

Supervisory Order Extending the Mandate of the Independent Board for Selection and Review of Work of the Chief of Police and Also Mandating the Brcko District Assembly to Amend the Law on Police of the Brcko District of BiH

In accordance with the powers vested in me by Paragraphs 8, 10, 11, 13, 36, and 37 of the Final Award of March 5, 1999, and Paragraph 9 of August 19, 1999 Annex to the Final Award of the Arbitral Tribunal for Dispute Over Inter – Entity Boundary in Brcko Area;

With reference to the Law on Police of the Brcko District of BiH (“Official Gazette of Brcko District of BiH”, No.31/09) (hereinafter: “the Law on Police”) of October 14, 2009, adopted at 14th regular session, regulating the procedure of selection and appointment of the Independent Board for Selection and Review of Work of the Chief of Police (hereinafter: “the Independent Board”);

Recalling that on July 20, 2006, the Assembly of the Brcko District of BiH (hereinafter: “the Assembly”) at its 35th regular session appointed members of the Independent Board in line with the previous Law on Police of the Brcko District – consolidated version (“Official Gazette of the Brcko District of BiH”, No.19/06); that the Decision on Appointment of Members of the Independent Board for Selection and Review of Work of the Chief of Police was published in the “Official Gazette of the Brcko District of BiH” No. 26/06, and that the mandate of the members of the Independent Board expired on July 20, 2010;

Recalling further that with an aim to conduct the process of selection of members of the Independent Board, on May 6, 2010, the Mandate and Immunity Committee and Appointments Committee of the Assembly (hereinafter: “the Committee”) announced a public invitation for eligible candidates;

Noting that the Committee conducted the selection procedure and, on June 29, 2010, proposed to the Assembly a list of nominees for the members of the Independent Board;

Mindful of the fact that the Law on Police adopted by the Assembly was prepared by the representatives of Brcko Police, distinguished lawyers and experts in the police matters;

Noting that the reforms in the police sector throughout Bosnia and Herzegovina have continued since the adoption of the Law on Police with an aim to eliminate political or internal police interference from the work of Independent Boards by excluding the possibility of serving police officials from any jurisdiction in Bosnia and Herzegovina to serve as members on such boards;

Further noting that as a consequence of these developments, the Law on Police as it currently stands and as previously carried out with respect to the Independent Board is subject to misinterpretation on this point and therefore needs to be corrected, and that, as a result, the selection process initiated on May 6, 2010 is inconsistent with the intention of the law, which thus renders the process invalid in this respect;

Believing that while this misinterpretation is not the fault of the Assembly or the Committee *per se*, nonetheless there is a need to clarify the legislation and to conduct a new selection process in line with the correct interpretation of the provisions related to selection of the members of the Independent Board;

Emphasizing that the District has been a leader in many of the reforms carried out in Bosnia and Herzegovina and that it desires to continue to adopt the best practices to maintain the highest professional standards and performance of its institutions and their independence;

Acknowledging, with appreciation, the professional commitment and high standards of performance of the current Independent Board in the past, including representation of persons from the Entities, and having full confidence in their ability to continue to carry out their duties with the same commitment and standards of performance;

Having carefully reviewed a variety of options for resolving the issue and concluded that under the circumstances the competent bodies will not be able to resolve the issue in a timely manner;

Having consulted with the European Union Police Mission, the Mayor, Speaker, Deputy Speaker and the Heads of Caucuses in the Brcko District Assembly;

Having therefore decided to resolve the issue by way of a Supervisory Order with the aim of eliminating any legal uncertainty or ambiguity about the criteria for the membership of the Independent Board.

I therefore hereby order that:

1. The Brcko District Assembly shall, by April 30, 2011 and not prior to the constitution of entity and state authorities following the general elections set for October 3, 2010, amend the Law on Police to exclude the possibility that serving police officials from any jurisdiction in Bosnia and Herzegovina could become members of the Independent Board as well as to assure representation of residents from both Entities in the Independent Board. The Brcko District Assembly shall publish the amendments in the Official Gazette of the Brcko District of BiH without delay.
2. The Brcko District Assembly shall commence and conduct the procedure for selection of new members of the Independent Board immediately upon entering into force of the amendments to the Law on Police. The selection and appointments procedure should be completed by July 30, 2011, at the latest.
3. The current members of the Independent Board shall continue to perform all duties and responsibilities as members of the Independent Board, until such time that the Brcko District Assembly appoints the new members pursuant to Paragraph 2 of this Order.
4. Brcko District institutions shall undertake all necessary measures to ensure implementation of this Order.
5. This Order has immediate effect without further procedural steps.
6. This Supervisory Order shall be published in the Official Gazette of the Brcko District of Bosnia and Herzegovina in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency, the English language version shall be authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative