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DRAFT LAW
ON INTERNAL AFFAIRS
OF
THE FEDERATION OF BOSNIA AND HERZEGOVINA

DRAFT LAW
ON INTERNAL AFFAIRS
OF
THE CANTON OF SARAJEVO

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
FEDERAL MINISTRY OF INTERIOR
SARAJEVO

PRELIMINARY DRAFT

THE LAW ON INTERNAL AFFAIRS OF FEDERATION OF BOSNIA AND HERZEGOVINA

Sarajevo October 2011

LAW ON INTERNAL AFFAIRS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

I – GENERAL PROVISIONS

Article 1

This Law shall regulate internal affairs under the competence of the Federation of Bosnia and Herzegovina (hereinafter: the Federation), define the competence, organization and management of the Federation Ministry of Interior (hereinafter: the Federation Ministry), operational and other police tasks, mutual relations of Federation Ministry and Federation Administration of Police with Cantonal Ministries of Internal Affairs (hereinafter: Cantonal Ministry) and other bodies within Bosnia and Herzegovina, education, professional and advanced training, working relations and other issues of importance to exercise competences of the Federation in the field of internal affairs.

Article 2

Federation Administration of the Police (in further text: Administration of Police) shall be federation administration within the Federation Ministry, whose competence, organization, management, manners of work as well as relations with Federal Ministry and other issues significant for the work and functioning of the Administration of Police within the Federal Ministry shall be regulated by this Law.

Article 3

Internal affairs under the jurisdiction of the Federation Ministry are:

- 1) prevention and detection of criminal offences of terrorism, inter cantonal crime, drug trafficking, and organised crime, locating and capturing the perpetrators of these offences and bringing them before the competent bodies;
- 2) Security of certain persons and buildings of the Federation;
- 3) Education and professional and advanced training;
- 4) Federation citizenship.

Internal affairs matters, under the joint competence of the Federation and cantons, are implementation of laws and other regulations on citizenship and passports of Bosnia and Herzegovina citizens from the Federation territory, stay and movement of aliens on the Federation territory, agencies and internal services for protection of persons and property, inspection supervision of fire protection, explosive substances and detective tasks as well other tasks determined by Federation laws.

When laws and other regulations are implemented by cantonal ministries pursuant to paragraph 2 of this Article, the Federation Ministry may issue regulations and instructions for implementation of the laws and may co-ordinate the activities of the cantonal ministries in this area, unless prescribed differently by other relevant Federation law.

Article 4

Inter-cantonal crime, in the terms of this Law, refers to a criminal offence where perpetrators and victims are living in different cantons, offence committed on the territory of different cantons, offence initiated on the territory of one canton and completed on the territory of another canton, or an offence with damaging consequences which occurred on the territory of two or more cantons.

“Organised crime” refers to “organised crime “as defined by the Criminal Code of Bosnia and Herzegovina (“Official Gazette Bosnia and Herzegovina” no.37/03,61/04, 30/05, 53/06, 55/06 and 32/07).

“Terrorism” refers to “terrorism” and “international terrorism” as defined by the Federation of Bosnia and Herzegovina Criminal Code (“Official Gazette of Federation of Bosnia and Herzegovina” no.36/03, 37/03,21/04 and 18/05).

“Trafficking of drugs” refers to “illegal manufacturing and trafficking of drugs” as defined by the Federation of Bosnia and Herzegovina Criminal Code.

Article 5

The Government of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Government) shall define by regulation, which persons and buildings of Federation shall be under special protection and manners of their protection.

Article 6

In the case of a conflict of competences while performing tasks referred to in Article 3, paragraphs 2 and 3 of this Law, between the Federation Ministry and Cantonal Ministry, the Constitutional Court of Federation of Bosnia and Herzegovina shall resolve the matter by its decision.

If urgent action is necessary, in order to prevent irreparable harmful consequences, pending the Decision of Constitutional Court referred to in paragraph 1 of this Article, the Decision of the Minister of Internal Affairs of the Federation (hereinafter: the Minister) shall be applied.

When Minister brings the Decision referred to in paragraph 2 of this Article, s/he is obliged to immediately inform the Prime Minister of Federation Government and Head of cantonal interior ministry to whom the decision applies.

Article 7

Citizens, enterprises and other legal entities are obliged to act in accordance with the orders given by the Federation Ministry and Administration of police or by a police official on the basis of legal authority.

Article 8

Police officials have a duty to protect human life and human dignity while performing duties and tasks from their competences and to respond in situations where these values are being threatened.

Under the conditions referred to in paragraph 1 of this Article, police officials may apply only means of force foreseen by the Federation Law on Police Officials (Official Gazette of Federation of Bosnia and Herzegovina no.27/05,70/08 and 44/11) and other Federation regulation, which are absolutely necessary and by which the performance of task or duty shall be achieved with the least harmful consequences, otherwise, they shall be held criminally and disciplinarily liable pursuant to this and other laws.

Article 9

The Federation Ministry and Administration of Police shall inform the public at least once a month on the events and appearances under their jurisdiction, as well as on the measures being taken to resolve these issues.

Informing the public referred to in paragraph 1 of this Article shall be carried out through the media as well as through other suitable means.

Informing the public shall be carried out by the Minister and Director of the Administration of Police (hereinafter: Director of Police) or persons they authorize.

Data classified with certain degree of secrecy pursuant to the Law on Protection of Secret Data ("Official gazette Bosnia and Herzegovina", no. 54/05 and 12/09, hereinafter: the Law on Protection of Secret Data) cannot be subject of public informing.

Article 10

The Federation Ministry has its protective emblem.

Government of Federation shall, upon the proposal of the Minister, determine the form, content and the manner of use of the protective emblem referred to in paragraph 1 of this Article.

Article 11

Structure of employees within Federation Ministry and Administration of Police shall reflect national structure of population on territory of Federation according to the 1991 Census.

Article 12

For the execution of tasks, referred to in Article 3 of this Law, funds shall be provided in the Budget of Federation.

In relation to funds, referred to in paragraph 1 of this Article, Administration of Police shall have the status of budgetary user within the budgetary share of Federation Ministry.

II – JURISDICTION, ORGANISATION AND MANAGEMENT OF THE FEDERATION MINISTRY

(1) Competence and method of work

Article 13

Federation Ministry shall have the competence for the performance of administrative and expert tasks in relation to the issues referred to in Article 3, paragraph 1, items 3 and 4 and paragraphs 2 and 3 of this Law.

Article 14

In performing tasks referred to in Article 13 of this Law, the Federation Ministry shall, in particular:

- a)** directly implement Federation policies, enforce Federation laws within the scope of its competences and submit report to Prime Minister of Federation Government, President and Deputy Presidents of the Federation of Bosnia and Herzegovina (hereinafter: President and the Deputies of the Federation) and the Parliament of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Parliament) obligatory two times per year or more frequent if needed;
- b)** submit to Federation Government semi-annual reports of Independent Board on work of Director of police and other reports if needed;
- c)** submit report on security situation in the territory of Federation to the working bodies of the Federation Parliament, competent for the security issues;
- d)** resolve administrative matters related to Federation citizenship as prescribed by federal law;
- e)** supervise the implementation of the Federation laws and by-laws related to the issue within the competence of the Federal Ministry;
- f)** prepare and propose laws and other regulations under the competence of Federation Ministry;
- g)** carry out the procurement of weapons, equipment and other material –technical means for its own needs;
- h)** is responsible for accountancy, internal control and supervision of approved budget funds within budgetary share in accordance with the Law on Budgets in Federation of Bosnia and Herzegovina (“Official gazette of Federation Bosnia and Herzegovina”, no.9/06 and 5/09, hereinafter: The law on Budgets in Federation Bosnia and Herzegovina) and other regulations prescribing the manner of use of approved budget funds;
- i)** make development, organizational and other documents for the work of the Federal Ministry;
- j)** make strategic development plan on issues under the competence of Federation Ministry;

- k)** in cooperation with Administration of police propose to the Federation Government development programs for organizational, personnel and material-technical reinforcement of the police for combating organized crime
- l)** make and implement the programmes of education, professional training and advanced training for the Police Academy cadets;
- m)** make and implement the programmes of professional training and advanced training for the civil servants, police officials and employees of the Federation Ministry;
- n)** organize international cooperation under competence of the Federation Ministry through the competent body Bosnia and Herzegovina;
- o)** ensure that professional and scientific methods are applied in its work;
- p)** decide on all issues referred to in Article 3, paragraph 2 of this Law and shall issue individual corresponding acts (decisions, contracts, directives, etc.) in accordance with the law regulating these issues;
- q)** organize directly or in cooperation with relevant public institutions or companies performance of scientific-technical tasks necessary to advance police work and crime-technical research and expertise;
- r)** ensure unified processing of data under the competence of the Federation Ministry;
- s)** organize, develop, modernize and maintain functional communication system and shall perform tasks of transfer of Federation Ministry protected data;
- t)** make and implement plans on development and use of information system;
- u)** organize a unified reporting system necessary for the performance of tasks under its competence;
- v)** keep statistical and analytical records necessary for the performance of tasks under its competence
- w)** for its own needs, may create and print a collection of regulations, comments of the regulations and other expert publications for the tasks under its competence, which shall be prescribed in detail by the Federation Minister in a special general regulation;
- x)** organise and approves police cooperation with associations, local self -government units and international organisations on projects and programmes on issues within the competence of the Ministry and Administration of Police, enacted by Federation Government or Minister;
- y)** enacts, in cooperation with Director of Police, programmes and other acts which refer to enhancement of professionalism in Administration of Police as well as reduction and suppression of corruption;
- z)** ensure and organise strengthening of public trust in work of police
- aa)** carry out other duties, under the scope of internal affairs, which are placed under the competence of the Federation Ministry by this law or other law and by by-laws.

Article 15

The Minister is obliged twice a year, and when necessary more frequent, to submit report on work of the Federation Ministry as well as certain issues under the competence of Administration of Police.

The report referred to in paragraph 1 of this Article shall be submitted to the Federation Government, and Federation Government shall forward the report to President and Deputy Presidents of the Federation and to Federation Parliament.

Decisions and guidelines of the Federation Government, President and Deputy Presidents of Federation and the Federation Parliament shall be carried out by the Minister and the Director of the Police in accordance with this Law.

The report, referred to in paragraph 1 of this Article, may pertain to the particular issues , if requested so by the bodies referred to in paragraph 2 of this Article, if not prescribed otherwise by the law or if do not endanger the operational work of Administration of Police.

Article 16

Tasks within the competence of Federation Ministry shall be carried out by civil servants, police officials and employees, in manners envisaged by this and other federal laws, by-laws and general acts.

Article 17

The Federation Government shall, upon a proposal of the Minister, issue a regulation on weapon and equipment of the Administration of Police.

Article 18

Minister shall issue a regulation on appearance and insignia, registration and use of the vehicles of the Federation Ministry and Administration of Police.

2. Organization of the Federation Ministry

Article 19

Federation Ministry shall perform tasks from its scope of competence within the frame of organizational units which shall be determined by the Book of Rules on internal organization of the Federation Ministry (further in text: Book of Rules).

Book of Rules shall be enacted by the Minister, with consent of Federation Government.

The part of Book of Rules, referring to Administration of Police, shall be defined by the Minister upon the proposal of Police Director.

Article 20

The number of police officials within the Administration of Police must be harmonized with European standards and with the Agreement on Restructuring of the Police of the Federation of Bosnia and Herzegovina signed in Bonn-Petersburg on 25 April 1996, and it shall be defined in the Book of Rules in Article 19.3 of this Law.

Article 21

The Federation Government may, upon the proposal of the Minister, give its consent to establishment of organizational units of the operational police units outside the Federation Ministry's seat, relating to the duties and tasks under the competence of Federation Ministry and Administration of Police, which shall be regulated in detail by the Book of Rules referred to in Article 19 of this Law.

Article 22

In the Book of Rules, referred to in Article 19.1. of this Law, joint single service for general and technical tasks shall be established within the Federation Ministry to perform tasks of maintenance of facilities of Federation Ministry and Administration of Police (adaptation, reconstruction, modernization, renovation and maintenance), maintenance of installation and heating of premises, car repair, printing services, catering, clearing and general public procurements (services, goods and work).

Administration of Police shall independently perform procurements (goods and services) which refers to execution of operational tasks (weapons, specialized equipment, uniforms, etc).

(1) Managing of Federation Ministry

(1) Minister

Article 23

The Federation Ministry, having Administration of Police within its structure, shall be managed by the Minister.

Minister shall be responsible to Federation Government for his work.

The Minister shall represent Federation Ministry, shall organise and ensure lawful and efficient performance of all tasks within the scope of Federation Ministry, and in that regard shall undertake appropriate measures and activities, decide on issues referred to in article 14 of this Law, and other issues which are placed under competence of the Federation Ministry by this Law, shall enact by-laws within the competence of Federation Ministry and Administration of Police, and other general and individual acts, for which s/he is authorised by law, and shall perform other tasks envisaged by law.

Minister shall decide on employment related rights, obligations and responsibilities of civil servants, police officials and employees of the Federation Ministry.

Minister shall propose to the Federation Government annual evaluation performance of the work of Police Director, in manners envisaged by the Article 59, paragraph 1 of this Law.

Article 24

In managing of Federation Ministry, the Minister has the authority, set forth by the Constitution of Federation of Bosnia and Herzegovina, this Law and other Federation laws and federation regulations.

Article 25

In managing Federation Ministry, managerial civil servants shall render assistance to the Minister, as set forth by Book of Rules referred to in Article 19 of this Law.

4 – Education, Professional and Advanced Training**Article 26**

The Federation Ministry shall organise and directly conduct education, professional and advanced training of police officials, as well as education of candidates for police service and persons in charge for protection of persons and property, in accordance with the law (hereinafter: Academy cadets).

Education, professional and advanced training referred to in paragraph 1 of this Article shall be performed through basic training and other forms of professional and advanced training.

Article 27

For the performance of tasks of education, professional and advanced training referred to in Article 26 of this Law, the Federation Ministry shall organize the work of the Police Academy (hereinafter: the Academy).

The Academy is a basic organisational unit within the Federation Ministry.

The Academy may provide education, professional and advanced training of personnel also for the needs of the cantonal ministries, bodies of Bosnia and Herzegovina, Brcko District of Bosnia and Herzegovina (hereinafter: Brcko District) and Republic of Srpska, competent for police and court police tasks, as well as of other persons determined by special Law.

Academy may provide education, professional and advanced training of personnel for the needs of other countries, international organisations and institutions pursuant to international contract or agreement signed with Bosnia and Herzegovina.

The Academy may, for the needs of bodies referred to in paragraphs 3 and 4 of this Article, carry out education, professional and advanced training of personnel in accordance with curriculum of the bodies for whose needs the education, professional and advanced training shall be carried out.

The Academy may organise specialised courses for the advanced training of police officials.

Article 28

Education of the Academy cadets for the needs of police bodies referred to in Article 27 of this Law shall be regulated by a special contract signed between the Federation Ministry and the relevant body i.e. legal entities.

Article 29

Academy cadet, during the education at the Academy, shall be provided with: accommodation and food, uniform, footwear and clothes, textbooks, medical and disablement insurance, if they do not have such insurance on another basis, and monthly allowance for necessary personal expenses.

Person referred to in Article 27, paragraph 3 of this Law, during the education, professional and advanced training at the Academy, may be provided with accommodation, food and technical literature, which should be defined by contract.

Article 30

The Minister shall enact regulation on uniforms and functional insignia for civil servants and employees of the Academy; protective emblem of the Academy; shape, maintenance, registration and use of the vehicles of the Academy; use, maintenance and storing of educational means and teaching appliances of the Academy; rules for performance of physical exercises of the cadets of the Academy; plan of measures and procedures during crisis events and incidents related to use of premises of the Academy, disciplinary and material responsibility of cadets of the Academy; house order in Academy; work of expert bodies of the Academy; evaluation of cadets of the Academy and cadets attending other forms of professional and advanced training; conditions related to accommodation, food, uniform, shoes and clothes, text books and expert literature, health and disability insurance of the cadets of the Academy, duration of education of cadets of Academy, amount of monthly incomes necessary for personal expenses of the cadets of the Academy, and other issues of importance for the organisation and work of the Academy.

Minister, shall enact regulation on content and manner of keeping of registers on cadets attending basic police training for the rank of Police Officer and Junior Inspector, on cadets at the courses organised by Academy, on work program, register of records and other registers which refer to issues from article 27 of this Law.

III. ADMINISTRATION OF POLICE

(1) Competence and manners of working of the Administration of Police

Article 31

Administration of Police shall perform the tasks referred to in Article 3, paragraph 1, items 1 and 2 of this Law, on the Federation territory.

