

Decision Enacting the Law on Amendments to the Law on the State Investigation and Protection Agency

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 expressed 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 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 Rule of Law in Bosnia and Herzegovina;

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;

Mindful of the fact that the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law establishing the State Investigation and Protection Agency (hereinafter: Agency) in June 2004 and since then the said Agency has been taking measures in order for it to develop rapidly into a robust State police force capable of fighting, inter alia, organized crime and terrorism;

Noting the fact that the procedure of appointment of the Director and Deputy Director of the Agency as envisaged in the transitional and final provisions of the Law on the State Investigation and Protection Agency (Official Gazette of Bosnia and Herzegovina, No. 27/04) has not been completed yet and recognizing the need to ensure the continuity of the management of the Agency until the appointments of the senior managerial staff are made,

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

DECISION

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

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".

Sarajevo, 23 December 2004

Paddy Ashdown

High Representative

Law on Amendments to the Law on the State Investigation and Protection Agency

Article 1

(1) In the Law on the State Investigation and Protection Agency (Official Gazette of Bosnia and Herzegovina, No. 27/04), in Paragraph 1 of Article 26, the words "6 months" shall be replaced with the words "8 months";

(2) In Paragraph 2 of Article 26, the words "6 months" shall be replaced with the words "8 months".

Article 2

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