

Decision Enacting the Law on Amendments to the Law on Internal Affairs of Herzegovina – Neretva 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 Herzegovina- Neretva 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 Herzegovina – Neretva Canton* (Official Gazette of the Herzegovina – Neretva Canton, 2/98, 4/01 & 2/02) as hereinafter set out.

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

The said *Law on Amendments*, which forms an integral part of this Decision, shall enter into force pursuant to Article 26 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 LAW ON INTERNAL AFFAIRS OF
HERZEGOVINA-NERETVA CANTON**

Article 1

In article 2, paragraph 1, a new item 5 shall be inserted to read as follows:

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

In article 2, the current item 5 shall become item 6 and shall be amended to read as follows:

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

Article 2

Article 3 shall be amended to read as follows:

“Tasks within the jurisdiction of the Canton shall be performed by organizational units in the Ministry, which include the Minister’s Cabinet, the Administration of Police

and the Administration of Administration and Support.”

The Administration of Police is responsible for the performance of tasks and duties stipulated in Article 2, paragraph 1, items 1 to 5.

The Administration of Administration and Support is responsible for tasks and duties specified in Article 2, paragraph 1, item 6, and any other tasks within the Ministry’s competence apart from those tasks that are assigned by law to the Minister’s Cabinet and the Administration of Police.”

Article 3

In article 5, after the words “are given security and” the following words shall be inserted “the Police Commissioner shall”.

Article 4

In article 6, the words “The members of the Ministry, especially” shall be deleted.

Article 5

Article 9, paragraph 1 shall be amended to read as follows:

“The Ministry shall inform the public about questions within its sphere of competence that are of importance to natural and legal persons, as well as regarding measures for the determination of such questions, in accordance with the Book of Rules regulating public disclosure and media relations.”

Article 6

Article 11, paragraphs 1 and 3 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

In article 12, paragraph 1, item 2, the word “Governor” shall be deleted.

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, paragraph 1, the item starting with the words “cooperate with any independent committee...” shall be amended to read as follows:

“Cooperate with and make 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, as well as the Secretary of the Ministry, on all other provisions relating to administrative issues.”

Article 9

In 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 3, the words “Governor and” shall be deleted.

In article 17, paragraph 3, item 4, the word “Governor” shall be replaced by:

“the Cantonal Government”.

In article 17, paragraph 3, item 11, after the first word “establishes”, the words “, under the operational command of the Police Commissioner,” shall be added.

In article 17, paragraph 3, item 12, the words “Governor and” shall be deleted.

Article 11

Article 18 shall be amended to read as follows:

“In case of absence or inability to work, the Minister’s designate shall replace the Minister.”

Article 12

In article 19a, paragraph 3, the words “Head of Police Sector” shall be replaced by the words “Chief of Uniformed Police”.

Article 13

Article 19b 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 the 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.”

Article 14

Article 19c, 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 22, paragraph 1, the word “Ministry” shall be replaced by the word “Canton”.

Article 16

In article 23, paragraph 1, the following words shall be deleted:

“control and passage of state border”.

Article 17

In article 24, paragraph 1, the following words shall be

deleted:

“control and passage of state border”.

Article 18

Article 26, shall be amended to read as follows:

“Certain members of the ministry shall have special duties and authorised functions as stipulated by this Law (hereinafter: authorised official persons).

Authorised official persons are employees who directly perform operational duties and tasks within the authority of the ministry, and other employees whose duties and tasks are directly related to the performance of such duties and tasks.

The Book of Regulations on Internal Organisation and Systematisation of the Ministry regulates who is considered to be an authorised official person.

Authorised official persons shall be issued an identification card and a badge.

Authorised official persons have the right and obligation, in accordance with regulations on performance of duties and tasks, to keep and carry weapons.

Authorized officials are obliged to perform duties and tasks with full respect for human dignity and the basic human rights of all persons, in accordance with international human rights standards. The ministry shall pass regulations on respect for human rights, which shall be applied by all units within the ministry. Respect for such regulations shall be under the competency of the internal inspection.

Authorized officials shall take a solemn oath before the Minister or his/her designate and the Police Commissioner. The text of the oath shall be determined by the Minister, on the suggestion of the Police Commissioner.

Authorized officials shall give an official statement before the Minister or his/her designate and the Police Commissioner that they will adhere to the code of ethics of professional police officers, which shall be adopted by the ministry.

Authorized officials in the ministry shall have ranks. The manner in which they shall be awarded such ranks and by which they shall lose such ranks shall be determined by the Government."

Article 19

In article 39, paragraph 1, the words "Ministry, that is" shall be deleted.

Article 20

In article 57, paragraph 2, after the word "Minister" the following words shall be inserted:

" , through a Book of Rules, ".

Article 21

After article 60, a new article 60a 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 22

Article 62, 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 those under his chain of command and for other employees by the Minister or an employee authorized by him."

Article 23

After article 68, a new article 68a shall be added, to read:

“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 24

Article 70, 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 25

In article 79, the following words shall be deleted:

“in agreement with his deputy”.

Article 26

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