Article 32

In performance of tasks referred to in Article 31 of this Law, Administration of Police shall, in particular:

- a) directly undertake measures on prevention and detection of criminal offences of terrorism, inter-cantonal crime, trafficking of drugs, organised crime and other criminal offences within the competence Federation, as well as on locating of perpetrators;
 - b) perform forensic-technical expertise for the needs stemming from its competence as well as on the request of other competent bodies;
 - c) organise and directly perform protection of certain persons and buildings of the Federation pursuant to provision referred to in Article 5 of this Law;
 - d) prepare proposal on total number of police officers for the needs of Administration of Police and criteria for filling in of positions;
 - e) issue and publish INTERPOL, international, Federation and inter-cantonal search warrants as well as appropriate bulletins and shall keep registers;
 - f) co-operate with competent Prosecutor's Offices in relation to processing of criminal cases;
 - g) perform other tasks of the police entrusted to it by courts and prosecutors' offices in Bosnia and Herzegovina in accordance with the Law;
 - h) enacts and implement programs for professional and advanced training of civil servants and employees of Administration of Police
 - i) procure weapons, equipment and material-technical means for its own needs;
 - j) keep statistical and operational records required for performance of tasks from its competences;
 - k) organize and develop or in cooperation with relevant public institutions or commercial companies conduct scientific and research tasks necessary for the improvement of police activities and criminal investigations and technical expertise;
 - l) enact and implement plans on development and usage of information systems;
- 13) ensure common data processing from the competence of Administration of Police;
- 14) conduct organization, development, modernization and maintenance of the functional communication system and perform tasks of transmission of protected information on police work,
- 15) organize single reporting system necessary for execution of tasks from the competence of Administration of Police;
- 16) make the programmes of education, professional training and advanced training of the police officials of Administration of Police;
- 17) ensure that professional and scientific methods are applied in the work of Administration of Police;
- 18) organise cooperation with relevant police bodies from other states, on issues within the competence of the Administration of Police through the Ministry.

Article 33

Administration of Police shall perform operational tasks of police referred to in Article 32 of this Law independently.

Article 34

For execution of certain tasks, referred to in Article 32, item 1 of this Law, special counter shall be established.

The Federation Government shall prescribe the amount of financial funds, for the work of special counter, conditions, manners and procedure of use of special counter, as well as other issues significant for the functioning of special counter.

Article 35

When performing tasks referred to in Article 32 of this Law, Administration of Police is obliged to act pursuant to this and other laws, as well as by-laws relating to the work of Administration of Police, and all other regulations enacted by the Federation Ministry.

All regulations referred to paragraph 1 of this Article, and all actions of police officials within Administration of Police must be in accordance with the Internationally-Accepted Principles of Policing in a Democratic State adopted as Annex to the Agreement on Restructuring the Police of the Federation of Bosnia and Herzegovina in Bonn-Petersburg on 25 April 1996.

Article 36

Work of police officials shall be subject to the principle of non-discrimination on any basis such as gender, race, colour of skin, religion, ethnic or social origin, association to an ethnic minority, political or other orientation, property, birth or other status.

Article 37

Police officials shall exercise the police powers in compliance with the Federation Law regulating rights and duties of police officials, and shall act as authorised officials in compliance with the laws regulating the criminal procedure in Federation of Bosnia and Herzegovina and criminal procedure in Bosnia and Herzegovina.

Article 38

While directly carrying out the tasks of prevention and detection of criminal offences of terrorism, drug trafficking, inter-cantonal and organised crime, the Administration of Police shall inform cantonal ministry, on whose territory related measures and actions are taken, and, if needed, the competent body for internal affairs of Republic of Srpska, competent body of Brcko District, competent Prosecutors' offices, and other competent administrative bodies.

Article 39

Administration of Police must, while carrying out tasks under its competence, inform the cantonal ministry when it learns of preparation for the commission of a criminal offence under the competence of the cantons or that such criminal offence had been committed, as well as on measures and actions undertaken to prevent perpetration or to detect and capture perpetrators of that criminal offence, to enable the cantonal ministry to directly take over the procedure in relation to those offences.

The cantonal ministry must, while carrying out tasks under its competence, inform the Administration of Police when it learns of preparations for the perpetration of a criminal offence

under the competence of Federation or that such criminal offence had been committed, as well as on measures and actions undertaken in order to prevent perpetration or to detect and capture perpetrators of that criminal offence, to enable the Administration of Police to directly take over procedure in relation to those offences.

Article 40

Special Police Unit shall be established for performance of anti-terrorist and other police tasks referred to in Article 3, paragraph 1, items 1 and 2 of this Law.

The Special Police Unit shall support crime police working on police tasks referred to in Article 3, paragraph 1, item 1 of this Law, and Unit for Protection of Persons and Facilities working on police tasks referred to in Article 3, paragraph 1, item 2 of this Law, in exceptional or high-risk situations when the skills of the Special Police Unit are deemed necessary or when the Director of Administration of Police assesses that assistance of Special Police Unit is necessary.

Special Police Unit shall, according to need, render assistance for performance of tasks under the competence of police to cantonal ministries and other administrative bodies upon their request.

Article 41

Minster shall, upon proposal of Director of Police, determine by regulation manners for conduct of police officials towards apprehended persons.

2. Managing Administration of Police

a) Director of Police

Article 42

Director of Police shall manage Administration of Police.

Director of Police shall be responsible for its work to the Minister.

Director of Police and Minister cannot be from the same constituent people.

Article 43

In managing of Administration of Police, Director of Police shall manage all organizational units within the Administration of Police set forth by the Book of Rules referred to in Article 19, paragraph 3 of this Law.

Article 44

In managing of Administration of Police, Director of Police shall perform the following tasks:

- a) managing directly the police by organizing, unifying and improving the work of Administration of Police;
- b) planning, managing, supervising, and directing the overall work of the Administration of Police;
- c) issuing development, organizational and other acts necessary for the work of Administration of Police;
- d) drafting strategic development plan for Administration of Police in cooperation with Minister which shall be enacted by the Federation Government;
- e) observing and analyzing security situation and phenomena conducive to the emergence and development of crime referred to in Article 3, paragraph 1, item 1 of this Law;
- f) issuing the order for the use of Special Support Unit for rendering of assistance referred to in Article 40, paragraph 2 of this Law;
- g) issuing permission for production, transport and use of explosive substances in accordance with the law;
- h) approving a final list of all candidates nominated for recruitment as police officials, signing contracts on employment and issuing decisions on assignments, deployments, transfer of police officials to relevant positions in accordance with the Federation law regulating rights and duties of police officials and performing other duties prescribed by law;
- i) deciding on rights, obligations and responsibilities of civil servants and employees of the Administration of Police, in accordance with Federation laws regulating the rights and duties of civil servants and employees;
- j) co-operating with Prosecutors' offices, Courts and other relevant judicial bodies in relation to the issues under the competence of the Administration of Police;
- k) preparing proposals of financial and other means necessary for the work of the Administration of Police;
- l) decide on use of all financial and material means that belong to Administration of police and prepare reports and recommendations in relation to use of those means, submit them to the Minister and is responsible for planning and creating of obligations within approved budget in accordance with the Law on Budgets in Federation Bosnia and Herzegovina and other regulations;
- 13) decide on salaries, increments and other remunerations of civil servants, police officials and employees in accordance with approved budget means for Administration of Police;
- 14) establish co-operational and joint actions with other authorities competent for police tasks at all levels of authority in Bosnia and Herzegovina pertaining to the issues under the competence of Administration of Police;

