prerequisite to joining. However, they did purport that this should be equipped and trained properly, with clear areas of responsibility, more accountability, yet more independence in service provision. It was suggested that police needed extra capacity in the area of training and technology to deal with OC. It was intimated that they need training in how to deal with more sophisticated crimes, such as financial crimes, terrorism, money laundering, cybercrime, etc. In relation to data, it was highlighted that police need training and education in the benefits of good data management and in how to proactively use data. It was suggested that improvements needed to be made for police in the areas of salaries and general working standards to ensure good working conditions, without which they could be expected to do their jobs.

In relation to the criminal justice system, it was suggested that there needs to be a more streamlined system from start to finish, as criminals are more than willing to use any loopholes or weaknesses they can to avoid conviction. In addition, it was highlighted that there needs to be a review of why

cases do not get to court, or why they take so long to get to court, or why they keep getting transferred from court to court, etc. It was argued that there needs to be changes in legislation through the provision of more targeted responsive powers and authorities, such as seizures of asset legislation, powers of detention, extended interception and surveillance legislation, etc. It was also purported that there needs to be more cooperation between police and prosecutors. This many said would reduce the opportunities for criminals and politicians to find the ability to influence cases. It was noted that prosecutors need to be better trained and more aware of their role in the investigative process. While it was suggested that the police need to know and understand the importance of their role in the system and how that can help or hinder the prosecutor. This cooperative approach, it was suggested, will also have a positive effect on the judges. In relation to judges, it was stated that appropriate means to discipline judges not conducting their work properly. This adds accountability to the CJS and will improve the public's confidence and trust in the system.

In relation to the role of the IC, it was noted that they need to promote the need for more cooperative responses. At the policing level, it was noted that intervention should have been more focused at the operational level and middle management level, and should have been focused on building trust and confidence in working together for a common purpose. It was also noted that the IC needed to be stronger, which they noted did not need to mean more hands on, but rather in relation to accountability and oversight. In addition, it was intimated that more stringent auditing should be a part of conditions of international funding and support.

Many interviewees believed that there needs to be more done to improve and stimulate the economy and general repair of the institutions. It was stated that the current economic situation is jeopardising the ability to move things forward positively. What the majority agreed unanimously, for the most part, that there was the need for political reform. Overall it was agreed that there needs to be a show of political will to tackle this problem, evidence that the high profile cases were being taken on with determination, and a clear indication that this type of activity will not be accepted anymore.

4.4 Prison Interview Analysis

Ten prisoners were invited for interview, however one declined. Of the nine prisoners interviewed, seven accepted responsibility for the crime for which they were convicted, two did not. However, all nine complained about some aspect of how their case was conducted. In order to ensure confidentiality of those that were interviewed, any identifying aspects of the case will be withheld. Sentences ranged from over a year to under 30 years, with a mean average of eleven. All cases were appealed. Interestingly, many highlighted that their sentences were increased on appeal, which they believed was not legal.¹⁵ In addition, in one case it was intimated that the whole offence had been re-qualified on appeal and as a result, the sentence was increased significantly. The majority of those interviewed believed that their sentence was too long in respect of the offence they had been convicted of. At least five were particularly angry, as they had no previous convictions before this one. Many suggested that they felt the length of the sentences was more to do with the fact that they had not plea bargained and cooperated, than the offence for which they were indicted.

¹⁵ Sentence might be increased in the appellate procedure. There is only one ban (called ban of reformatio in peius), if an appeal has been filed only in favour of the accused, the verdict may not be modified to the detriment of the accused.

In relation to sentencing, it appeared that in the cases where the sentences were high, the defendants had been asked to plea bargain and gave evidence against the other accused, yet declined. Most complaints about requests to plea bargain related to false testimony and wrongful convictions. With the exception of two cases, all were asked to plea bargain. The two who were not asked believed that they were not asked because there was no benefit in it for the prosecutors as they believed they were both being used to show BiH could effectively fight organised crime. Of those who were asked, two said yes, while three said no. When asked why they said no, two noted that they did not know about the facts that the prosecutor wanted them to talk about, so they declined, while the other just said he was not willing to cooperate. Those that refused felt that that was a reason why they had been given long sentences. One noted that he felt like his lack of willingness to plea bargain was perceived that he was hiding information, when in fact he said he had no information to offer. Those who plea bargained were asked what they had to do; they intimated that they just had to sign a statement that was given to them by the prosecutors. Some noted that all aspects within it were not correct but when they questioned them they were told not to worry, or others just signed to finish the whole thing quickly.

The offences for which they were convicted related to drugs, smuggling of humans, weapons, theft of vehicles and others. When asked, most were willing to talk about their own cases, as the majority felt that there were no independent mechanisms whereby they could have their grievances heard. Most were appreciative of the opportunity, while understanding that the research was not the appropriate means to highlight their individual cases. It was clear that they believed that the system had failed them, irrespective of their culpability. When asked if they believed that their experience was unique to them, the majority said they did not think so. Many agreed that they felt the system was focused at targeting the small and medium level offenders, while making them out to be high level offenders. Many alleged that the high level criminals were being ignored, noting that there was very few of them in this particular prison. When asked why they believed this was the case, many intimated that the big cases never come before the court. They then said when they do, money is enough to get sentences reduced, disqualified and or to get out of the prison early. They highlighted the fact that this level of criminal was protected by either their role in society or because of their relationship with the elite.

