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## Department for Legal Affairs



# THE LAW ON AMENDMENTS TO THE LAW ON POLICE OFFICIALS OF BOSNIA AND HERZEGOVINA

**“Official Gazette of Bosnia and Herzegovina”, 35/09**

**[NOTE: The Law on Police Officials of Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 27/04.](#)**

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina on the 50<sup>th</sup> Session of the House of Representatives, held on April 1, 2009, and on the 28<sup>th</sup> Session of the House of Peoples, held on April 27, 2009, adopted

## **THE 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”, nos. 27/04, 63/04, 5/06, 33/06, 58/06, 15/08 and 63/08) in Article 2, Paragraph 1 shall be amended to read as follows:

- (1) “This law applies to police officials employed with the State Investigation and Protection Agency (SIPA), Border Police of Bosnia and Herzegovina (hereinafter: BiH BP) and Directorate for Coordination of Police Bodies in Bosnia and Herzegovina (hereinafter: Directorate) - (hereinafter and for the purposes of this Law: police bodies).”

Paragraph (2) shall be deleted.

The current Paragraphs (3) and (4) shall become Paragraphs (2) and (3).

### **Article 2**

In Article 39, in item d) the word: “this” shall be deleted.

### **Article 3**

In Article 53, Paragraph (1), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

In Paragraph (3) the words: “the Police Board” shall be replaced with the words: “Board for Complaints of Police Officials”.

#### **Article 4**

The title of the Chapter VI. shall be amended to read as follows: “**CHAPTER VI - POLICE EDUCATION AND ADVANCED TRAINING OF PERSONNEL**”.

#### **Article 5**

In Article 55, in Paragraph (1) after the words: “as cadets” shall be added the words: “at the Agency for Education and Advanced Training of Personnel” and the words: “at the Police Academies or other suitable schools and forms of police education” shall be deleted.

Paragraph 2 shall be amended to read as follows:

“(2) The Minister of Security (hereinafter: the Minister) shall adopt the curriculums of the training at the proposal of the Agency for Education and Advanced Training of Personnel with prior consent of the police bodies.”

After Paragraph (2) a new Paragraph (3) shall be added:

“(3) The Minister shall adopt the Book of Rules regulating duration of the basic training and the obligations of the cadets during the training, at the proposal of the police body and with prior consent of the Agency for Education and Advanced Training of Personnel.”

#### **Article 6**

In the Chapter VI. title of the Section 2 shall be amended to read as follow: “**Advanced Training**”.

#### **Article 7**

Title of Article 57 shall be amended to read as follow: “**Advanced Training**”.

Paragraphs (2) and (3) shall be amended to read as follows:

“(2) The Minister shall, upon the recommendation of the Agency for Education and Advanced training of Personnel and with prior consent of the police bodies, determine in a by-law the content and the form of the advanced training.

(3) Police officials shall participate in advanced training (courses, seminars and alike).”

## **Article 8**

Article 60 shall be amended to read as follows:

### **“Article 60**

#### **Selection and Appointment Procedure**

The Director of a police body and his Deputy shall be appointed by pursuant to the Law on Independent and Supervisory Bodies of Police Structure of Bosnia and Herzegovina and the Law establishing the police body.”

## **Article 9**

Article 62 shall be amended to read as follows:

### **“Article 62**

#### **Conditions for Removal**

The head of a police body and his deputy may be removed from office prior to expiration of the term:

- a) Upon personal request;
- b) If, according to the final decision, a disciplinary sanction was pronounced against him/her for serious violation of duty;
- c) If he/she has been convicted of a criminal offence except for a criminal offence against traffic safety;
- d) If found that he/she is an active member of a political party;
- e) If found that he/she is permanently prevented from performing his/her duties based on opinion of a competent healthcare institution.”

## **Article 10**

In Article 63, Paragraph (3), in item (b), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 11**

In Article 64, in Paragraph (5), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 12**

In Article 68, in Paragraph (5), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 13**

In Article 79, in Paragraph (3), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

In Paragraph (4), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 14**

In Article 81, in Paragraph (4), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 15**

The title of Article 84 shall be amended to read as follows: “**Remuneration for Police Officials**”.