- (1) prepare programme, information, analysis and other materials under the competence of Administration of Police upon the request of the Minister, Federation Government or on his/her own initiative;
- (2) mandatory and immediately inform Minister on events and results of undertaken activities significant for security of citizens and interests of Federation, which shall be defined in detail by the Federation Minister in a separate general act;
- (3) at least once a month inform Independent Board and regularly Minister on his/her work, as well as on their request;
- (4) undertake measures for correct and specified-purpose use of funds from special counter referred to in Article 34 of this Law;
- (5) perform other tasks under the competence of Administration of Police defined by this Law, other laws and by-laws.

b) Deputy Director of Police

Article 45

Director of Police shall have one Deputy (hereinafter: Deputy Director) who shall assist Director in managing of Administration of Police.

Director of Police and Deputy Director cannot be from the same constituent people.

Article 46

Deputy Director shall replace a Director when absent, and shall perform duties entrusted by the Director of Police.

Deputy Director shall perform tasks referred to in Article 44 of this Law when Director of Police cannot perform its rights and duties prescribed by this Law, and Deputy Director shall continue to perform those tasks until the Director of Police is able to reassume them or until the new Director is appointed.

Deputy Director shall be responsible for his/her work to the Director of Police.

Deputy Director of Police shall be responsible to Minister while replacing Director of Police, in case when Director of Police cannot perform his duties due to the justified reasons.

The rights and responsibilities of the Deputy Director shall be set out in details in the Book of Rules referred to in Article 19, paragraph 3 of this Law.

3. Procedure for selection and appointment and dismissal of Director of Police

Article 47

Independent Board shall perform selection procedure for Director of Police and final appointment shall be done by Federation Government, upon the proposal of the Minister.

Article 48

Independent Board shall be autonomous body of Federation Parliament and shall be financed from the Budget of Federation Parliament.

Federation Parliament shall provide administrative and technical support to Independent Board.

Independent Board shall act solely on professional grounds, not representing, undermining or protecting the interests of any political party, registered organization or association or any people in Federation.

Article 49

Federation Parliament shall appoint Independent Board upon the proposal of working bodies of the House of Representatives and House of Peoples, competent for selection and appointment through public advertisement which is organized and conducted by these bodies.

Appointment of members of Independent Board shall be conducted within 30 days from the day of submission of proposal of working bodies referred to in paragraph 1 of this Article.

Article 50

Independent Board shall be appointed for four years and shall comprise of seven members.

Selection process shall be initiated six months prior to expiration of term of office of the existing Independent Board.

Independent Board shall, after expiration of term of office, continue to perform its competences from this Law until the appointment of new Independent Board, if Federation Parliament do not appoint new Independent Board within deadline referred to in Article 49, paragraph 2 of this Law and latest within three months from the day of expiration of term of office referred to in paragraph 1 of this Article.

Composition of Independent Board shall reflect national structure of population in accordance with Census from 1991.

Gender representation shall be taken into account during the selection of members of Independent Board.

Article 51

Members of Independent Board shall be selected among distinguished experts in the fields of legal, social and criminal sciences and from organizations dealing with protection of human rights and other related fields.

In addition to the requirements referred to in paragraph 1 of this Article, candidate for membership in Independent Board shall meet the following criteria:

- (1) citizenship of Bosnia and Herzegovina;
- (2) cannot be active police official;
- (3) cannot be member of political party;
- (4) has not held position in last four years in any political party at any level, nor has been appointed to any position by political party;
- (5) has not been a member of legislative or executive body in Bosnia and Herzegovina in last four years;
- (6) have at least five years of working experience upon obtaining university degree;
- (7) has no indictment confirmed against him/her;
- (8) is not convicted for criminal offence; and
- (9) has no disciplinary measure for serious violation of official duty pronounced against him in last three years from the day of announcing public advertisement.

Member of Independent Board must not have conflict of interest while working in Federation Ministry and Administration of Police.

Article 52

Member of Independent Board shall be removed by Federation Parliament upon proposal of working bodies referred to in Article 49, paragraph 1 of this Law:

- (1) Upon personal request;
- (2) If he/she does not perform duties for longer period of time with no justified reason ;
- (3) In a case of long lasting illness or permanent disability to perform duties in Independent Board;
- (4) If fails to meet some of criteria referred to in Article 51 of this Law;

Member of Independent Board is obliged to inform working bodies referred to in Article 49, paragraph 1 of this Law on facts and circumstances referred to in paragraph 1 of this Article which may influence the membership in Independent Board.

Citizens may inform on facts and circumstances referred to in to paragraph 2 of this Article.

Working bodies referred to in Article 49, paragraph 1 of this Law are responsible, within 15 days from the day of discovery the existence of reasons for removal referred to in paragraph 1 of this Article, to determine all relating facts and circumstances pertaining to existence of such findings.

If working bodies referred to in Article 49, paragraph 1 of this Article, determine existence of reasons for removal from paragraph 1 of this Article, they shall propose removal of member to Federation Parliament.

When Federation Parliament takes decision on removal of member of Independent Board,

working bodies referred to in Article 49, paragraph 1 of this Law shall initiate procedure for appointment of new member of Independent Board.

