

Supervisory Order Prohibiting Certain Private Security Agencies from Operating in the Brcko District of Bosnia and Herzegovina

In accordance with the powers vested in me by Paragraphs 8, 10,11, 13, 36 and 37 of the Brcko Final Award of March 5, 1999 passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area (“the Brcko Tribunal”);

In accordance further with the powers of the Supervisor provided for in Paragraph 24 of the Supplemental Award of the Brcko Tribunal dated March 15, 1998, that paragraph reading in relevant part that “The Supervisor...shall enjoy in the Brcko area powers equivalent to those conferred upon the High Representative by the Bonn Conference of December 1997...”;

Mindful of the relevant provisions of Paragraphs 40, 41, and 42 of the Brcko Final Award of March 5, 1999 passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area as well as Article 7 of the Statute of the Brcko District of Bosnia and Herzegovina;

Recalling that at its March 26, 2009 meeting, the Peace Implementation Council Steering Board “condemned actions and statements by BiH actors that pose a threat to OHR staff, challenge the authority of the High Representative and the Peace Implementation Council Steering Board, and demonstrate disdain for the Parties’ obligations under Annex 10 of the [General Framework Agreement for Peace, or GFAP] and under the decisions taken by the High Representative. These types of actions display open disrespect for the fundamental principles

of the GFAP, directly impact on the political situation, are unacceptable, and have to stop"; and that

Notwithstanding the foregoing declaration, incontrovertible information from the international security presence made available to the Supervisor indicates that "Alpha Security d.o.o. Banja Luka" ("Alpha Security"), a private security agency based in the Banja Luka area, has been conducting hostile personal and technical surveillance and investigations of OHR and Brcko Final Award Office Staff, as well as of the Principal Deputy High Representative and Supervisor of Brcko District, and that such surveillance and investigations fall into the category of illegal intelligence and counterintelligence activities;

Alarmed that many of the persons employed by and directing Alpha Security were once members of the 410 Military Intelligence Center of the former Army of the Republika Srpska, a unit subject to action in 2003 by the NATO-led Stabilization Force and subsequently disbanded by the then President of the Republika Srpska because of revelations about the illegal nature of that unit's work, which included protection of persons indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia ("ICTY") as well as espionage against the International Community and local politicians, and that, in essence, Alpha Security can be considered to be to a large degree a reconstituted 410 Military Intelligence Center;

Emphasizing that such activity by Alpha Security is a gross and entirely intolerable violation of the General Framework Agreement for Peace, especially its Annex 10, as well as a violation of the Award of February 14, 1997, the Supplemental Award of March 15, 1998, and the Final Award of March 5, 1999 passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area;

Further noting that the aforementioned illegal intelligence

and counterintelligence activity is also a clear violation of the Brcko District Law on Agencies for Protection of Persons and Property and Private Detective Activities published in the Brcko District Official Gazette of Bosnia and Herzegovina No. 27/04, 15/05 and 37/05, ("Law on Agencies for Providing Security"), which states in Article 3 that "Agencies holding a permit to perform duties of protection of persons and property and/or detective duties foreseen by this Law, *shall be banned to perform those duties for defense, security, intelligence and counterintelligence services*" (emphasis added);

Noting that Alpha Security is not registered with either the Brcko District Court or Brcko District Police to perform any duties described under the Law on Agencies for Providing Security;

Further Noting that Centurion d.o.o. of Bijeljina ("Centurion Security"), a firm which is registered with the Brcko District Basic Court and holds a permit issued by Brcko District Police to perform duties permitted under the Law on Agencies for Providing Security, has a relationship with Alpha Security, which creates a cause for concern with regard to Centurion Security operating in Brcko District;

Additionally Noting that Security Wolf of Pale ("Wolf Security") and Mega Security of Doboј ("Mega Security") also have relationships with Alpha Security, and that those relationships are a cause for concern with regard to either company acting in Brcko District as a proxy for or an extension of Alpha Security;

Resolved that such hostile, dangerous, and illegal activities must cease forthwith, and that the clear and present danger presented by Alpha Security to the GFAP, OHR and Brcko Final Award Office Staff, and to the rule of law in Brcko District, be prevented from continuing or expanding in any way;

I therefore order that:

1. Alpha Security d.o.o. of Banja Luka and all of its security staff members, other employees and or other physical or legal persons employed or otherwise contracted by Alpha Security are hereby banned for a period of five (5) years from performing any security-related function in the Brcko District, including but not confined to all those functions covered by the Law on Agencies for Providing Security. This prohibition applies also to any firm descended or derived from Alpha Security, including by means of name change or change of registration of the official owners or place of registration of ownership.

2. Security Wolf of Pale, whose registered owner is Cemeks d.o.o. of Rogatica, and which is registered before the Sokolac Basic Court, all of its security staff members, other employees and or other physical or legal persons employed or otherwise contracted by Security Wolf are hereby banned for a period of five (5) years from performing any security-related function in the Brcko District, including but not confined to all those functions covered by the Law on Agencies for Providing Security. This prohibition applies also to any firm descended or derived from Security Wolf, including by means of name change or change of registration of the official owners or place of registration of ownership.

3. Mega Security d.o.o. of Dobojski, all of its security staff members, other employees and or other physical or legal persons employed or otherwise contracted by Mega Security are hereby banned for a period of five (5) years from performing any security-related function in the Brcko District, including but not confined to all those functions covered by the Law on Agencies for Providing Security. This prohibition applies also to any firm descended or derived from Mega Security, including by means of name change or change of registration of the official owners or place of registration of ownership.

4. Centurion d.o.o. of Bijeljina is prohibited for a period of five (5) years from expanding existing contracts or

undertaking any additional contracts, or to otherwise perform additional work in Brcko District beyond that already in place by a contract in force as of June 8, 2009. This prohibition applies also to any firm descended or derived from Centurion d.o.o., including by means of name change or change of registration of the official owners or place of registration of ownership.

5. The Brcko District Police shall conduct frequent and random inspections and controls of Centurion d.o.o. facilities and personnel in Brcko in order to be satisfied that the provisions of paragraph 4 above are being observed.

6. This Supervisory Order has immediate effect, and shall be published without delay in the Official Gazette of the Brcko District.

7. All public officials in the District shall undertake all necessary measures to ensure its implementation.

8. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In case of any inconsistency, the English language version is authoritative for all purposes.

Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative