

Decision Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II. 1. (d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI, 2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including [under sub-paragraph (c) thereof] “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Recalling further the December 1998 Declaration of the Peace Implementation Council in which it indicated that the establishment of the Rule of Law in which all citizens had

confidence, was a prerequisite for a lasting peace and a self-sustaining economy capable of attracting and retaining international and domestic investors;

Noting the May 2000 Declaration of the Peace Implementation Council, which stressed that “a democratically accountable police and independent judiciary are prerequisites for the Rule of Law and the full protection of human rights;”

Bearing in mind the February 2002 direction of the Steering Board of the Peace Implementation Council to continue to strengthen the Rule of Law in Bosnia and Herzegovina;

Having regard to the Communiqué of the Steering Board of the Peace Implementation Council of 11 December 2003 by which it, *inter alia*, welcomed the High Representative’s intention to focus on assisting the BiH authorities in ensuring the effective operation of State level institutions and welcomed the intention of the High Representative to focus on improving the effectiveness of the police in BiH, in close co-operation with EUPM;

Considering that in September 2004, the Steering Board of the Peace Implementation Council noted the continuing importance of building local capacity in all BiH rule of law institutions, including the police, judiciary and prosecutorial offices to ensure that these institutions are fully capable of combating organized crime and other serious offences;

Recognizing that law enforcement officials only enjoy the trust of their constituents if they are part of a structure which demands the highest level of proficiency and professionalism;

Considering that, the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Police Officials (hereinafter: the Law), which aims at ensuring, *inter alia*, that police officials working in the police bodies of Bosnia and Herzegovina respond to high professional standards;

Mindful of the need for positions in the police bodies of Bosnia and Herzegovina to be occupied by individuals responding to the highest professional standards;

Having considered and borne in mind all these matters, the High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

(Official Gazette of Bosnia and Herzegovina , No. 27/04, 63/04)

which is hereby attached as an integral part of this Decision.

The said Law shall be published on the official website of the Office of the High Representative and shall enter into force as a law of Bosnia and Herzegovina, with immediate effect, on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall enter into force forthwith and shall be published without delay in the "Official Gazette of Bosnia and Herzegovina ".

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High Representative

Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

Article 1

In the Law on Police Officials of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 27/04, 63/04), Article 126 shall be amended and shall read as follows:

“Article 126

Attribution of Ranks

(1) Police officials who are, on the day of coming into force of this Law, employees of the police body shall be granted a rank in accordance with the provisions of this Article.

(2) The conditions for attribution of ranks shall be as follows:

- a) The number of years of police working experience required by Article 76 of this Law for a person to be eligible for promotion to the said rank;
- b) The previous positions occupied;
- c) The number of years in the current position;
- d) The educational level required by this Law for the said rank;
- e) Disciplinary record.

(3) For the purpose of this Article, “police working experience” shall be understood as effective working experience accumulated as a person authorised to apply police powers and to act as an authorised official person under the Criminal Procedure Codes currently in force in BiH or under applicable legislation before the entry into force of the said Codes, but excluding working experience accumulated as a

person not authorised to apply police powers but who only performed certain duties or tasks that may be related to police activities.

(4) The number of years for police officials with level of education VI and VII shall be considered from the date when those levels were obtained.

(5) The procedure of attribution of ranks under this Article shall be further defined in the by-law referred to in Paragraph 5 of Article 69 of this Law.”

Article 2

This Law shall enter into force forthwith and shall be published without delay.