The mandate of the new member of the Independent Board, appointed in accordance with paragraph 6 of this Article shall last until expiration of the mandate of the Independent Board, referred to in Article 50, paragraph 1 of this Law.

Article 53

Independent Board shall perform following tasks:

- a) announce a public advertisement at latest three months prior to expiration of term of office of Director of Police *i.e.* 30 days from the day of removal of Director of Police; examine application of candidates, review and select and submits to Minister the list with at least three or more candidates who meet all requirements and who have the best qualifications for position of Director of Police;
- b) Process of selection and appointment of Director of Police includes activities set forth in the Rules of Procedure of Independent Board;
- c) Observe the work of Director of Police and submits monthly report to Minister, quarterly report to the Federation Government and semi-annual report to the Federation Parliament, or more frequent if necessary;
- d) Examine complaints referring to the work of Director of Police and informs Minister and Federation Government;
- e) Initiate disciplinary procedure against Director of Police;
- f) Give the proposal for the annual evaluation performance of Director of Police to Federation Government;
- g) Propose removal of Director of Police if the work of Director is assessed with annual mark as unsatisfactory, as well as in cases set forth for removal of Director of Police in the Law on Police Officials of Federation of Bosnia and Herzegovina ("Official gazette of Federation of Bosnia and Herzegovina", no: 27/05 and 70/08-hereinafter: the Law on Police Officials);
- 8) Considers the proposal of Federation Parliament on removal of Director;
- 9) Enact Rules of Procedure with the consent of Legislative Commission of both houses of Federation Parliament;
- 10) Keep relevant records on its work;
- 11) Perform other tasks placed under its competences.

Article 54

Candidate who meets the following criteria may be appointed for Director of Police:

- a) Citizenship of Bosnia and Herzegovina;
- b) University Degree;
- c) To be in good state of health for performance of tasks and duties;
- d) At least three years of experience in rank Chief Inspector or higher rank;
- e) That final sentence of imprisonment has not been pronounced against him/her for criminal offence;
- f) not to have indictment confirmed against him/her;
- g) Not to be addressee of Article IX.1 of Bosnia and Herzegovina Constitution;

- h) Not to meet criteria for retirement envisaged by law during the period of public advertisement and term of office referred to in Article 50, paragraph 1 of this Law;
- i) Has not been member of political party after entering into force of the Law on Police Officials or other relevant laws regulating rights and obligations of police officials were employed at time of applying;
- j) Not to be, or had been at any position, at any level in political party or has been appointed to any position by political party upon entering into force of the Law on Police Officials or other relevant laws which regulate rights and duties of police officials where he/she were employed at the time of applying to public advertisement;
- k) Not to be, or had been a member of executive or legislative body at any level of authority in Bosnia and Herzegovina upon entering into force of the Law on Police Officials or other relevant laws which regulate rights and duties of police officials where he/she were employed at the time of applying;
- l) Not to have been disciplinary sanctioned for serious violation of official duty.

Article 55

Based on the list, referred to in Article 53, item 1 of this Law, the Minister is obliged to define and to submit its proposal to the Federation Government, at latest eight days after receiving the list from Independent Board.

Ministers' proposal referred to in paragraph 1 of this Article shall contain at least two or more candidates from the list of Independent Board.

Federation Government, upon proposal of the Minister referred to in paragraph 1 of this Article shall appoint Director of Police within 30 days from the day of receipt of the proposal of the Minister.

In case that Minister does not submit proposal within the deadline referred to in paragraph 1 of this Article, the Independent Board shall submit its own proposal directly to the Federation Government.

Candidate for the Director shall give a written statement of his property, which will be available to the public.

Term of office of the Director is four years and may be renewed only for second consecutive term .

Article 56

In a case that Federation Government disagrees with proposed candidates, referred to in Article 55 of this Law, it shall be obliged to inform the Minister in written, within 30 days from the day of receipt of proposal from Minister, and to request Independent Board to reconsider its proposal. If Independent Board does not accept explanation of Federation Government, referred to in paragraph 1 of this Article, it shall submit its final list with names of at least two candidates to the Minister.

Minister shall be obliged to immediately submit the list, referred to in paragraph 2 of this Article, to Federation Government, which shall appoint Director of Police from the submitted list.

Article 57

If the criteria for removal of Director of Police, referred to in Article 53, items 7 and 8 of this Law are met, the Independent Board shall, through Minister, propose removal of the Director of Police to the Federation Government, which shall decide on removal of Director within 30 days from the day of receipt of proposal for removal.

In a case that Minister fails to submit proposal to Federation Government, within 7 days after receipt of proposal, Independent Board shall submit its proposal directly to Federation Government.

In a case that Federation Government disagrees with proposal of Independent Board on removal of Director of Police, it shall submit written explanation to Minister providing reasons for refusal of proposal.

If, Independent Board does not accept explanation of Federation Government, referred to in paragraph 3 of this Article, it shall submit its final proposal for removal of Director to Minister who shall forward the proposal to Federation Government for decision-making.

Federation Government shall make a final decision, within 10 days from the day of the receipt of the proposal, referred to in paragraph 4 of this Article.

Article 58

Minister is authorized to submit proposal for removal of Director of Police to Federation Government.

Minister shall submit proposal, referred to in paragraph 1 of this Article, if Director of Police, incorrectly perform tasks referred to in Article 32 of this Law and fails to achieve appropriate results or fails to act in line with obligations referred to in Article 44, item 16 of this Law.

Federation Government shall be obliged to consider submitted proposal and to make a final decision within 10 days from the day of receipt of proposal, referred to in paragraph 1 of this Article.

Article 59

Independent Board shall submit proposal of the annual performance evaluation of the Director of Police to Minister, and Minister shall submit his/her own proposal of the annual performance evaluation of Director of police and proposal of Independent Board to Federation Government.

Pursuant to proposals referred to in paragraph 1 of this Article, Federation Government shall bring the final annual assessment of the work of Director of Police.

Article 60

Provisions of the Article 47-57 of this Law shall accordingly apply to the appointment and removal of the Deputy Director as well.

Article 61

Director of Police is obliged to submit reports on his/her work to Independent Board on regular basis and to make available all requested information and documentation under the competence of Independent Board, including access to appropriate information and personnel for establishing certain facts which are important for the work of Independent Board, except access to data related to ongoing operational activities.

Director of Police shall submit report on his/her work to the Independent Board at least once a month and more frequent if necessary.

Article 62

Federation Parliament upon the proposal of the Federation Government and with the opinion obtained from Independent Board shall enact a regulation which shall regulate in detail the competences and the manner of work of the Independent Board in carrying out procedures on annual performance evaluation of Director of Police, disciplinary responsibility and removal of the Director of Police, as well as other issues pertaining to liability and removal of Director of Police.

IV - RELATIONS BETWEEN FEDERATION MINISTRY AND ADMINISTRATION OF POLICE AND RELATIONS WITH OTHER BODIES**(1) Relations of Federal Ministry and Administration of Police****Article 63**

Administration of Police shall autonomously perform tasks from its competences defined by this Law and Minister shall enact by-laws for enforcement of federation laws from the competence of Administration of Police and shall have administrative oversight over the work of Administration of Police.

During the administrative oversight, referred to in paragraph 1 of this Article, over the work of Administration of Police, Minister shall have the following authorities:

- a) To decide on legal remedies in administrative proceedings stated against administrative acts enacted by the Director of Police, unless prescribed by special law that other body decides on this issue

- b) To give consent for acts enacted by Director of Police pertaining to the issues outside the administrative proceeding, when prescribed so by special regulation
- c) To request report and information on work of Administration of Police in relation to execution of tasks from their competence;
- d) To determine execution of certain tasks from the competence of Administration of Police and time limits for their finalization;
- e) To perform other authorities which are by special law given under the competence of the Minister.

Administration of Police shall, during the performance of tasks from its competence, establish direct cooperation with other administrative bodies and legal entities, and relations with Federation Government, President and Deputy Presidents of Federation and Federation Parliament shall be established through the Minister.

(2) Relations of Federal Ministry and Administration of Police with Cantonal Ministries

Article 64

Relations of Federal Ministry and Administration of Police with cantonal ministries of internal affairs shall be established based on competences set out in Articles 83 -86 of the Law on Organization of Administrative Bodies in Federation of Bosnia and Herzegovina ("Official Gazette Bosnia and Herzegovina" no. 35/05- hereinafter: the Law on Organization of Administration)

Article 65

Relations referred to in Article 64 of this Law shall extend to the issues on manners of performance of federation policy and federation laws under jurisdiction of Federation Ministry and Administration of Police and which are entrusted by federation law under the competence of cantonal ministries.

During the execution of tasks referred to in paragraph 1 of this Article, Federation Ministry and Administration of Police shall have the right to request from cantonal ministries data, records, documents and information on execution of tasks envisaged by federation laws and cantonal ministries shall have the obligation to submit requested data, records, documentation and information within time limits defined by Federal Ministry and Administration of Police.

In cooperation with cantonal ministries of internal affairs, Federation Ministry and Administration of Police shall establish single, functional, informative and computer system as well as daily reporting and statistical data processing based on standardized methodology along with establishment of joint data base from the field of internal affairs based on electronic data processing.

Data referred to in paragraph 3 of this Article shall be secured from unauthorized access and transfer.

Minister shall, by its regulation, regulate organization, manners of organizing and performing of task referred to in paragraph 3 of this Article.

Article 66

If Federal Ministry i.e. Administration of Police determines that, even after warning, cantonal ministry does not enforce federal laws and/or regulations from the competence of Federal Ministry and Administration of Police, or, if the denial of execution of tasks could cause severe consequences to the interests of Federation or Bosnia and Herzegovina, Federation Ministry i.e. Administration of Police shall directly perform those tasks in accordance with provisions referred to in Articles 85 and 86 of the Law on Organization of Administration until cantonal ministries meet the conditions to perform those tasks.

Article 67

Federation Ministry and Administration of police shall support, cooperate and coordinate activities of cantonal ministries in performance of tasks, referred to in Article 65 of this Law, when requested so by the competent institutions of Bosnia and Herzegovina, relevant bodies of Republika Srpska, Brcko District Bosnia and Herzegovina, prosecution offices and by other competent bodies, when necessary to secure interests of Federation and Bosnia and Herzegovina, which shall be performed in accordance with relevant regulations of Federation and Bosnia and Herzegovina.

In a case of natural and other disaster (epidemics, flood, fire and etc.) Federation Ministry and Administration of Police shall provide personnel, material, technical and all other necessary support to bodies, referred to in paragraph 1 of this Article, as well as to federation, cantonal, city and municipal bodies.

Article 68

Federation Ministry and Administration of Police may join financial funds with cantonal ministries and other administrative bodies competent for internal affairs and police tasks for procurement of equipment, professional and advanced training of police officials, civil servants and employees working on internal affairs and police tasks. Contracts and other forms of cooperation concluded or established by Federation Ministry and Administration of police with one or more cantonal ministries or other administrative bodies, referred to in paragraph 1 of this Article, must be signed under equal conditions and opened for joining of every cantonal ministry i.e. other administrative body competent for internal affairs and police tasks in Bosnia and Herzegovina.

Article 69

Federation Ministry, in cooperation with cantonal ministries, shall establish common databases on traffic accidents based on electronic data processing in line with the Law on Traffic Safety on

Roads of Bosnia and Herzegovina ("Official Gazette Bosnia and Herzegovina", no. 6/06 and 44/07), on criminal records and other data bases necessary in the work of Federation Ministry and Administration of police.

Administration of Police shall submit data from its competence to the competent institutions in Bosnia and Herzegovina, with purpose of establishing of common databases which shall be used by bodies, referred to in Article 67 of this Law (Automatic finger identification system- AFIS system, DNA analyses, data on committed criminal offences and perpetrators and other).

