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LAW ON THE STATE INVESTIGATION AND PROTECTION AGENCY

“Official Gazette of Bosnia and Herzegovina”, 27/04, 63/04, 35/05

NOTE: The High Representative Decision Enacting the Law on Amendments to the Law on State Investigation and Protection Agency, was published in the “Official Gazette of Bosnia and Herzegovina, [63/04](#).

NOTE: The Law on Amendments to the Law on State Investigation and Protection Agency, published in the “Official Gazette of Bosnia and Herzegovina”, 49/09, is not included in this translation.

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on 24 April 2004 and at the session of the House of Peoples held on 4 May 2004, has adopted the

LAW ON THE STATE INVESTIGATION AND PROTECTION AGENCY¹

I – GENERAL PROVISIONS

Article 1

Scope of Regulation

- (1) This Law shall establish the State Investigation and Protection Agency (hereinafter: SIPA) and shall regulate its competence and organisation, as a policy body of Bosnia and Herzegovina (hereinafter: BiH).
- (2) For all other issues relevant for the functioning of SIPA as a police body, such as police powers, working relations, education and training of police officials within SIPA, to the extent not prescribed by this Law, the Law on Police Officials of BiH shall apply.
- (3) For all organizational and management issues and other issues relevant for the functioning of SIPA as an administrative organization, such as enactment of Rulebook on Internal Organization and other regulation, administrative supervision, relations between the institutions of BiH and relations towards legal and natural persons, to the extent not prescribed by this Law, the Law on Ministries and Other Administrative Bodies of BiH and the Law on Administration shall apply.

Article 2

Definition of SIPA

- (1) SIPA is an administrative organization within the Ministry of Security of BiH (hereinafter: the Ministry) with operational autonomy, established for the purpose of performing police tasks, headed by a director and financed from the “Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina”.
- (2) SIPA shall act exclusively on professional grounds and shall not be involved in furthering, protecting or undermining the interests of any political party, registered organization or association, any constituent or other people in BiH.

Article 3

Competence of SIPA

- (1) The tasks within the scope of SIPA’s competence are:
 1. Prevention, detection and investigation of criminal offences falling within the jurisdiction of the Court of Bosnia and Herzegovina (hereinafter: the Court), especially: organized crime, terrorism, war crimes, trafficking in persons and other criminal offences against humanity and values protected by international law, as well as serious financial crime;
 2. Collection of information and data on criminal offences referred to in item 1 of this Paragraph, as well as observance and analyses of security situation and phenomena conducive to the emergence and development of crime;
 3. Assistance to the Court and the Prosecutor’s Office of Bosnia and Herzegovina (hereinafter: the Prosecutor’s Office) in securing information, and execution of the orders of the Court and of the Chief Prosecutor of BiH (hereinafter: the Prosecutor);
 4. Physical and technical protection of persons, facilities and other property protected under this Law;

¹ The High Representative's Decision Enacting the Law on Amendments to the Law on the State Investigation and Protection Agency (published in the Official Gazette of Bosnia and Herzegovina 63/04) - italic

5. Witness protection;
 6. Implementation of international agreements on police co-operation and of other international instruments that fall within the scope of its competence;
 7. Criminal expertise;
 8. Other tasks as prescribed by law or other regulations.
- (2) SIPA shall process data and keep records in accordance with the Law on Police Officials of BiH, the Law on the protection of personal data of BiH and other regulations of BiH.

Article 4 **Establishment of SIPA**

- (1) The SIPA's headquarters shall be in Sarajevo.
- (2) SIPA shall have at least two regional offices with seats in Banja Luka and Mostar.
- (3) The Council of Ministers may pass a decision establishing new regional offices.
- (4) SIPA shall have departments and units.
- (5) In addition to the departments and units established by this Law, other organizational units within or outside SIPA's headquarters may be established by the Rulebook on Internal Organisation, which shall be passed in accordance with the Law on Ministries and Other Administrative Bodies of BiH.

Article 5 **Working Relations within SIPA**

- (1) Employees of SIPA are police officials, civil servants and other employees in accordance with the Rulebook on Internal Organisation.
- (2) Police officials are authorised officials, on whose working relations the Law on Police Officials shall apply.
- (3) On working relations of other employees in positions requiring a university degree, the Law on Civil Service in the Institutions of BiH shall apply, while for other employees in positions not requiring a university degree special regulations shall apply.
- (4) Positions of police officials and positions of civil servants as well as of other employees shall be regulated by the Rulebook on Internal Organisation.

Article 6 **Police Powers**

Police officials employed within SIPA shall apply police powers in accordance with the Law on Police Officials of BiH and shall act as authorised officials in accordance with criminal procedure codes in BiH (hereinafter: criminal procedure code).

II – ORGANISATION

1. Management

Article 7 **Line of Managing and Reporting**

- (1) SIPA shall be managed by a Director of SIPA (hereinafter: the Director), who has the highest authorised police rank.
- (2) The Director shall have one deputy and assistant directors. The Deputy and assistant directors are responsible to the Director for their work.
- (3) The Director, Deputy Director, Assistant Director for the Criminal Investigative Department and the Assistant Director for the Internal Control Department shall be appointed by the Council of Ministers upon proposal of the Selection Commission in accordance with the Law on Police Officials of BiH (hereinafter: the Commission), for mandate of four years with the possibility of renewal for a second consecutive term.

- (4) The Council of Ministers shall appoint and dismiss the Director, Deputy Director, Assistant Director for the Criminal Investigative Department and the Assistant Director for Internal Control Department under the conditions and in a procedure according to the Law on Police Officials of BiH.
- (5) The Director shall be responsible for his/her work and the work of SIPA, as well as for the situation in the fields falling within the scope of SIPA's competence, to the minister competent for the security of BiH (hereinafter: the Minister) and to the Council of Ministers.
- (6) The Director shall submit reports on the work of SIPA to the Minister.

Article 8 **Duties and Responsibilities of the Director**

- (1) The Director shall:
 - a) Represent SIPA;
 - b) Develop an annual Activity Programme according to the guidelines formulated by the Chair of the Council of Ministers, as well as the annual budget for SIPA and propose them to the Minister, who shall submit them to the Council of Ministers;
 - c) Manage and direct the implementation of the tasks falling within the scope of SIPA's competence;
 - d) Ensure proper implementation of the guidelines and directives of the Prosecutor concerning the activities of police officials in relation to criminal proceedings;
 - e) Ensure co-operation with law enforcement agencies and other appropriate bodies in BiH;
 - f) Ensure co-operation with law enforcement and other competent agencies of foreign States and implementation of other international agreements on police co-operation as well as other international instruments that fall within the scope of SIPA's competence.
- (2) In addition to the duties and responsibilities referred to in Paragraph 1 of this Article, the Director shall also carry out other tasks, such as:
 - a) Proposing to the Council of Ministers the Rulebook on Internal Organisation, other regulation envisaged by law and regulations necessary for the performance of tasks within the scope of SIPA's competence, in accordance with laws of BiH;
 - b) Assigning duties to assistant directors and heads in accordance with the law, the Rulebook on Internal Organisation and other regulations;
 - c) Issuing decisions on employment, deployment and termination of employment of the employees within SIPA, in accordance with the Law on Police Officials of BiH and other laws and regulations;
 - d) In consultation with the Minister, carrying out the procurement of weapons, ammunition, equipment and other material resources for the needs of SIPA;
 - e) In consultation with the Minister, developing and implementing programs for education and training of the employees within SIPA;
 - f) Providing an annual Activity Report on the work and situation in the fields falling within the scope of SIPA's competence to the Minister, who shall submit it to Council of Ministers, as well as special reports when needed or on the request of the Minister;
 - g) Submitting reports to the Parliamentary Assembly of BiH, the Council of Ministers and the Presidency of BiH, upon their request;
 - h) Performing other duties as prescribed by law or other regulations.
- (3) The Director shall be responsible for the lawful work of SIPA and for the lawful expenditure of funds granted to SIPA from the "Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina".

Article 9
The Deputy Director, Assistant Directors and Heads

- (1) The Deputy Director shall be a substitute for the Director during the Director's absence, shall exercise particular duties delegated to him/her by the Director and shall perform tasks entrusted to him/her by the Director as required for effective and duly performance of the work of SIPA.
- (2) Assistant directors and heads shall manage departments or units that they head, and for their work and the work of the department or the unit shall be responsible to the Director.
- (3) Assistant directors, except the Assistant Director for the Criminal Investigative Department and the Assistant Director for the Internal Control Department, and heads shall be appointed and dismissed by the Director, in accordance with the Law on Police Officials of BiH.
- (4) Assistant directors must hold a university degree.

