

Decision On Appointment of the Assistant Director for the Criminal Investigative Department of the State Investigation and Protection Agency

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 that the 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, which stressed that “a democratically accountable police and independent judiciary are prerequisites for the Rule of Law and the full protection of human rights;”

Considering that, in September 2004, the Steering Board of the Peace Implementation Council noted the continuing importance of building local capacity in all BiH rule of law institutions, including the police, judiciary and prosecutorial offices to ensure that these institutions are fully capable of combating organized crime and other serious offences;

Mindful of the fact that the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on the State Investigation and Protection Agency (hereinafter: “the *Law on SIPA*”), which entered into force on 23 June 2004 (Official Gazette of Bosnia and Herzegovina, No. 27/04, 63/04 and 35/05);

Further mindful of the fact that since the adoption of the *Law on SIPA*, the State Investigation and Protection Agency (hereinafter: “the Agency”) began undertaking measures to enable it to develop rapidly into a robust State police force capable of fighting, *inter alia*, organized crime and terrorism;

Noting that, pursuant to transitional and final provisions of the *Law on SIPA*, the procedure of appointment of managerial staff of the Agency, including its Director, Deputy Director, Assistant Director for the Criminal Investigative Department and Assistant Director for the Internal Control Department, was to be finalized no later than six (6) months from the day of entry into force of said Law;

Noting also that, pursuant to the *Law on SIPA* and the Law on Police Officials of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 27/04 and 63/04), the Director, Deputy Director, Assistant Director for the Criminal Investigation Department and the Assistant Director for the Internal Control Department of the Agency shall be appointed by the Council of Ministers of BiH in accordance with the Law on Ministerial and Government Appointments of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 7/03 and 37/03) (hereinafter: “*Law on Ministerial Appointments*”);

Noting further that appointments conducted pursuant to the *Law on Ministerial Appointments* are governed by the overriding principle of selection based on merit and that the appointing authority shall also use his/her best efforts to ensure that the said appointments are generally representative of the peoples and citizens of Bosnia and

Herzegovina;

Recalling that, because the procedure of appointment of the said managerial staff had not been completed as envisaged in the transitional and final provisions of the *Law on SIPA*, the High Representative issued, in December 2004, a Decision amending the *Law on SIPA*, which extended the deadline for the said appointments for an additional period of two months (Official Gazette of Bosnia and Herzegovina, No. 63/04 and 35/05);

Further recalling that, based on the failure of the Council of Ministers to appoint the Director of the Agency within the prescribed deadlines, the High Representative appointed the Director of the Agency on 7 June 2005, (Official Gazette of Bosnia and Herzegovina, No. 43/05);

Taking into account that, until this day, the Council of Ministers has failed to fill the remaining managerial positions of the Agency;

Conscious of the need to fill the said positions in order to ensure the proper functioning of the Agency;

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

DECISION

On Appointment of the Assistant Director for the Criminal Investigative Department of the State Investigation and Protection Agency

Article 1

This Decision hereby appoints Mr. Dragan Lukac as Assistant Director for the Criminal Investigative Department of the Agency for a mandate of 4 (four) years starting on 09 September 2005.

Article 2

During the period referred to in Article 1 of this Decision, Mr. Lukac shall perform his duties and responsibilities as the Assistant Director for the Criminal Investigative Department of the Agency pursuant to the Law on SIPA and other relevant laws and regulations of Bosnia and Herzegovina.

Article 3

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 9 September 2005

*Paddy Ashdown
High Representative*