After Paragraph (1) a new Paragraph (2) shall be added:

“(2) Remunerations for Police Officials are salary, increments and other remunerations prescribed by the Law on Salaries and Remunerations in Institutions in Bosnia and Herzegovina”.

The current Paragraph (2) shall become Paragraph (3).

## **Article 16**

In Article 111, in Paragraph (1), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

In Paragraph (2) the words: “the Police Board” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 17**

In Article 112, Paragraph (5), the words: “the Police Board referred to in Article 121 of this Law” shall be replaced with the words: “Board for Complaints of Police Officials”.

## **Article 18**

The title of Chapter XIV shall be amended to read as follows: “**BOARD FOR COMPLAINTS OF POLICE OFFICIALS**”.

## **Article 19**

Article 121 shall be amended to read as follows:

### **“Article 121**

#### **Establishing and Role of the 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 competencies set forth under Article 9 of the Law on Independent and Supervisory Bodies of Police Structure of Bosnia and Herzegovina.

(2) The Board for Complaints of Police Officials shall be responsible for making decisions on complaints filed by police officials against the decisions of police bodies of BiH pertaining to the status of police official or in the cases where the police body failed to make a decision pertaining to the status of police official.

(3) The decisions of the Board for Complaints of Police Officials shall be final and must be executed without delay, but can be subject to judicial review pursuant to the laws of BiH, and shall be delivered to the appellant and the police body within eight days of their issuance.

(4) The Board for Complaints of Police Officials shall decide on the complaint within 30 days after receiving the said complaint, except a complaint against the decision on suspension in case of which the decision shall be taken within three days.

(5) The complaint lodged to the Board for Complaints of Police Officials shall suspend the execution of the decision of police body, except a decision on suspension.

(6) The Board for Complaints of Police Officials shall process data and keep records pursuant to the Law and other regulations.

## **Article 20**

Article 122 shall be amended to read as follows:

### **“Article 122**

#### **Composition of the Board for Complaints of Police Officials**

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

2) Members of the Board for Complaints of Police Officials who are police officials shall have a rank of least Independent Inspector. At least five out of the total number of the members shall have university degree in law.

3) Each police body shall propose to the Minister two police officials for the members of the Board for Complaints of Police Officials and the Minister shall propose them to the Council of Ministers for selection and appointment for a four-year term.

4) A member of the Board for Complaints of Police Officials shall be independent and impartial in his/her work.

5) A member of the Board for Complaints of Police Officials must be relieved of his/her duty before the end of his/her term in accordance with the procedure prescribed in the Law on Independent and Supervisory Bodies of Police Structure of BiH.

6) All constituent peoples must be represented in the Board for Complaints of Police Officials.

## **Article 21**

After Article 122, a new Article 122a shall be added to read as follows:

### **Article 122a**

#### **Procedure and Manner of Functioning of the Board for Complaints of Police Officials defined by Rules of Procedure**

To the extent not prescribed by the Law on Independent and Supervisory Bodies of Police Structure of Bosnia and Herzegovina, the procedure and manner 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 and shall be adopted by the Council of Ministers.

## **Article 22**

In Article 123, in Paragraph (1), the date “31.7.2008” shall be replaced with the date: “31.12.2010”.

## **Article 23**

Article 127 shall be deleted.

## **Article 24**

In Article 129, in Paragraph (1), after item 2. shall be added new items 3. and 4. to read as follows:

- “3. On curriculum of the training;
- 4. On duration of basic training and obligations of cadets during the training”

The current items from 3 through 20 shall become items from 5 through 12.  
Paragraph (2) shall be deleted.



## **Article 25**

In Article 131, item 3 shall be deleted.

The current item 4 shall become item 3.

## **Article 26**

The Constitutional/Legal Commissions of both of Houses of the Parliamentary Assembly of Bosnia and Herzegovina are authorised to determine the Consolidated Version of the Law on Police Officials of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, nos. 27/04, 63/04, 5/06, 33/06, 58/06, 15/08 and 63/08), within three months from entering into force of this Law at latest.

## **Article 27**

This Law shall enter into force on the eighth day of its publishing in the “Official Gazette of Bosnia and Herzegovina”.