

Decision Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

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 while the process of police restructuring is ongoing, the State Investigation and Protection Agency and State Border Service need a period of transition during which they are afforded sufficient flexibility relative to recruitment and administration;

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

DECISION

Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

(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, 17 December 2004

Paddy Ashdown
High Representative

Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina

Article 1

In the Law on Police Officials of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 27/04), Paragraph 1 of Article 121 shall be amended to read as follows:

"(1) A Police Board shall be established within the Ministry of Security of BiH and shall be administratively supported by said Ministry."

Article 2

Article 123 shall be amended to read as follows:

"(1) Until 31 July 2006, Police Bodies may recruit police officials currently employed by a law enforcement agency in Bosnia and Herzegovina based upon an open competition for all ranks, including the ranks of police officer and junior inspector. During said period, the provisions of Chapter V

shall not be applicable to said recruitments unless otherwise provided by this Article.

(2) For the purpose of this Article, a police official under Paragraph 1 shall be understood as a person authorized to apply police powers and to act as an authorized official person under the Criminal Procedure Codes in BiH, excluding persons who are not authorized to apply police powers but who only perform certain duties or tasks that may be related to police activities.

(3) Articles 55 and 58 of this Law shall not apply to persons recruited pursuant to Paragraph 1 of this Article.

(4) During the transitional period referred to in Paragraph 1 of this Article, Police Bodies shall also recruit cadets, under Chapter V and VI of this Law, for the two levels of entry referred to in article 42 of this Law.

(5) The Head shall issue a Book of Rules for the recruitment and selection process of police officials taking place during the transitional period referred to in Paragraph 1 of this Article. This Book of Rules shall to the fullest possible extent, be in accordance with the general object and purpose of this Law and define, inter alia, the proportion of police officials and cadets to be recruited in accordance with Paragraphs 1 and 4 of this article, as well as list which agencies constitute the law enforcement agencies referred to in Paragraph 1 of this Article. “

Article 3

In Article 127, after the words “Council of Ministers” the words “shall establish the Police Board as an independent administrative organization and” shall be deleted.

Article 4

In item 4 of Article 131, the words “(Article 123, Paragraph 2)” shall be replaced by the words “(Article 123, Paragraph 5)”.

Article 5

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