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LAW ON INDEPENDENT AND SUPERVISORY BODIES OF POLICE STRUCTURE OF BOSNIA AND HERZEGOVINA

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On the basis of Article IV 4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 27th session of the House of Representatives, held on 10 April 2008, and at the 16th session of the House of Peoples held on 16 April 2008 adopted

LAW

ON INDEPENDENT AND SUPERVISORY BODIES OF POLICE STRUCTURE OF BOSNIA AND HERZEGOVINA

I. GENERAL PROVISIONS

Article 1. Scope of Law

- (1) This law establishes the Independent Board, Board for Complaints of Police Officials and Public Complaints Board, defines their competence and organization as independent bodies of the police structure of Bosnia and Herzegovina (hereinafter: BiH).
- (2) The Law on Ministries and Other Bodies of Administration of BiH and the Law on Administration shall apply, to the extent not prescribed by this Law, to all matters pertaining to organization and management as well as other matters significant for the functioning of the bodies established by this law, relations amongst the institutions of BiH and relations with legal and natural entities.

II. INDEPENDENT BOARD

Article 2. Definition of Independent Board

- (1) The Independent Board is an independent body of the BiH Parliamentary Assembly with competencies as defined by Article 3 of this Law.
- (2) To the extent not prescribed by this Law, the procedure and method of work of the Independent Board shall be defined by the Rules of Procedure of the Independent Board, adopted by the BiH Parliamentary Assembly upon the recommendation of the Independent Board.

- (3) Administrative and technical support to the Independent Board shall be provided by the Joint Services Unit of the Secretariat of the BiH Parliamentary Assembly.
- (4) Resources and compensations for the work of the Independent Board members shall be provided from the budget of BiH Parliamentary Assembly.;
- (5) The Independent Board shall act solely on professional grounds without representing, protecting or undermining interests of any political party, registered organization or association or any of the peoples in Bosnia and Herzegovina.

Article 3.
Competencies of the Independent Board

- (1) The Independent Board shall be competent for:
 - a.) Implementation of the process of selection of candidates and proposing removal from office of police heads and deputy heads of police bodies of BiH;
 - b.) Announcement of open competitions and consideration of applications of candidates, selecting and submitting to the BiH Minister of Security a list with the names of maximum five candidates for the heads and maximum five names of candidates for the deputy heads of police bodies of BiH;
 - c.) Consideration of complaints against the work of the heads and deputy heads of police bodies of BiH and notifying thereof the BiH Minister of Security and BiH Council of Ministers.
 - d.) Initiation of disciplinary procedure against the heads and deputy heads of police bodies of BiH;
 - e.) Proposing removals of the heads and deputy heads of police bodies of BiH, selection of whom the Board is in charge of, if they committed a criminal offence or serious violation of official duty, except for criminal offences against traffic safety;
 - f.) Other duties as prescribed by law, the Rules of Procedure of the Independent Board and other regulations
- (2) The Independent Board shall process data and keep records pursuant to laws and other regulations.

Article 4.
Independent Board Structure

- (1) The Independent Board shall have nine members, three Bosniacs, three Croats and three Serbs.

- (2) Members of the Independent Board shall be selected amongst the representatives of judicial institutions, retired police officials, retired and active civil servants and prominent experts from other areas of public life, field of law, criminology and police affairs.
- (3) In addition to general conditions, members of the Independent Board must have a university degree.
- (4) A candidate for the member of the Independent Board cannot be a member of a political party, nor can he/she be convicted of a criminal offence, not including a criminal offence against traffic safety.

Article 5.

Appointment and Removal of Independent Board members

- (1) The President, Vice President and members of the Independent Board shall be appointed and removed by the BiH Parliamentary Assembly upon the procedure conducted by an *ad hoc* Commission appointed by the BiH Parliamentary Assembly.
- (2) The Commission shall be composed of six members, three of whom shall be deputies appointed by the House of Representatives and other three members shall be deputies appointed by the House of Peoples of BiH Parliamentary Assembly.
- (3) Members of the Independent Board shall be appointed for a four-year term.
- (4) *Ad hoc* Commission of the BiH Parliamentary Assembly shall be obligated to initiate a procedure of selection of new Independent Board members six months prior to expiration of the term or within 30 days from the day of removal or decease of the Independent Board member.
- (5) A member of the Independent Board can be removed from the Board:
 - a.) Upon personal request;
 - b.) If he/she has not performed his/her duty for a longer period of time;
 - c.) If he/she is convicted of a criminal offence, except a criminal offence against traffic safety;
 - d.) If determined that he/she is a member of a political party;
 - e.) If determined that he/she is permanently prevented from performing his/her duty on the basis of the opinion the competent healthcare institution.

