

OHR Questions SBS Appointment

The Office of the High Representative (OHR) has written to the members of Bosnia and Herzegovina's joint Presidency to question their appointment of Relja Kovac as Director of the State Border Service (SBS).

In a letter sent to the Presidency today the OHR points out that Mr. Kovac's appointment ignores applicable laws and bylaws, and therefore could face challenge. The letter concludes that this therefore does "not serve the best interests of the SBS" or BiH, and expresses concern that the appointment has been motivated by narrow political interest.

In its letter, the OHR points out that the appointment ignores the Decree on Ranks and Title Insignia of the Authorized Police Officers, adopted by the Council of Ministers on 26 December 2002. This decree requires the SBS Director and Deputy Director to hold the rank of Chief Inspector General and to have at least 16 years of police experience. Mr. Kovac "has neither the required rank nor sufficient police experience to occupy the post of SBS Director," the letter says. The Council of Ministers' Decree is based on a competency given to the BiH CoM by the BiH Presidency itself.

The letter also notes that in appointing Mr. Kovac, the Presidency should have applied the BiH Law on Ministerial, Council of Ministers and Other Appointments. By ignoring the proscribed appointment process the Presidency leaves open the possibility that the appointment of Mr. Kovac will be challenged by any member of the public, who can now lodge a complaint with the BiH Ombudsman against the Presidency's untransparent appointment procedure.

Furthermore the letter underlines that Mr. Kovac is unlikely to meet the criteria set out in the draft Law on Police Officials. When this law comes into force in the coming

months Mr. Kovac's appointment is likely to be overturned.

The OHR finds it "discouraging that the leadership of this important law enforcement agency has been placed in the hands of an individual who does not meet the minimum requirements for this position" and that "the Presidency has acted in such an obviously partisan manner with no regard for the rule of law."

The State Border Service is an essential institution in securing BiH's security. This blatant disregard for the rule of law can only weaken BiH's ability to fight crime, and is a matter that will not go unnoticed by the citizens of BiH, or by the International Community.