When asked if the interviewees believed that high rank politicians and business men were complicit in OC in BiH, there was unanimous agreement. However, they purported that these individuals are rarely, if ever, investigated in respect to their role in OC groups. While the interviewees said it appeared to be a key goal of the prosecutor to associate them with OC groups. When asked if they believed that any hierarchical groups did exist, most suggested that they do at a high level, protected they noted by the politicians. These they called the untouchables. They suggested that OC crime was under control on the street level but not at the State level. One name was continuously reiterated. That being said, when they were asked how they saw OC in BiH, the majority said it was exaggerated and over dramatised. They purported that the authorities were targeting the small to medium level criminal and presenting them as more organised than they really were. They noted that even before the war, the Albanians were the most powerful group, with the Serbians as second and they said that that had not changed today. It was suggested that no successful groups or gangs developed in BiH because they always talked, unlike the Albanians who took to code of silence. Many noted that they were charged as members of organised groups. However, all refuted this title. Many suggested that even though they worked with others; they did not see themselves as members of an organised group. The majority actually described their own situation as more loosely structured groups, with no hierarchy. Most said they had no boss, requesting or forcing them to do anything. They mostly noted that they could pick and choose what they wanted to do, and then they just contacted the necessary people and acted. They

noted they came together for financial gain rather than anything else. What was very clear from the interviews was that how the criminal justice system views criminal organizations is not what these offenders see. It could have been that a number of them were low down the pecking order and as a result were not aware of the structure they were part of, or for the more experienced, they know they will be treated more harshly if they admit to being part of a wider group.

The majority of interviewees questioned the quality of evidence used against them, and in many of the cases, on which the verdict was made. The most common type of evidence used against them was phone taped conversations. In relation to this, there were a number of complaints. Many said that over a year's worth of conversation could have been recorded, but only a minute number would be used; the rest would not be provided to the defence. Furthermore, they noted that anyone on the phone tapping records was deemed to be part of the group, and as a result many innocent people were arrested and even indicted, they said. Most of those interviewed were arrested along side others. In a number of cases, at least ten times the number were arrested as were indicted. However, unfortunately, many noted that their cases had been broken down into smaller groups, so it was difficult to get a clear picture of group dynamics. In relation to evidence, others stated that illegally gained evidence had been used against them, and was deemed admissible. In addition, the majority of those interviewed said that they were often not given the opportunity to call witnesses, cross examine witnesses, or present evidence before the court. Furthermore, it was highlighted that where assets were seized they were returned for the most part, yet the interviewees had still been convicted of OC. They argued that if they were part of an OC group and had acquired assets illegally, surely they would not have been returned. In fact, many suggested that there was no evidence that their criminal activity had been profitable.

A number of interesting points came up in the interviews about different aspects of OC. For example, when asked if border police were bribed to let commodities and people across the border, the answer was no, not in all cases. In fact, it appeared to depend on the commodity being transported. Drugs appeared to be brought across without any requests being made to the border police. In relation to human smuggling, there appeared to be a bit of both; some paid and used their friends and family who were working on the border to assist, while others crossed based on their own knowledge of the area. What became apparent was that local drivers are usually used to actually cross the border. It was clear that cigarettes crossing usually require payment. The transportation of drugs seems to happen along with legal commodities or alongside weapons or people. The routes seem to be the same and as a result, commodities travel together frequently. The cost of transporting people across the border differed greatly from approximately 300 euro a trip to 1,200 euro a person. Others noted that once the transport costs were covered, those being smuggled would give whatever they could afford. In relation to the trafficking of women for prostitution, it was alleged that the IC were not only users at the time, when trafficking was most prevalent. Interesting, it was alleged that internationals had a role in the actual acquiring and trafficking of these girls.

In relation to weapons, the interviewees purported that Austria had a huge market for BiH weapons, so the majority of shipments went there. When asked if stockpiles could still be available for sale into the illegal market, the answer was no. The interviewees stated that most weapons now were imported into BiH and sold on, or made in official factories and sold through the black market unregistered or unrecorded. It was stated that about 20% of weapons made within the factories were sold on illegally. When asked if the weapon trade could be linked to terrorism, it was intimated that there was a link, but that it was very complicated; that being said, it was noted that the Albanians could be linked to supplying weapons to well known criminal groups, such as the FARC, Basques and the IRA.

In relation to drugs, it was noted that a lot of synthetic drugs come into BiH from the Netherlands where they are mixed with additives and sold on. It was alleged that traffickers get about 500 Euros per kilo to transport speed across the border, further noting that one kilo would cost about six to seven thousand euro on the street. Interestingly, it was alleged that 1 tonne of heroin enters BiH every month. It is mixed with additives of about 200 kilos, and re-split; a tonne is exported to Western Europe, while the rest remains in BiH for transmission to the Balkan market. These 200 kilos sells for approximately 3 million euro. When asked how this happens, it was stated that those involved have political support not just in BiH but in other Balkan countries. In addition, it was noted that much of the money gained was used to fund political parties. When asked if ethnicity was an issue in working alongside others to commit a crime, the answer was a resounding no. They said money was more important than nationality or ethnicity. However, some were quick to assess the ethnicity of the judicial teams.

When asked what the main issues were about their cases, the following patterns emerged. A number suggested that they believe they were only labelled as the leader of an OC group because they would not cooperate. Some suggested that the prosecutors threatened them, that if they did not conform to a plea bargain they would be given a very long sentence, thus noting that the sentencing system was not fair. Some felt that they were being held up as the sacrificial lamb; noting to society that the State could successfully take on OC. Many believed that it did not matter what the evidence showed, once the decision was made to convict the case that was achieved. A number of interviewees alleged that they believed that there had been interference in their cases. When asked why, a number said it was to ensure that they were convicted, while others said it was so that their case could be used to highlight the work being down with regard to OC. When asked who they felt had interfered, they suggested politicians, prosecutors, police, etc. In fact, the majority of complaints about their cases related to the prosecutors, and the judicial system. They purported that prosecutors were willing to do anything to get a conviction, and that it did not matter if people had to lie or exaggerate the truth if that was required. In addition, at least five of the defendants were appointed a lawyer by the State, as they could not afford one. The majority of them felt that their lawyers had more interest in abiding by the views of the State, than to defend the case. When asked about the judges, they said that they believed there were for the most part, corrupt. When asked if they believed that judges acted that way because they felt threatened, a unanimous answer was given. They said that judges were not threatened, rather they were bribed. It was noted by two or three that there was only a handful of judges, prosecutors and police that could not be bribed.

When asked why this behaviour was allowed happen, they stated that there was no one willing to take on the big guys. When asked who the big guys were, the interviewees said politicians, judges and prosecutors. They noted that white collar crime was more endemic and more dangerous than OC. They suggested that no one dared to take on the system. One interviewee said it was difficult getting someone to take his case, while another said that when he found a lawyer who accepted his case, the lawyer withdrew his services after having been shown the case paperwork. When asked why he thought this happened, he noted that he felt that everyone was protecting the judge. He further stated that there had been other allegations of corrupt behaviour against this judge. In fact, this judge's name was mentioned in another interview in a similar manner.

In relation to OC in BiH in general, it was highlighted that BiH is a small country and everyone knows what is going on and who is doing it, but that those in power were both protected and give protection to ensure no one is ever held accountable for their actions. It was also noted that the media even supports these types of individuals; with some purporting that no one was willing to take them on, due to the risk of retribution. A number said that they were not even safe in prison. In relation to

prison life, some noted that people did break into loosely structured groups but most people just kept to themselves. It was noted that around 60% of those in prison were kids with no parents or support, who were becoming repeat offenders so they could get back into the prison, for the security it gave to them. Two agreed that 99% of the inmates were social cases and that the rest were the small few of serious criminals. The majority agreed that the untouchables were rare in prison, and if they did get put in, they never served very long sentences.

5 Discussion & Conclusions

5.1 Discussion

Assessing the true extent of OC in BiH is challenging, if at all possible, at present. Notwithstanding that this could be said about many countries, BiH seems to have some unique features which make such appraisals more difficult. Many in BiH have an opinion on OC, but very few, if any, can give a complete and accurate picture. This deficit of knowledge stems from a number of key factors, such as the lack of police data analysis, the lack of coordination between policing agencies, the current policing structure and the overall lack of intelligence about what is really going on in respect to criminal groups and their activities. This, in turn, allows for manipulation of the situation, which can occur for a myriad of reasons and can have serious consequences. Influence on political elite can go unnoticed, the influence of serious OC groups on those in key positions can result in a lack of prosecution, the interconnectivity of the elite, judiciary and criminal groups can go unchecked, and individuals can allegedly be wrongly convicted or be given longer sentences than perceived appropriate for their crime, but to name a few. These factors make OC very difficult to manage, as it is, by its nature, built on the interconnectivity of groups and networks; therefore without truly understanding the dynamics of all parties the impact of intervention will be limited. To fully investigate OC requires thorough exploration, long term surveillance and coordination of many people and agencies. This cannot be achieved without a professionally coordinated response from all domestic law enforcement agencies and with cross border ones. Furthermore, the management of OC cannot be just based on a response, it has to be proactive; a trait sadly not highlighted in the interviews about the activities of police agencies in BiH. However, it was clearly apparent, that police issues are not the only issues that frustrate the current system. It was perceived that the political actors may be somewhat culpable for this lack of pro-activity. It was alleged that a number of the police agencies are frustrated directly and indirectly by the provision of weak mandates and limited budgets, thereby reducing their capabilities and hindering their progress.

This and other types of manipulation, as suggested in the findings, may signify that there is something sinister at play, but to substantiate this claim, more investigation would be required. However, the perceived lack of effective policing structure, its associated support processes, the alleged interference, directly or indirectly, by the political elite and the resulting lack of a clear picture, all support this claim. These provide opportunity for manipulation by those who desire to protect both professional and/or personal interests. This is not a statement made flippantly; it is based on opinions garnished during the interviews. There is a belief that there is a group of ‘untouchables’, many of whom are allegedly politicians and high ranking public officials, who directly and indirectly cooperate with organised criminals; criminals who are prolific offenders, committing crime at home and abroad. Albeit that these allegations are rife, little has been achieved in proving their authenticity at the appropriate level. Everyone appears to know the details, but proving them in a court of law

seems beyond the realm of possibility. Based on this perception, it has been suggested that these powerful elites proactively act to ensure a complete picture never emerges, so their link with criminals and criminal activity cannot be identified. Interestingly, one criminal implied this was evident in respect to him. He admitted to being seriously involved in a specific crime type, yet never arrested in relation to same. When asked why he was never arrested, he said that it was because of the type of people involved; powerful elite. He believed he would never be prosecuted for these crimes, as the political elite involved knew if he was, he would tell all and they would be implicated.

