Decision Enacting the Law on Amendments to the Law on Internal Affairs of Bosnian Podrinje Canton-Gorazde

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 Gorazde 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 Bosnian Podrinje Canton-Gorazde* (Official Gazette of the *Bosnian Podrinje Canton-Gorazde* ", 2/02 & 8/02) as hereinafter set out.

This Decision, which shall come into force forthwith, shall be published without delay in the Official Gazette of Goradze 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 THE LAW ON INTERNAL AFFAIRS OF BOSNIAN PODRINJE CANTON–GORAZDE

Article 1

In article 2, paragraph 1 item 3, the words “stay and movement of foreigners, fire protection” shall be replaced with the words “keeping and carrying of weapons and ammunition”.

In article 2, paragraph 1, item 4, the words “keeping and carrying of weapons and ammunition” shall be replaced with the words “stay and movement of foreigners, fire protection”

Article 2

In article 4, new paragraphs 4 and 5 shall be added to read as follows:

“The internal organization of the Ministry shall consist of:

1. the Minister’s Cabinet

2. the Administration of Police and

3. the Administration of Administration and Support.

The Administration of Police is responsible for performing the duties and tasks specified in Article 2, paragraph 1 items 1, 2 and 3, and the Administration of Administration and Support is responsible for performing duties and tasks within the Ministry’s competence apart from those tasks that are assigned

by law to the Minister’s Cabinet or the Administration of Police “

Article 3

Article 5, paragraph 1 shall be amended to read as follows:

“In case of terrorist activities or armed rebellion, the Ministry is obliged to inform the Federation Ministry of Interior and act in compliance with its instructions.”

Article 4

In article 13, paragraph 1 item 9, the words: “the active and the reserve units of the police and the other” shall be deleted.

Article 5

Article 15 shall be deleted.

Article 6

Article 16 shall be deleted.

Article 7

Article 17, paragraph 2 and paragraph 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 8

Article 21, 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. ”

In Article 21, paragraph 3, the words “at Police Departments” shall be replaced with the words: “of the Administration of Police”.

Article 9

Article 22 shall be deleted.

Article 10

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

“control of the traffic over the Federal Borders”.

In Article 23, paragraph 4, the word “Minister” shall be replaced with the words “Police Commissioner”.

Article 11

Article 25 shall be deleted.

Article 12

In article 26, paragraph 3, in the last item, the words “the President (the governor) of the Canton” shall be replaced by the words “the President of the Cantonal Government”.

Article 13

Article 28 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 views;

(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

In article 29, the paragraph starting with the words, “A candidate for the Police Commissioner must have at least ….” 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

Article 36 shall be deleted.

Article 16

The title of the Chapter “International Relations and Cooperation of Ministries with the Federal Ministry and Institutions of Internal Affairs of other Cantons” shall be amended to read as follows:

“Cooperation with Other Institutions”.

Article 17

In article 45, paragraph 6, the words “Minister or other person authorized for it” shall be replaced with the words “Minister or his designate and the Police Commissioner”.

In article 45, after the final paragraph, a new paragraph shall be added to read as follows:

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

Article 18

Article 68 shall be amended to read as follows:

“The Cantonal Ministry shall organize specialized and refresher courses to improve police performance. Persons who wish to join the Police shall be selected in accordance with the requirements prescribed by the Book of Rules on Recruitment, Appointment and Performance.”

Article 19

Article 69, paragraph 3 and paragraph 4 shall be deleted.

Article 20

In article 74, paragraph 3, the word “Minister” shall be replaced by the words “Police Commissioner”.

Article 21

Article 75, 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 22

Article 81 shall be amended 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 23

After article 81, a new article 81A 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 as relating to allegations of misconduct of Ministry employees. The duties and responsibilities of the Bureau shall be determined by the Government.”

Article 24

Article 82, 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

Article 83 shall be amended to read as follows:“The Cantonal Government is authorized to regulate the following:

– Public Complaints Bureau

– Ranks, insignia of uniformed police and titles of authorized officers in Bosnia Podrinje Canton-Gorazde Ministry of Interior.”

Article 26

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