Decision Enacting the Law on Amendments to the Law on Internal Affairs of Sarajevo Canton

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 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 Art. 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";

Bearing in mind Article I(1) of Annex 11 of the General Agreement for Peace in Bosnia and Herzegovina, which stipulates that the Parties "shall provide a safe and secure

environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms…";

Considering that, in accordance with Article I(1) of Annex 11 aforesaid, there is a need for strengthening the institutional integrity of law-enforcement agencies in accordance with the highest European standards;

Taking into account the need for implementation of the Systems Analysis Project performed by the United Nations Mission in Bosnia and Herzegovina, which will serve to harmonize structures and core aspects of law enforcement throughout BiH and, in particular, the recommendations on basic standards for democratic policing arising from the systems analysis of the Sarajevo Canton police service.

Having taken into account and considered the totality of the matters aforesaid, the High Representative hereby issues the following

DECISION

Enacting the *Law on Amendments to the Law on Internal Affairs of Sarajevo Canton* (Official Gazette of the Sarajevo Canton", 9/96,13/99, 14/00, 22/00 & 15/02) as hereinafter set out.

This Decision, which shall come into force forthwith shall be published without delay in the Official Gazette of Sarajevo Canton.

The said *Law on Amendments*, which forms an integral part of this Decision, shall enter into force pursuant to Article 25 thereof on an interim basis until such time as the Cantonal Assembly adopts the same in due form, without amendment and with no conditions attached.

Sarajevo, 6 December 2002

Paddy Ashdown
High Representative

LAW ON AMENDMENTS TO THE LAW ON INTERNAL AFFAIRS OF SARAJEVO CANTON

Article 1

In article 2, paragraph 1, item 5 shall be amended to read as follows:

“Duties and tasks in regard to supplying, possessing and holding arms and ammunition.”

In article 2, paragraph 1, a new item 6 shall be inserted to read as follows:

“Tasks and duties in regard to holding public gatherings, identification cards, personal name, registration of residence, unique identification number of citizens, register of births, marriages and deaths, register of motor vehicles, drivers’ exams and issuing of drivers licenses, movement and registry of foreigners and issuing of travel documents.”

Article 2

In article 5, paragraph 2, the words “in what way” shall be deleted, and shall be replaced by the following words “the Police Commissioner shall decide in which way such protection shall be provided.”.

Article 3

In article 6, the words “Employees of the Ministry,

especially” shall be deleted.

Article 4

In article 9, paragraph 2, in the first part of the first sentence, after the word “Ministry” the following words shall be inserted:

“through the Administration of Police”.

Article 5

Article 10, paragraph 2 shall be amended to read as follows:

“The internal organizational units of the Ministry are the Minister’s Cabinet, the Administration of Police and the Administration for Administration and Support.”

In article 10, new paragraphs 3 and 4 shall be added and shall read as follows:

“The Administration of Police is responsible for the tasks and duties from article 2 paragraph 1, items 1 through 5 of this Law.

The Administration for Administration and Support is responsible for tasks and duties from the Ministry competence, apart from those tasks that are carried out by the Minister’s cabinet and the Administration of Police.”

Article 6

Article 11, paragraphs 1 and 2 shall be amended to read as follows:

“A Police Administration shall be formed within the Canton, and shall be responsible for serving one or more municipalities.

A Police Administration shall have one or more police stations.”

Article 7

Article 12, paragraph 1, item 8 shall be deleted.

In article 12, paragraph 1, item 9, the words “police and other” shall be deleted.

In article 12, the item starting with the words “Cooperates with any independent commission”, shall be amended to read:

“Cooperates with and makes available to the Public Complaints Bureau in the Ministry of Interior, supervised by the Commission of Review created by the Cantonal Government and Cantonal Assembly, all documents, with reference to allegations of misconduct of Ministry employees. It shall also make available personnel for questioning and for assistance, as may be required;”

Article 8

Article 15, paragraph 1 shall be amended to read as follows:

“The Book of Rules on Internal Organization and Systematisation of the Ministry shall be promulgated with the consent of the Government of the Canton by the Minister acting upon a proposal from:

– the Police Commissioner on provisions relating to the work of the police

– the Director of the Administration of Administration and Support, and the Secretary of the Ministry on all other provisions relating to administrative issues.”

Article 9

Article 16, paragraph 1 shall be amended to read as follows:

“Constituent peoples and members of the group of Others shall be proportionally represented in the Ministry in accordance with the 1991 Census until Annex 7 of the General

Framework Agreement for Peace is fully implemented and at all times and thereafter in accordance with the Constitution of the Federation of Bosnia and Herzegovina.”

Article 10

In article 17, paragraph 2, the words “President of the” shall be deleted.

In article 17, paragraph 2, item 4, the words ” President of the Canton” shall be replaced by the words “Cantonal Government”.