So could it be that members of the powerful elite of BiH are so intrinsically linked to OC, and that they are controlling what is known about the problem to protect their interests? If so, what has been done to examine these allegations? Where information and evidence has been provided by external agencies, what has been done with such material? Sadly, little in the way of answers was achieved. However, what is clear from this review is that numerous allegations have been made and investigations conducted at a formal and informal level, but a significant response has been absent to any great degree. This raises other questions. Is there any real interest at the State, entity or local level to take on these cases? The anecdotal information would suggest no. But why, is OC a real threat to the safety and security of BiH? Or, is the current situation blown out of proportion? Yet again, responses differ, but at whose expense, or more importantly, in whose favour. This review has shown that there is a perceived lack of political will to take on the issue of OC and Corruption, in order to protect personal and professional interests. As a result, another important question emerges, is the lack of political will to investigate OC and Corruption allegations, in itself, a threat to state security and to the future development of the economy and state building within BiH? To answer this question, a more comprehensive understanding of the issues at hand is required.

So what is known; a general picture of OC reverberates throughout this research; one of loosely structured groups, with some evidence of a transnational dimension. However, when one delves a little deeper some interesting opinions emerge. It became noticeable in the interviews, that many believe that OC in BiH is not as prolific as often portrayed, not denying that it is a problem, but not at the level implied. Some intimated that the problem was actually smaller than that presented in the media, literature, etc. In fact, many suggested that the picture was enhanced and dramatised to benefit certain individuals and their positions, for both professional and personal reasons. In interviews, it was suggested that this was done by targeting the small to medium level criminals implying they were far more active than they were. It was believed that this was done to show the powers that be, domestically and internationally, that BiH could adequately fight OC, without targeting the real criminals. Interestingly, this message echoed throughout the majority of the interviews.

It was also apparent from the literature and the interviews that it was perceived difficult to distinguish between those who commit OC and those who fight it, with suggestions that sometimes certain actors play a dual role. It was explained that many of these relationships between criminals and those who would traditionally have been seen as law enforcers and legislators are products of the war, which have remained strong until today. However, decentralisation prior to the war was blamed for providing a significant incentive for corrupt behaviour between political and criminal groups; relationships which were further enhanced during the war. Black markets and sanctions during the war, all provided the necessary breeding ground for corruption and OC to flourish. It emerged that this level of corruption was not only at the level of traditional criminality; rather it evolved into non traditional areas. It was intimated in the interviews that politicians and those in power, allegedly, during and after the war, realised that taking money from businessmen and the IC was more acceptable than cooperating with criminals. For example, it was interesting to hear that it was estimated that only 10% of aid given to BiH during and after the war was used as intended. An

allegation, never proven, but not refuted either. Financial institutions were said to be complicit in this, alongside areas of criminality. Many suggest that this type of large scale corruptive behaviour could not have been achieved without the assistance of political and public officials. Allegations such as these are very serious; if true they show huge weaknesses in the ability of the domestic institutions and furthermore in the impact of international intervention. Even if not true they undermine the institutions because an inability to refute them also shows weaknesses within the system. As a result, the thorough investigation of these allegations is of paramount importance to illustrate transparency, accountability and oversight at the domestic and international level.

Notwithstanding these allegations, a number of interviewees stated that even though corruption was a huge problem in BiH at all levels of society, direct links between criminals and politicians were few, while indirect links were said to be much more common, but no less damaging. The implied role of politicians, public officials, police, etc. in OC makes for very interesting reading, but with few proven cases the exact extent can only be hypothesised. Be that as it may, there appears to be enough evidence to initiate investigations at the highest level. Yet once again little appears to have been achieved in respect of the few that have been examined. Some interesting allegations were made in the course of this review in respect to crimes involving the trafficking of drugs, weapons and people and their link with the powerful elite. In relation to drugs for example, there appeared to be suggestions that there was considerable governmental activity within the drugs trade, not just from within BiH but also further afield, especially within other Balkan countries. Interestingly, these allegations occurred within the back drop of contrasting views. Recent literature and accounts of police agencies report a significant reduction in drug seizures, convictions seem to be on the rise, and a number of the police agencies interviewed indicated that drug related crimes was one of their biggest threats; the lack of clarity, once again evident. As positive as it is to note a reduction in seizures and an increase in prosecutions, the picture does not appear to be that simplistic. Allegations that BiH is a transit country may not be a realistic statement if one looks at the level of annual police seizures, however as mentioned by one interviewee, just because something is not found does not mean it does not exist; the question is, why is it not being found? One interviewee directly stated, with specifics, that a considerable amount of drugs are coming into BiH regularly, while others implied it was so but could not give much detail. It was acknowledged that they are not seized because those involved are powerful elite, connected to others outside the country, all in positions that would render them and the drugs untouchable. Albeit that this may not be true, it is a serious allegation and one which may be worth further examination, as it is not beyond the bounds of possibility. However, the question arises, is there an agency within BiH today, which is capable of conducting such an investigation without being influenced by those more interested in protecting their positions? Sadly, the answer appears to be that there is not, as the majority of agencies indicated that political interference was not uncommon. In addition, such allegations would probably have to be conducted with the assistance of a large number of countries, as the role of BiH, and/or its political elite, may only be one cog in a larger wheel.

