Decision Enacting the Law on Amendments to the Law on Internal Affairs of Tuzla 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 Tuzla 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 Tuzla Canton* (Official Gazette of the Tuzla Canton", 6/97, 1/98, 2/98, 5/02, & 9/02) as hereinafter set out.

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

The said *Law on Amendments*, which forms an integral part of this Decision, shall enter into force pursuant to Article 22 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 TUZLA CANTON

Article 1

In article 2, paragraph 1, the existing item 5 shall become item 6 and the following words shall be deleted from the existing item 5:

"holding of public gatherings," and "possessing and carrying of gun and ammunition,".

A new item 5 shall be added to read as follows:

"Duties and tasks in relation to holding of public gatherings, and in relation to the supply, possession and holding of arms and ammunition."

Article 2

In article 3 after the word "interest" words "for the Canton" shall be added.

Article 3

Article 10 shall be amended to read:

"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 Book of Rules on internal organization and systematisation shall determine the number and type of organizational units

from the previous paragraph.”

Article 4

After article 10, new articles 10a and 10b shall be added to read as follows:

“Article 10a

The Administration of Police is responsible for the tasks and duties specified in Article 2, paragraph 1, items 1 through 5 of this Law.

Article 10b

The Administration of Administration and Support is responsible for tasks and duties 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 5

In article 11, paragraphs 1 and 2 shall be amended to read:

“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 6

In article 12, paragraph 1, item 21 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 7

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

“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 8

Article 17, 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 9

In article 19, paragraph 2, item 11 after the first word “creates”, the words “under the operational command of the Police Commissioner,” shall be added.

Article 10

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 public safety of citizens, 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, organises, 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 11

In article 19c, the paragraph starting with the words "A candidate for Police Commissioner must have at least …..", shall be amended to read:

"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 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 12

Article 20 shall be amended to read:

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

Article 13

In article 22, paragraph 1 the word "Ministry" shall be replaced by the word "Canton".

Article 14

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

"control and crossing of state borders".

Article 15

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

“control and crossing of state border”.

Article 16

In article 26 after the final paragraph, a new paragraph shall be added which reads 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 Cantonal Government.”

Article 17

In article 61, paragraph 2, shall be amended to read:

“Special conditions under paragraph 1 of this Article are regulated by a Book of Rules promulgated by the Minister.”

Article 18

In article 66, paragraph 1 shall be amended to read:

“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 19

Article 73 shall be amended to read:

“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 20

After article 73, a new article 73a 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 21

In article 75, paragraph 2 shall be amended to read:

“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 22

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