In article 17, paragraph 2, item 11, after the first word “creates”, the words “under the operational command of the Police Commissioner,” shall be added.

In article 17, paragraph 2, item 12, the words ” the President and” shall be deleted.

Article 11

Article 18 shall be amended to read as follows:

“In case of absence or inability to work, the Secretary of the Ministry shall replace the Minister.”

Article 12

Article 19 shall be deleted.

Article 13

Article 21 shall be amended to read as follows:

“Under the overall supervision of the Minister of Interior, the Police Commissioner shall conduct all police operations in accordance with the Law.

The Police Commissioner shall manage and supervise all police activities related to public safety of persons,

prevention and detection of crimes.

The Police Commissioner shall perform the following tasks:

(i) plans, manages and supervises all police activities on a daily basis;

(ii) directly manages police activities and in this connection organizes, plans, supervises, directs, and coordinates the work of the police;

(iii) issues hiring decisions and decisions on termination of job contracts in conformity with this Law and after consultation with the Minister;

(iv) deploys and removes employees to and from appropriate job positions in the Administration of Police, and issues deployment and removal Decisions. Before taking a decision on the deployment or removal of supervisors in the Administration of Police, the Police Commissioner shall consult with the Minister and shall carefully take into consideration the latter's view;

(v) prepares budget proposals for the needs of the police and is responsible for all financial and material resources allocated to the police;

(vi) prepares programs, information, analysis and other materials from the sphere of police work;

(vii) informs the Minister on a regular basis on police activities undertaken;

(viii) supervises the work of the Professional Standards Unit, comprising internal disciplinary control, internal inspections and audits, and policy review and development."

The term of office of the Police Commissioner shall be four

years, with the possibility of extension for one additional term of office. The Chief of the Uniformed Police shall replace the Police Commissioner if s/he is not able to discharge her/his function until the selection and appointment of a new Police Commissioner in accordance with the Law."

Article 14

Article 22, paragraph 4 shall be amended to read as follows:

"A candidate for the post of Police Commissioner must have at least ten years of police experience in supervisory positions (excluding the period 1 March 1992 – 14 December 1995) and proven ability to manage complex operations. For the purposes of this law, "police supervisory position" shall be understood to mean the rank of Senior Inspector and above. Additionally, s/he shall have the minimum rank of Chief Inspector of Police and he/she shall be required to have spent at least three years in that rank.Candidates for the post of Police Commissioner who have been refused provisional authorisation or certification by UNIPTF shall not be eligible."

Article 15

In article 30, paragraph 1, the following words shall be deleted:

"residence and movement of foreigners".

Article 16

Article 32, paragraph 2 shall be amended to read as follows:

" Employees of the Ministry are to respond to the orders of the Minister through the chain of command, unless those orders go against the Constitution or laws of Bosnia and Herzegovina, the Federation or the Canton."

Article 17

In article 33, after paragraph 3, a new paragraph shall be inserted to read as follows:

“Authorized officials in the Ministry shall have ranks. The manner in which they will be awarded such ranks and lose such ranks shall be determined by the Cantonal Government.”

In article 33, paragraph 7, the following words shall be deleted:

“or the Deputy Minister”.

Article 33, paragraph 8, shall be amended to read as follows:

“The text of the oath will be determined by the Minister on the suggestion of the Police Commissioner.”

In article 33, paragraph 9, the following words shall be deleted:

“or the Deputy Minister”.

Article 18

In article 40, paragraph 1, the following words shall be deleted:

“The Ministry, i.e.”.

Article 19

In article 58, paragraph 2, after the word “Minister” the following words shall be inserted:

“through a Book of Rules”.

Article 20

After article 61, a new article 61a shall be added to read as follows:

“The procedure for determining the disciplinary and material

responsibility of Ministry employees shall be determined by the Book of Rules on Disciplinary and Material Accountability.

Article 21

After article 61a, a new article 61b shall be added to read as follows:

“A Public Complaints Bureau shall be established within the Ministry of Internal Affairs to monitor and oversee the internal disciplinary mechanism relating to allegations of misconduct of Ministry employees. The duties and responsibilities of the Bureau shall be determined by the Cantonal Government.”

Article 22

Article 63, paragraph 1 shall be amended to read as follows:

“In case of necessity to complete urgent duties or tasks, interruption of the annual leave of an employee of the Ministry may be authorized by the Police Commissioner for employees under his chain of command and for the other employees by the Minister or an employee authorized by him.”

Article 23

Article 68, paragraph 2 shall be amended to read as follows:

“Decisions on temporary suspension in accordance with paragraph 1 of this article are brought by the Police Commissioner for employees under his chain of command and for other employees by the Minister or an employee authorized by him.”

Article 24

In article 77, the following words shall be deleted:

“After consultation with the deputy Minister”.

Article 25

This Law shall enter into force on 6 December 2002and shall be published without delay in the Official Gazette of Sarajevo Canton.