Research into the trade of weapons also posed more questions than it answered and gave rise to another serious allegation. There was much reference in the literature to Tito's stockpiles, and how these were used during and after the war. In fact, many accounts in the literature and interviews suggested that these stockpiled weapons are still being traded today, an opinion supported by a number of police representatives. However, this was in stark contrast to that found in other interviews, where it was stated that these stockpiles no longer existed, or at least not in quantities for large scale trade. It was alleged that now weapons were being illegally imported and sold on to European markets, specifically Austria. Accounts of the trade of weapons into and out of the country were very

frequent, with many suggesting the role or collaboration of government officials and politicians. Specifically, allegations were made that the arms manufacturing plants in BiH were illegally producing a quantity of weapons for the black market. Some suggested that weapons were being created but not registered and were being released unofficially. What appears apparent from this allegation, like the others, is that no or very limited action seems to be taken to refute or prove these claims. This is just not good enough. Allegations such as this have an impact at all levels, internationally and domestically. For example, the literature and interview analysis intimate that many citizens have kept weapons acquired before and during the war, as they do not have faith that the level of stability is such that another war will not break out. This sense of instability should not be dismissed as unfounded, maybe another war will not happen, but many of those interviewed believe that some sort of violent incidents may occur. Such fears, alongside allegations of these illegally produced weapons can create an environment that is rife for manipulation and scare mongering, further adding to the sense of insecurity. The absence of state security can have serious implications on the development of a sustainable economy, something badly needed in BiH.

In relation to the issue of human trafficking and prostitution, allegations of complicity with those in powerful national and international positions were apparent, but more as users of prostitution services, than anything more serious. There were some allegations that members of border police could be bribed to allow people travel across the border, but very few high level allegations were made against them. This cannot, however, be said about the IC. Allegations that members of the IC played a key role in the rise and proliferation of prostitution and the trafficking of women for same were widespread. Specifics were given by one interviewee of their exact role in an operation; if true, it serves to discredit the positive work conducted by the IC. In addition, the lack of high level prosecutions could imply the IC also fell foul to a lack of accountability and oversight.

The prosecution and the judiciary were highly criticised during this review. A number of those interviewed marked the significance of the move in 2009 to remove international prosecutors from the special OC and Corruption section, in the State Court. In the back drop of allegations that corruption and bribery was rife amongst the prosecutors and judiciary, this may be a very relevant point and one worth investigating. From this research, it is noted that although the number of cases in 2010 before the State Court remained consistent with 2009 figures, there was a considerable drop in 2011. Some could argue that 2010 levels were a product of the old system, so the real impact of the removal may only be visible from last year. It may be worthwhile monitoring this pattern into the future. Of the prisoners interviewed it was noted that three out of the nine were convicted prior to this change. However, interestingly all seemed to have similar issues with how their cases were conducted. Allegations against prosecutors ranged from solicitation of bribes, threats of additional sentence if non cooperative, offers of immunity for testimony against other defendants, etc. It should be noted, although specific examples were given in the prison interviews, similar allegations were made in numerous others. Additionally, it was apparent from the prison interviews that there was a common trend in opinion that the systems were not transparent enough for the defendants to believe that they had been given a fair trial. Other allegations made referred to the influence of the judiciary, the exclusion and/or non disclosure of evidence, the use/misuse of plea bargaining, and the length of sentences not being commensurate with the offence committed. It is noted that allegations from offenders can be motivated by a wide range of factors and their testimony not always credible, however, that should not be reason enough to dismiss these allegations outright. In fact, comparable allegations were made in other interviews. These allegations give cause for serious concern, and should not go unchecked. Once again, the need for transparency, accountability and oversight is apparent.

As previously mentioned the police did not go unscathed in this review, however for the most part they did not receive many seriously damning allegations of corruption and inappropriate behaviour. Criticism came more in the area of processes and procedures. In addition, many suggested that the structure of the police did not lend itself to effective management of crime and crime related issues, however most implied that further restructuring, albeit required, was not an option at present. Many of the police agencies and ministries were aware of the lack of cooperation between agencies. They, on all sides, were quick to identify how their job was often obstructed by a lack of data exchange, of limited intelligence capacities, etc. but failed to identify the real barriers to rectify the problem. Interestingly, these limitations appeared to be built on historical, emotional and personal issues, rather than capacity, structural or procedural limitations. Criminals do not appear to be burdened with these issues, and therefore find these weaknesses, and capitalize on them. In addition, it appears contradictory that cross border cooperation can be at an effective level but domestically it can be so limited. A major review of this area is required.

These allegations, the perceived manipulation and the overall sense of corruption associated with the fight against OC, do little but place another level of debate around this already hot topic. As alluded to earlier, the perception of OC in BiH is very blurred, leaving the answer to the question, what is OC, open to numerous responses. Nevertheless, this is not a uniquely Bosnian Herzegovinian issue, as huge academic debate surrounds the true definition of OC. That being acknowledged, the point raised here is somewhat different. The lack of clarity around what is and what is not OC, results in a limited or overly complex imagine of what it is or is not present, which makes its management very difficult. For example, from the literature gathered, it is apparent that much of the references made refer to traditional OC. However, when one examines the State Court cases, it is evident that 15% (approximately) of cases relate to tax evasion offences or offences relating to abuse of office. In fact, much of the literature did not tend to position these crimes under the heading of OC. However, there was agreement in the interviews that a growing problem existed for BiH in regard to non traditional OC types, such as privatisation fraud, improper procurement and tender procedures, etc. In relation to these crimes, it was suggested that they were rarely investigated and if so, convictions were uncommon. It was apparent from the prison interviewees that these types of offenders rarely see the inside of prison for long, if at all, suggesting that money was a powerful commodity to keep a person out of prison. From the analysis of the State Court cases, it was evident that only 8% of offenders were considered to be white collar criminals.