Article 10
Director's Inability

- (1) If the Director is not able to carry out his/her duties and responsibilities, the Deputy Director shall perform them, until the Director is able to reassume them or until the new Director is appointed.
- (2) Should the Director be unable to reassume his/her duties and responsibilities, the Commission shall propose to the Council of Ministers a candidate for the new Director.

2. Structure

Article 11
Composition of SIPA

SIPA shall be composed of the following departments and units:

1. The Criminal Investigative Department;
2. The Financial Intelligence Department;
3. The Department for Protection of Persons and Objects;
4. The Witness Protection Department;
5. The Special Support Unit;
6. The Internal Control Department;
7. Other lower organisational units established by the Rulebook on Internal Organisation.

Article 12
Duties of the Criminal Investigative Department

The Criminal Investigative Department (hereinafter: CID) shall:

- a) Work on detection and investigation of criminal offences falling within the jurisdiction of the Court, locating and capturing of the perpetrators of these criminal offences and bringing them before the Prosecutor, under the supervision of and pursuant to the guidelines and directives issued by the Prosecutor in accordance with the criminal procedure code;
- b) Work on prevention of criminal offences;
- c) Provide operational assistance to the Financial Intelligence Department;
- d) Collect information and data on criminal offences, observe and analyse security situation and phenomena conducive to the emergence and development of crime;
- e) Organise and conduct criminal expertise.

Article 13
Duties of the Financial Intelligence Department

The Financial Intelligence Department (hereinafter: FID) shall:

- a) Receive, collect, record, analyse, investigate and forward to the Prosecutor information, data and documentation received in accordance with the law and other regulations of BiH on prevention of money laundering and funding of terrorist activities;
- b) Carry out international co-operation in the field of prevention and investigation of money laundering and funding of terrorist activities;
- c) Provide to the Prosecutor an expert support in the financial field.

Article 14
Duties of the Department for Protection of Persons and Objects

The Department for Protection of Persons and Objects (hereinafter: DPPO) shall provide physical and technical protection of persons protected under this Law (hereinafter: protected persons), protected facilities and other protected property.

Article 15
Protected Persons

- (1) The protected persons shall be:
 - a) The members of the Presidency of BiH;
 - b) The Chair of the Council of Ministers;
 - c) The ministers of the Council of Ministers;
 - d) The Chair of the House of Peoples of the Parliamentary Assembly of BiH;
 - e) The Chair of the House of Representatives of the Parliamentary Assembly of BiH;
 - f) The President of the Court of BiH;
 - g) The Chief Prosecutor of BiH;
 - h) Foreign dignitaries visiting BiH and other persons as designated by the Council of Ministers.
- (2) Upon justified request of the protected persons referred to in Paragraph 1, items d), e), f) and g) of this Article, SIPA shall provide protection for other members of the Parliamentary Assembly of BiH, other judges of the Court, Deputy Prosecutor and other prosecutors of BiH, upon the decision of the Director and SIPA's professional evaluation.
- (3) When the situation so requires, SIPA may provide protection to persons employed within the institutions of BiH, diplomatic and consular missions in BiH and persons visiting BiH, upon the decision of the Director and SIPA's professional evaluation.

Article 16
Protected Facilities and Other Protected Property

- (1) Protected shall be the facilities and other property for which BiH is obligated to provide protection according to the international or domestic law.
- (2) The protection for other facilities and property shall be provided upon the decision of the Council of Ministers.

Article 17
Duties of the Witness Protection Department

The Witness Protection Department (hereinafter: WPD) shall carry out protection of witnesses in accordance with laws and other regulations of BiH on witness protection.

Article 18
Role of the Special Support Unit

- (1) The Special Support Unit (hereinafter: SSU) shall assist other departments by providing additional police tactics, equipment and personnel, when enhanced security measures must be taken.
- (2) SSU shall undertake the most sophisticated tactical and technical police operations, applying police powers in high-risk situations when special skills, training and equipment are necessary.

- (3) The use of SSU shall be approved by the Director.

Article 19
Role of the Internal Control Department

The Internal Control Department (hereinafter: ICD) shall be competent for:

- a) Internal investigations of complaints of misconduct of the SIPA's employees;
- b) Investigations of actions involving the use of force, especially the use of firearms, corruption and abuse of authority by police officials, in accordance with the Law on Police Officials of BiH;
- c) Internal inspections of procedures within the departments, in order to insure compliance with law, rulebooks, police manuals and written directives;
- d) Professional standards and policy development.

Article 20
Additional Duties of Each Department

In addition to the duties of departments prescribed by this Law, each department shall perform other duties as prescribed by the Rulebook on Internal Organisation.

III - OFFICIAL CO-OPERATION

Article 21
Rendering Assistance

- (1) The administrative and other bodies, services and other institutions in BiH, Entity and Cantonal Ministries of Interior, customs and tax authorities, financial police, Interpol liaison bodies, competent bodies of the Brčko District of BiH and other appropriate bodies shall be obliged to co-operate with SIPA and upon its request to assist SIPA in performing the duties of its competence, and shall coordinate activities within the scope of their competences, in accordance with the law and other regulations on the protection of sources, methods and other non-public information.
- (2) SIPA shall be obliged to co-operate and render assistance to the bodies referred to in Paragraph 1 of this Article upon their request.
- (3) The manner of assistance and all other issues regarding the assistance and co-operation referred to in Paragraphs 1 and 2 of this Article shall be regulated by the mutual agreement or by the other legal act, to the extent not determined by law.

Article 22
Duty to Inform Competent Body

- (1) SIPA shall be obliged to inform competent bodies in BiH about information obtained in the course of performing its duties, regarding the preparation or perpetration of criminal offences that fall within the scope of work of those bodies, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.
- (2) Competent bodies in BiH shall be obliged to inform SIPA about information obtained in the course of performing their duties, regarding the preparation or perpetration of criminal offences that fall within the scope of SIPA's competence, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.

Article 23
International Co-operation

- (1) SIPA may co-operate with foreign law enforcement and other foreign appropriate bodies, for the purpose of fulfilling its tasks under this Law. The co-operation may include the exchange of data and joint execution of the activities that fall within the scope of SIPA's competence.

- (2) SIPA may provide foreign law enforcement and other foreign appropriate bodies with data on citizens of BiH based on information that the citizen poses a danger to the security of BiH, the receiving State or a broader danger to regional or global security.
- (3) In criminal matters, the co-operation with foreign law enforcement agencies shall be conducted through the Office for Co-operation with Interpol.
- (4) Notwithstanding Paragraph 2 of this Article, SIPA shall not provide data on citizens of BiH unless it has reasonable assurance that the recipient will provide the data with the same level of protection as provided in BiH.
- (5) If the data relate to the criminal proceedings instituted in BiH, the exchange of data referred to in this Article shall be carried out in accordance with the criminal procedure code.

IV - TRANSITIONAL AND FINAL PROVISIONS

Article 24

Cessation of Previous Laws

- (1) On the day of the entry into force of this Law, the Law on the Agency of Bosnia and Herzegovina for Information and Protection (Official Gazette of Bosnia and Herzegovina, No. 15/02) shall cease to apply.
- (2) Employees, property, including liabilities, and other resources of the Agency of Bosnia and Herzegovina for Information and Protection shall become employees, property and resources of the State Investigation and Protection Agency (SIPA).

Article 25

Applicable Regulations

- (1) The Rulebook on Internal Organisation of SIPA shall be passed within 30 days of the entry into force of this Law.
- (2) Pending the adoption of appropriate regulations, SIPA shall apply regulations issued pursuant to the laws referred to in Article 24 of this Law, to the extent that such regulations are not inconsistent with this Law or the Law on Police Officials of BiH.

Article 26

The Appointments

- (1) The procedure of appointment of the Director, Deputy Director, Assistant Director for the Criminal Investigative Department and the Assistant Director for the Internal Control Department shall be initiated after the expiration of deadline of 90 days from the day of entry into force of this Law, and shall be finalised not later than *8 months* from the day of entry into force of this Law.
- (2) The appointments referred to in Paragraph 1 of this Article shall become effective on the first day after the expiration of the deadline of *8 months* from the day of entry into force of this Law, during which period the Director and the Deputy Directors appointed pursuant to the law referred to in Article 24, Paragraph 1 of this Law shall perform duties and responsibilities pursuant to this Law.

Article 27

Entry into Force

This Law shall enter into force on the eight day after its publication in the "Official Gazette of Bosnia and Herzegovina".

PA BiH No. 39/04
4 May 2004-06-18
Sarajevo

Chair
of the House of Representatives
of the Parliamentary Assembly of BiH

Chair
of the House of People
of the Parliamentary Assembly of BiH

Martin Raguz

Mustafa Pamuk