

Decision Enacting the Law on Amendments to the Law on Internal Affairs of Central Bosnia 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 Central Bosnia 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 Central Bosnia Canton* (Official Gazette of the Central Bosnia Canton", 3/97 & 8/02) as hereinafter set out.

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

The said *Law on Amendments*, which forms an integral part of this Decision, shall enter into force pursuant to Article 32 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 ON THE LAW ON INTERNAL AFFAIRS OF CENTRAL-BOSNIAN CANTON

Article 1

In article 2, paragraph 1, item 4 after the word “dignitaries” the following words shall be inserted:

“and buildings”.

Article 2, paragraph 1, item 5 shall be amended to read as follows:

“Tasks and duties of the police pertaining to the holding of public gatherings, and the purchase, possession and carrying of firearms and ammunition”.

In article 2, paragraph 1, a new item 6 shall be added to read as follows:

“Tasks and duties related to: identification cards, personal name, reporting residence and stay, unique identification number of citizens, record books, issuance of travel documents, registration of motor vehicles, driving tests and issuance of driving licenses, supervision of the implementation of regulation on protection from fire and explosions, and movement and stay of foreigners.”

Article 2

Article 3 shall be amended to read as follows:

“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 Administration of Police is responsible for the performance of tasks and duties stipulated in Article 2, paragraph 1, items 1 through 5.

The Administration of Administration and Support is responsible for tasks and duties specified in item 6, and any other tasks 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 3

Article 5 shall be amended to read as follows:

“The Government of Central Bosnia Canton (hereinafter: the Cantonal Government) shall decide which persons and facilities are to be specially secured, and the Police Commissioner shall define in what way such persons and facilities are to be secured.”

Article 4

Article 9 shall be amended to read as follows:

“The Ministry shall inform the public about questions within its sphere of competence that are of importance to natural and legal persons, as well as regarding measures for the determination of such questions, in accordance with the Book of Rules regulating public disclosure and media relations.”

Article 5

In article 10, the following words shall be deleted:

“(organizational units in the Main Office of Police Administration)”.

Article 6

Article 11 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.

A Police Administration shall be managed by the Chief of the Police Administration, who shall be appointed and removed by the Police Commissioner.”

Article 7

Article 12, paragraph 1, item 18 shall be amended to read as follows:

“pursuant to domestic and international laws, standards, and operative procedures, supervises the movement and stay of foreigners”

Article 8

Article 16, 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 17, paragraph 3 the words “the President and” shall be deleted.

Article 17, paragraph 3, item 11, shall be amended to read as follows:

“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 17, paragraph 3, item 12, shall be amended to read as follows:

“Exercises other tasks and duties within its competence, in accordance with Cantonal and Federation laws.”

Article 10

Article 18 shall be deleted.

Article 11

Article 19 shall be deleted.

Article 12

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 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 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.

The term of office of the Police Commissioner shall be four years, with the possibility of extension for one additional term of office. The Chief of the Uniformed Police shall replace the Police Commissioner if s/he is not able to discharge her/his function until the selection and appointment of a new Police Commissioner in accordance with the Law."

Article 13

In article 19c, 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 14

In article 23, paragraph 1, the words "control and crossing of state border," shall be deleted.

Article 15

In article 24, paragraph 1, the words "control and crossing of state border" shall be deleted.

Article 16

In article 26, paragraph 7, the words "the Deputy Minister" shall be replaced with the words "his designate".

In article 26, paragraph 9, the word "deputy" shall be replaced with the words "designate and the Police Commissioner".

In article 26, a new paragraph shall be added at the end of the Article to read as follows:

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

Article 17

In article 32, paragraph 2, the number "72" shall be replaced by the number "24".

Article 18

Article 33 shall be amended to read as follows:

“If persons are deprived of their liberty in accordance with Articles 31 and 32, they shall be afforded rights in accordance with the provisions of the Federation criminal procedure code, as well as the Constitution of the Federation and the State of BiH.”

Article 19

In article 35, the words “Investigating judge may order extension of this period” shall be deleted.

Article 20

Article 37 shall be deleted

Article 21

Article 38 shall be deleted.

Article 22

In article 57, paragraph 2, after the word “article” the following words shall be inserted:

“as regulated in a book of rules to be adopted for this purpose.”

Article 23

Article 62, 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 24

In article 67, after paragraph 2, a new paragraph 3 shall be added and shall read as follows:

“The Police Commissioner shall propose to the Minister recommendations for the personnel under his/her chain of command.”

Article 25

Article 68 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, promulgated by the Minister.”

Article 26

After article 68, a new article 68a 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 Cantonal Government.”

Article 27

Article 70, 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 28

Article 75 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 29

In article 76, paragraph 1, the words “as of Article 74” shall be replaced with the words “for basic training at the Police Academies”.

Article 30

In article 78, paragraph 1, the words “high police school or a police course” shall be replaced with the words “a Police Academy course”.

Article 31

In article 79, paragraph 1, the words “in agreement with his deputy” shall be replaced with “in consultation with the Police Commissioner”.

Article 79, paragraph 1, item 7 shall be deleted.

Article 32

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