The debate over who are, and who are not organised criminals in BiH is another which keeps academics, politicians and the IC busy. The issue of labelling members of the powerful elite as criminal and holding them accountable does not appear to be desirable at present. What was really apparent throughout each level of analysis was that it was the opinion of many that there is no overarching political will to tackle the issue of OC in the traditional sense or with regard to its link to corruption. It appeared ironic that most of the interviewees freely spoke about the interaction between the elite and OC but no one appeared to be able to offer a solution, no one could identify whose responsibility it was to demand action, to put in place the mechanisms to force change, or to drive action forward. No one denied there was a huge problem, no one claimed that the systems was working to their maximum, but people appeared quick to blame others, quick to deny culpability and slow to identify their role in the solution. An interesting dimension that did not come through too powerfully in the literature, but did in the interviews, related to the role of the citizens of BiH. Many suggested that the citizens were responsible for allowing this behaviour to occur, as they were, and are, lethargic and make little demands for change or for accountability within the government. It was suggested that this lethargy could be dated back to their socialist past, where the State was the

provider of most aspects of their lives, and was not to be questioned. Some suggested that this residue of the past is often misused to scare monger and to keep the ethnicity arguments ignited. In addition, claims that the media play a role in such manipulation was also evident, with many alleging it was corrupt and biased, serving the interests of a few powerful elite. This finger pointing serves nothing more than redirecting the debate away from the problems at hand; what is the current level of OC in BiH, who are the key actors, can cases be built against and how can a response strategy be best designed, implemented and managed?

Many accounts imply that OC in BiH only emerged during the war, an idea that was present in a number of the interviews. However, other literature reports have implied that the war itself was the result of emerging elite attempting to maximize the opportunities that decentralization brought. It was said that they made links with criminal elements, which they used to manipulate the situation to their advantage. Regardless of the exact dynamics, many criminals and emerging elite did profit from the war, with some profiting considerably. In addition, many of the relationships that were developed prior to and during the war between the powerful elite, the emerging elite and criminal groups are still identifiable today. Although this opinion appears to resonate in much of the literature; the interview results indicated that black market opportunities, used to explain the growth in these relationships, were not the only element of OC at play prior to war. Accounts highlighted the presence of Bosnian Herzegovinian based Albanian criminals at work, smuggling goods through BiH into Europe, trafficking weapons, drugs, vehicles, etc. before the war, while BiH travelling criminals in European countries committed high levels of burglaries, robberies, etc. Remarkably, the position Albanians criminals held before the war, as the most revered OC criminals, has allegedly remained constant up until today.

In short, the true extent and nature of OC in BiH and the alleged link with the powerful elite is somewhat unclear, and as highlighted earlier, a detailed knowledge of the structures, trends and patterns at play, appear blurred. As in other areas, there is much debate in the literature and in interview opinions on the level of prolific organised criminals active in BiH. Interestingly enough, with the exception of a very small number, the majority of opinion indicate that there are very few high level organised criminals in BiH, but that is not saying that others nationalities are not using BiH as a transit country. The general opinion seems to be that there are a large number of small and medium level offenders active throughout BiH, but concrete details about their makeup and structure is limited. However, as mentioned above, it was alleged in the interviews that these offenders are often portrayed as prolific offenders, when they are not. It was interesting to note, that many of the criminals believed that they were being presented as the leaders of criminal groups so it looked like the State was effective in the fight against OC, while protecting the real players. It was agreed by many that the real players are rarely targeted, unless they become a threat or risk to the status quo.

5.2 Conclusions

It is rather interesting that this report seems to raise more questions, allegations and issues than it does provide answers, but in a back drop of a blurred and skewed understanding of OC in BiH, one must not be too disappointed or view this as a negative. The report achieved its aim of providing insight into establishing the influencing factors to the current state of play of OC in BiH. Some may imply that this is difficult to affirm with sincerity; little new information, data or figures have been presented, diverging opinions and views have been offered, and allegations of misconduct and corrupt behaviour have, in some respect, overshadowed the creation of a more complete picture. Notwithstanding that, these factors too add insight into OC but maybe not in the intended way. This report has achieved its aim and the important thing now is to ensure that the questions and allegations

raised should not, and cannot, be ignored. No one seems shy to talk about them, but little in the way of an effective response is offered. This needs to change; the law, written by few, needs to protect the majority, at present this does not appear to be the case, the perception appears to be that it is written to protect a powerful few.

The issues raised within this piece should be examined, explored and addressed further. Acknowledgment of the problems is just not good enough. Action needs to be taken but not because of a sense of obligation to the IC or to tick a box for future accession into Europe, but from a desire and commitment for change. The IC can assist in making positive change in areas such as accountability, transparency and oversight. Judging by the level of support given by domestic actors in this review, the future looks bright, but now is a time for action; who has the motivation, commitment and drive to take on this issues, only time will tell. Something new needs to happen, a lack of response to these types of allegations, although many may be unfounded, can imply to the people that little is being done to curb OC and corruption. This is not conducive to building confidence in a system which is already seen as weak, never mind conducive to attracting foreign direct investment to the country, or the risk to state security.

Sadly everything in BiH appears to be viewed in the back drop of the war, OC is no different. One thing that this report found was that OC is not a product of the war; it just fed, like a cancer on the opportunities the war presented. In addition, it appears that BiH has fallen foul to a number of issues experienced in post conflict countries, as mentioned in the introduction, further providing the environment for OC to grow. Having looked at the chronology of OC it appears apparent that the police and criminal justice reform has not been as successful as hoped in the fight against OC. This is disappointing, but sadly it could also be detrimental to the overall progress of BiH. As a result, an appropriate response now needs to be multi-agency and multi-dimensional. Differences in ethnicity, party affiliations, regional bias, etc. cannot get in the way of a coordinated response. Strategies need to be multi-pronged, and target the citizens up to the elite. The criminals are succeeding in achieving this harmony and interconnectivity, maybe it's time to learn from them. Their ability to transcend ethnic and geographical divides has been successful for many; it's about time this level of coordination was used more constructively for BiH and its citizens, not for the interests of few.

Note: Events of Recent Times

In recent times, a more focused response to OC in BiH seems to be presented in the media, but yet again the big players seem to have avoided capture. Although responses such as this should be commended and supported, they need to be target driven and must be focused on the key players, not the pawns. This may be the case in this new wave of police activity, but when the household named criminals are not part of those arrested it is difficult not to consider the same criticisms as clearly laid out in this report.

Police responses and the CJS need to be able to stand on its own merit, without criticism, doubt, allegations of corruption or malpractice. Until the political will is present to provide agencies and organisations with the authority, support and skills to tackle OC and corruption head on, these agencies will never have complete success, and will always be undermined in their response. This is not a fair way in which police and CJS agencies should be asked to do their job.

So in the interest of looking to the future, in commending this response and in an attempt to get those working in the area to start demanding change; please see these events as the turning point in the war on OC and corruption in BiH; let those who cannot take on this mantle stand aside, let inaction be perceived as complicity, but most importantly, let this war be fought in public, in the spirit of fairness and transparency where the only winners are the citizens of BiH.

6 Recommendations

Significant clarity about the OC situation in BiH cannot be achieved without considerable developments in other areas, so for the purpose of this review, these recommendations will be high level suggestions; however, it is acknowledged that lower level changes are also required. Each individual agency can actively try to improve their area and should be encouraged to do so, specifically areas such as the judiciary, prosecutors, police, etc.

- *A multi-agency, multi-disciplinary approach* to tackle organised crime is required. For BiH, this would require the cooperation and coordination of national and international actors, and may necessitate challenging the traditional boundaries of certain agencies. Areas that would require attention and consideration in the implementation of such an approach would include identification of relevant partners, the development of information sharing protocols, standardised code of behaviour, a comprehensive toolkit, and evaluation mechanism. The key thing required is to reduce the number of agencies tackling crime, at all levels, this should improve service delivery and reduce unnecessary spending. It is acknowledge that a large amount of work would be required to address potential trust and power issues. More holistic approaches need to be pursued, prosecutors and police need to build relationships that demonstrate the close link between their work; this should be done through case reviews and post mortems, and through general face to face about cases during investigations stages. The important thing should be the case, not who has the more important role.
- *An International Activity Review Strategy* needs to be conducted, sooner rather than later, as there appears to be no one policy or direction agreed upon by all the important international actors in the field. How can BiH be judged for having no clear joint up strategy on how to move forward, on proper accountable spending processes, that it lacks accountability and transparency, and for accepting corruptive practices, when the IC have failed or been highly lacking in their ability to implement stringent audit processes, for working with people and agencies known to be complicit in corrupt behaviour, for not having a clear strategy with tangible measurement criteria, etc. It is rather hypocritical. It is not enough to want to help and assist, the commitment and determination for success has to be there too. In the current environment, where the IC's interest is significantly changing, it would be timely to set out its strategy. It should include clearly what can and will be provided, what is required in return for this service and a road map for complete hand over to local ownership. It needs to show that it is no longer prepared to support, fund or ignore corrupt practices, limited performance and/or clear defiance of the Dayton Agreement without repercussions. They need to be prepared to use all the tools available to them, if and when required. More oversight, review and tweaking of practices alongside policies whereby those receiving funding, loans, and financial support are required to meet goals and targets.
- *Police restructuring* requires considerable reform; albeit that a single force may be the most effective response, this does not appear to be a likely option at this juncture. However, improvements can be made in the current structure. Due to efficiencies of scale, certain functions should be amalgamated and shared across all agencies to ensure the development of excellence and cost effectiveness. For example, a Criminal Assets Bureau could be set up containing a mix of relevant authorities to ensure more efficient assets seizure. This multiagency approach should be encouraged and incentivised, for example a percentage of

money seized could be given to the agency to ensure productivity, to improve training and to improve standards. Standardised Policing Plans should be agreed upon and prepared annually. These should include detailed accounts of how OC will be targeted. Making the plans accessible and publicly available will ensure citizens know what is going on, and cantons and Public Security Centres (PSC) will be able to see what is happening in other areas, maybe inspiring cooperative programmes or learning. Decision making should be devolved and more operational independence should be given.