Article 6.
Method of Work of Independent Board

- (1) The President shall manage the Independent Board.
- (2) A decision of the Independent Board shall be valid if seven members of the Independent Board vote in favour of it.

Article 7.
Duties and Responsibilities of President of Independent Board

- (1) The President of the Independent Board shall:
 - a.) Represent the Independent Board;
 - b.) Prepare Draft Rules of Procedure of the Independent Board, Draft Annual Plan of Activities of the Independent Board and, upon being confirmed by the Independent Board, shall forward them to the BiH Parliamentary Assembly for adoption;
 - c.) Convene sessions of the Independent Board.
 - d.) Manage and direct activities that fall within the competence of the Independent Board;
 - e.) After being adopted by the Independent Board, he/she shall submit the Annual Activities Report of the Independent Board to the BiH Parliamentary Assembly as well as special reports when needed or upon the request of the BiH Parliamentary Assembly;
 - f.) Submit reports referred to in Item e) of this paragraph to the BiH Council of Ministers and BiH Presidency, at their request;
 - g.) Perform other duties as prescribed by law and other regulations.
- (2) The President shall be responsible for legality of work of the Independent Board.

II. BOARD FOR COMPLAINTS OF POLICE OFFICIALS

Article 8.
Definition of Board for Complaints of Police Officials

- (1) The Board for Complaints of Police Officials is an independent body of the Council of Ministers of BiH with competences as defined in Article 9 of this Law;
- (2) To the extent not prescribed by this Law, the procedure and method of work of the Board for Complaints of Police Officials shall be defined by the Rules of

Procedure of the Board for Complaints of Police Officials adopted by the Council of Ministers of BiH upon the recommendation of the Board for Complaints of Police Officials.

- (3) Administrative and technical support to the Board for Complaints of Police Officials shall be provided by the BiH Ministry of Security.
- (4) Resources and compensation for the work of members of the Board for Complaints of Police Officials shall be provided from the budget of BiH Ministry of Security.
- (5) The Board for Complaints of Police Officials shall act solely on professional grounds, without representing, protecting, or undermining the interests of any political party, registered organization or association, or any of the peoples in Bosnia and Herzegovina.

Article 9.

Competences of Board for Complaints of Police Officials

- (1) The Board for Complaints of Police Officials shall be competent to decide upon complaints filed by police officials against the decisions made by police bodies of BiH with regard to the status of a police official or in case where the police body failed to make a decision with regard to the status of a police official.
- (2) The Board for Complaints of Police Officials shall decide upon a complaint within 30 days from the date of receipt of the complaint, except a complaint against the decision on suspension, about which the Boards shall decide within three days.
- (3) Complaints filed with the Board for Complaints of Police Officials shall stay enforcement of the decision of the police body, exclusive of the complaint against the decision on suspension.
- (4) Decisions of the Board for Complaints of Police Officials shall be final and must be enforced without delay, but they can be subject to court decision pursuant to the laws of Bosnia and Herzegovina and shall be delivered to the complainant and the police body within eight days from the date of making the decision.
- (5) The Board for Complaints of Police Officials shall process data and keep records pursuant to law and other regulations.

Article 10.

Structure of Board for Complaints of Police Officials

- (1) The Board for Complaints of Police Officials shall have seven members, four of whom shall be police officials and three members shall be civil servants.

- (2) All constituent peoples must be represented in the Board for Complaints of Police Officials;
- (3) Members of the Board for Complaints of Police Officials who are police officials must have at least the rank of Independent Inspector. At least five members of the Board must have a law degree.

Article 11.
Appointment and Removal of members of Board for Complaints of Police Officials

- (1) President, vice-president and members of the Board for Complaints of Police Officials shall be appointed and removed by BiH Council of Ministers upon the procedure conducted by BiH Ministry of Security.
- (2) Every police body of BiH with the status of administrative organization shall propose to the BiH Minister of Security two of its police officials as members of the Board for Complaints of Police Officials, who shall be nominated by the BiH Minister of Security to the BiH Council of Ministers for selection and appointment.
- (3) Candidates for members of the Board for Complaints of Police Officials, who are civil servants from the BiH Ministry of Security, BiH Ministry of Justice and BiH Ministry of Civil Affairs shall be proposed to the Council of Ministers for selection and appointment by the BiH Minister of Security at the proposal of the respective Ministers.
- (4) Members of the Board for Complaints of Police Officials shall be appointed for a four-year term.
- (5) The Minister of Security of BiH shall be obligated to initiate a procedure for selection of new members of the Board for Complaints of Police Officials six months before expiration of the term or within 30 days upon removal or decease of the member of the Board for Complaints of Police Officials.
- (6) Member of the Board for Complaints of Police Officials can be removed from the Board:
 - a) Upon personal request;
 - b) If, he/she has not performed his/her duty for a longer period of time,
 - c) If he/she is convicted of a criminal offence except for a criminal offence against traffic safety;
 - d) If determined that he/she is a member of a political party;
 - e) If determined that he/she is permanently prevented from performing his/her duty on the basis of the opinion of a competent healthcare institution;

Article 12.
Method of Work of Board for Complaints of Police Officials

- (1) The President shall manage the Board for Complaints of Police Officials.
- (2) Four members of the Board for Complaints of Police Officials shall form a quorum.
- (3) All decisions of the Board for Complaints of police officials shall be made by a majority vote of present members.

Article 13.
Duties and Responsibilities of the President of the Board for Complaints of Police Officials

- (1) The President of the Board for Complaints of Police Officials shall:
 - a.) Represent the Board for Complaints of Police Officials;
 - b.) Manage and direct activities that fall within the competence of the Board for Complaints of Police Officials;
 - c.) Prepare Draft Rules of Procedure of the Board for Complaints of Police Officials and Draft Annual Plan of Activities of the Board for Complaints of Police Officials and upon being confirmed by the Board for Complaints of Police Officials, he/she shall forward them through the BiH Ministry of Security to the BiH Council of Minister for adoption.
 - d.) Submit Annual Activities Report of the Board for Complaints of Police Officials to the BiH Council of Ministers, as well as special reports when needed or upon the request of BIH Council of Ministers;
 - e.) Perform other duties as prescribed by law and other regulations;
- (2) The President of the Board for Complaints of Police Officials shall be responsible for legality of work of Board for Complaints of Police Officials;

III. PUBLIC COMPLAINTS BOARD

Article 14.
Definition of Public Complaints Board

- (1) Public Complaints Board is an independent body of the Parliamentary Assembly of BiH with competencies as referred to in Article 15 of this Law.

- (2) To the extent not prescribed by this Law, the procedure and method of work of the Public Complaints Board shall be determined by the Rules of Procedure of the Public Complaints Board, adopted by BiH Parliamentary Assembly, at the proposal of the Public Complaints Board.
- (3) Expert and administrative and technical support to the Public Complaints Board shall be provided by the Joint Services Unit of the Secretariat of BiH Parliamentary Assembly.
- (4) Resources and compensation for the work of the Public Complaints Board members shall be provided from the budget of BiH Parliamentary Assembly.
- (5) Public Complaints Board shall act solely on professional grounds, without representing, protecting or undermining interests of any political party, registered organization or association or any of the peoples in Bosnia and Herzegovina.

Article 15.
Competences of Public Complaints Board

- (1) The Public Complaints Board shall be competent for:
 - a.) Receiving, registering, assessing and forwarding of complaints against conduct of police officials of BiH as well as referring the complaints to the competent police bodies;
 - b.) Continuous monitoring of status of the case;
 - c.) Initiation of the relevant procedure against the complainant in case of false or tendentious complaint;
 - d.) Keeping all relevant records and data bases on complaints of citizens against police officials of BiH, results of investigations and other factors on the basis of which a disciplinary or criminal procedure has been initiated;
 - e.) Providing the complainant with all information related to his/her complaint;
 - f.) Informing BiH Parliamentary Assembly on its work.
- (2) The Public Complaints Board shall also be competent for all other duties as prescribed by law.
- (3) The Public Complaints Board shall process data and keep records in accordance with law and other regulations.

Article 16.
Public Complaints Board Structure

- (1) The Public Complaints Board shall have seven members selected amongst prominent and distinguished citizens who are not employed with police bodies of BiH.
- (2) Members of the Public Complaints Board must have a university degree and at least five members of the Board must have a law degree.
- (3) All constituent peoples must be represented in the Public Complaints Board.
- (4) A candidate for the Public Complaints Board cannot be a member of a political party nor can he/she be convicted of a criminal offence, except for a criminal offence against traffic safety.

Article 17.
Appointment and Removal of Public Complaints Board Members

- (1) The President, Vice President and the Public Complaints Board members shall be appointed and removed by BiH Parliamentary Assembly upon the procedure conducted by an *ad hoc* Commission appointed by the BiH Parliamentary Assembly.
- (2) The Commission shall be composed of six members, three of whom shall be deputies appointed by the House of Representatives and other three members shall be deputies appointed by the House of Peoples of BiH Parliamentary Assembly.
- (3) The Public Complaints Board members shall be appointed for a four-year term.
- (4) *Ad hoc* Commission of BiH Parliamentary Assembly shall be obligated to initiate a procedure of selection of new Public Complaints Board members six months prior to expiration of the term or within 30 days from the day of removal or decease of the Public Complaints Board member.
- (5) The Public Complaints Board member can be removed from the Board:
 - a) Upon personal request;
 - b) If he/she has not performed his/her duty for a longer period of time;
 - c) If he/she is convicted of a criminal offence, except for a criminal offence against traffic safety;
 - d) If determined that he/she is a member of a political party;
 - e) If determined that he/she is permanently prevented from performing his/her duty on the basis of the opinion the competent healthcare institution.

Article 18.
Method of Work of Public Complaints Board

- (1) The President shall manage the Public Complaint Board;
- (2) Four members of the Public Complaints Board shall form a quorum.
- (3) All Public Complaints Board decisions shall be made by a majority of vote of the present members;

Article 19.
Duties and Responsibilities of President of the Public Complaints Board

- (1) The President of the Public Complaints Board shall:
 - a.) Represent the Public Complaints Board;
 - b.) Manage and direct activities that fall within the competence of the Public Complaints Board;
 - c.) Prepare Draft Rules of Procedure of the Public Complaints Board and, upon being confirmed by the Public Complaints Board, he/she shall forward it to the BiH Parliamentary Assembly for adoption.
 - d.) After being adopted by the Public Complaints Board, he/she shall submit the Annual Activities Report within the competence of the Public Complaints Board to the BiH Parliamentary Assembly, as well as special reports when needed or upon the request of BIH Parliamentary Assembly;
 - e.) Perform other duties as prescribed by law and other regulations;
- (2) The President of the Public Complaints Board shall be responsible for legality of work of the Public Complaints Board;

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 20.
Appointments

Appointment procedure as prescribed by this Law shall start within 45 days of the effective date of this Law and shall be concluded at latest within 90 days of the effective date of this Law.

Article 21

- (1) The local level, as part of the new, single police structure of BiH; then relevant matters of relationship between bodies established by the present Law and local police bodies; as well as other details of the police structure shall be regulated after the reform of the Constitution of Bosnia and Herzegovina, in accordance with the three principles of the European Commission and through the two basic laws: the Law on Police Service of Bosnia and Herzegovina and the Law on Police Officials of Bosnia and Herzegovina.
- (2) Laws from paragraph 1 of the present Article shall be based on the relevant provisions of the Constitution of Bosnia and Herzegovina and shall be adopted no later than one year after the adoption of the Constitution of Bosnia and Herzegovina.
- (3) The structure of the single police forces of BiH shall be in line with the constitutional structure of the country.

Article 22

Entering into force

This Law shall come into force on the eight day from the publication in “The Official Gazette of BiH”.

PSBiH no 179/08
16 April 2008 Sarajevo

Chairman of
House of Representatives of
Parliamentary Assembly of BiH

Dr. Milorad Zivkovic, s.r.

Chairman of
House of Peoples of
Parliamentary Assembly of BiH
Sulejman Tihic, s.r.