- *Border Police competencies* are an area that has experienced significant positive change, however more can and needs to be done. However, developing this area requires a deep understanding of border policing in BiH and the nature of possible threats. Therefore a thorough study is required; which could benefit for the collaboration of police and academics. This will allow for a more structured review, which is important, as the border cannot be looked at as whole; different areas are affected by different threats. Collaborative reviews also allow for developing mid and long term strategies. This will also help to monitor reductions, increases and displacements of risk. In the short term, the border itself should be risk assessed for threats posed by people, drugs, weapons and other contraband. Any unofficial crossing assessable by vehicles should be closed immediately to ensure large scale smuggling is made more difficult. Random patrols should be conducted of foot crossings both covertly and overtly to assess risk. Interviews should be conducted with locals living close to the border to get an understanding of activities around the borders. In the medium term, and under current financial constraints, the assistance of the army should be used to assist patrols and aerial surveillance. In addition, a more targeted use of trained dogs should be used. This will require investment, proper planning and training. In the long term, and under healthier financial conditions, more emphasis needs to be put on the purchasing and use of portable and static vehicle scanning units, unmanned aerial vehicles (UAVs) (which are available) and more modernised official border crossings. Any interventions should aim to identify threats, reduce incident levels, and increase prosecutions, which will deter or punish those involved.
- *Enhanced training and equipment* are required for the majority of police forces to deal with emerging crimes, such as cybercrime, financials crimes, etc. More multi-agency and multi-disciplinary teams need to be developed to improve competencies in investigation of money laundering offences, seizure of assets, etc and in relation to non traditional organised crimes, such as privatisation, procurement and tender fraud.
- *Data sharing and analysis* is an area that requires considerable examination, specifically in the area of the police. New methods require a two-tiered approach, one which deals with protocols and procedures, and one which is targeted at building trust back into many damaged relationships. An example of an effective response maybe to develop a small pilot programme by twining two cantons with two neighbouring PSC. It would be best if these areas were self selecting, if possible, to ensure active participation. The important factors of such an approach are willing participation and clear terms of reference at the design stage. Once functioning, the important factor relates to evaluation and sustainability.
- *Stringent audit processes* need to be incorporated into every aspect of the Criminal Justice System. These need to be designed so a picture of how a case is processed from the crime scene to the completion of the trail is obtained, identifying both the good and bad points within this process. Other specific areas requiring attention in this area include, the

effectiveness of the sentencing and plea bargaining systems, the cause of delays, effectiveness of legislation and the law of evidence, to highlight a few. Other types of audits that are required include operational, strategic, compliance and cost efficiency. All types should include a mechanism by which lessons learnt can be feed back into the system to insure changes are made. These audits would be best conducted by independent parties, as this improves transparency and oversight. The IC could play an important part here. To date, their level of auditing has been limited, to link funding to goals and targets will incentivise agencies to deliver tangible results. This is something that has been missed in a lot of the funding mechanisms to date.

- *Oversight and accountability* require considerable attention. Audits will help in the area of oversight and transparency, but more significant changes are required. In relation to oversight, the appointment of specific Independent Ombudsman Offices to investigate citizen's complaints against government officials, large public and private corporations, should be examined. This should be balanced against systems of accountability, such as the development of customer charters and codes of conduct by all public offices and agencies, and private ones. As accountability and transparency grow, so too will people's trust in the systems, which may reflect in the criminal justice systems as increased witnesses coming forward and better evidence being presented.
- *Major budget reviews* are required, especially those that relate to policing and the criminal justice system. The current system does not offer the most effective means of financing services provided to the people. In fact, the recent cutbacks to law enforcement are already evident, with cantonal and border police going on strike, never mind the long term impact on the economy of BiH. Cutbacks may not only have an impact on service delivery, but may also impact the level of corruption with the forces. What is required is a large scale budgetary assessment, reviewing the last number of years spending on security and law enforcement at state, entity and local level. The assessment should be two pronged, one to identify where money has been improperly spent, and action taken, and two, to examine areas of overlap, with the view of identifying possible savings through the provision of joint or shared services and resources. As much as joint or shared services would be a huge challenge to the status quo, a review such as this will most likely identify huge over spending, which is not sustainable.
- *Whistle blower charters* need to be created in all public offices and agencies to allow both employees and citizens to report malpractice and irregularities within the system. However, these need to be designed in a manner where protection is provided to those who blow the whistle, something that has not been present in the past.
- *Educational awareness* is required for citizens, through government programmes, the use of media, civic society, voluntary groups, teachers and students. Awareness raising is paramount in developing areas such as, social responsibility, moral values, excellence, accountability, etc and can be conducted through campaigns, debate, citizens open day events, etc. Celebrities and respected individuals could be used to reinforce these messages.
- *Use Accession into Europe as a positive tool for change*, specifically in the fight against OC and Corruption, as many of those interviewed really believed it could be a decisive tool in this

regard. The IC could assist, especially in helping develop systems of oversight, accountability and transparency as mentioned above.

All these recommendations require a considerable mental shift in how OC and corruption are dealt with in BiH. However, this shift is required; without it, little or no positive developments can be made. They also need proper design, planning, implementation and review to ensure they are capable of delivering meaningful and sustainable change. Where appropriate these changes should be highlighted publically so people can see and understand the lengths being taken to tackle OC and Corruption. In addition, many of these recommendations will have positive effects in other areas, or are transferable to areas, such as health, education, employment, etc. But is there anyone willing to take this challenge on, willing to stand out from the tri-party crowd, willing to put the future of BiH ahead of the past?

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