Article 70

Federation Ministry shall, with bodies competent for police matters in Republic of Srpska and Brcko District Police, determine conditions under which police officials may perform certain tasks and duties on the territory of Republic of Srpska and Brcko District i.e. conditions under which police officials of those bodies may perform certain tasks and duties on the territory of Federation.

Article 71

Federation Ministry and Administration of Police shall cooperate with non-governmental and other agencies, associations and foundations in order to built a partnership in prevention and disclosure of unpermitted behavior and perpetrators and to accomplish other security goals.

In accomplishment of cooperation, referred to in paragraph 1 of this Article, Federation Ministry and Administration of police shall act in accordance with law and other regulation.

V – OVERSIGHT OF THE LEGALITY OF WORK OF THE FEDERATION MINISTRY AND ADMINISTRATION OF POLICE

Article 72

Oversight of the legality of the work of the Federation Ministry and the Administration of Police shall be provided through Parliamentary and citizen control.

Article 73

Parliamentary oversight over the legality of work of the Federation Ministry and Administration of Police shall be carried out by working bodies of houses of Federation Parliament competent for security.

Article 74

The oversight referred to in Article 73 of this Law, shall be carried out by reviewing reports and information of the Minister and Director of Police, as well as by conducting of interviews with Minister and Director of Police, and if assessed necessary, the direct insight into documents and cases i.e. documentation of Federation Ministry and Administration of Police may be carried out.

For the purpose of performing the oversight, referred to in paragraph 1 of this Article, Federation Ministry and the Administration of Police are obliged to provide an insight into requested data, records and documentation, as well as to provide necessary explanations within the set deadline.

Article 75

Working bodies, referred to in Article 73 of this Law, may after undertaken activities, referred to in Article 74 of this Law, decide to open an investigation on certain issues and have hearing of witnesses or other persons as well as to undertake other evidences.

Investigation referred to in paragraph 1 of this Article, shall be carried out by *ad hoc* body which shall be established for every specific case.

Members of the body, referred to in paragraph 2 of this Article, shall be appointed from the list of experts in certain fields in accordance with procedure established by working body of House of Representatives of Federation Parliament competent for security..

The list, referred to in paragraph 3 of this Article, shall include police officials, civil servants and representatives of judicial bodies and Bar Association.

Members of bodies referred to in paragraph 2 of this Article shall sign statement on protection of secrecy of data which shall be accessible to them.

Form and text of statement shall be prepared by working body of House of Representatives of Federation Parliament competent for security.

Article 76

Working bodies, referred to in Article 73 of this Law, shall submit to Federation Parliament report on performed oversight or investigation, referred to in Articles 74 and 75 of this Law and Federation Parliament shall give guidelines and orders to eliminate determined irregularities and shall define deadlines for the completion of tasks.

Federation Ministry and Administration of Police shall be obliged to act in accordance with guidelines and orders of Federation Parliament and to inform Federation Parliament on undertaken actions within 30 days from the day of receiving those guidelines or orders.

Article 77

Commissions for Security, referred to in Article 76 of this Law, upon the consent of Legislative Commission of Houses of Federation Parliament shall prescribe content and manners on conducting oversight referred to in Articles 74 and 75 of this Law.

Article 78

Citizens' oversight over the work of the Federation Ministry and Police Administration shall be carried out by Citizens Complaint Board referred to in Article 86 of this Law.

VI – WORKING RELATIONS AND DISCIPLINARY ACCOUNTABILITY

1. Working relations

Article 79

Laws and bylaws which regulate rights, duties and responsibilities from working relations for civil servants and employees within Federation administrative bodies shall apply to working relations of civil servants and employees within Federation Ministry and Administration of Police, except to the issues regulated otherwise by this Law.

Police officials of the Federation Ministry and Administration of Police shall pursue their rights, duties and responsibilities from working relations in accordance with the Law on Police Officials.

Article 80

For certain working positions of civil servants and employees within Federation Ministry and Administration of Police, which perform tasks under special conditions and responsibilities, shall acquire salary under the equal conditions applied to civil servants and employees of Federation administrative bodies increased up to 40%.

Upon the proposal of Minister, Federation Government shall set forth working positions, referred to in paragraph 1 of this Article.

Or OHR Proposal

Civil servants who perform tasks requiring the highest degree of expertise, as determined by the BoR on Internal Organization, have a right to a special increment in amount of up to 40% of their basic salary.

The decision on amount of special increment for every position of the civil servant referred to in paragraph 1 of this Article, shall be enacted by the Minister for working positions within the Ministry, and the Director of Police for working positions within the Administration of Police, based on Decree which shall be enacted by the Federation Government upon Minister's proposal.

2. Disciplinary Accountability

Article 81

Civil servants and employees within Federation Ministry and Administration of Police shall be disciplinary accountable for violation of official duty, pursuant to regulation on disciplinary accountability of civil servants and employees within Federation administrative bodies.

Police officials within the Federation Ministry and Administration of Police for violation of official duty shall be held accountable based on the Law on Police Officials.

Article 82

The Director of the police shall be disciplinary accountable for the following violations of official duty:

- a) Failure to perform or negligent or untimely execution of official tasks envisaged by this or other laws and by-laws;
- b) Unauthorized use of the means assigned for the purpose of execution of the tasks and duties set forth by this Law and other laws and by-laws;
- c) Failure to act upon the request of Independent Board, referred to in Article 61 of this Law or restricting carrying out of the oversight or non-acting according to the guidelines of Federation Parliament, referred to in Article 76 of this Law;
- d) Misuse of official position;
- e) Unjustified absence from duty, for more than three days during one month;
- f) Providing of inaccurate data which influence decision taking of competent bodies;
- g) Refusing to execute legal orders issued by competent bodies;
- h) Preventing citizens or legal persons from exercising their right to submit requests, complaints, appeals, and other petitions, or failure to decide about those submissions within the legal deadlines;
- i) Concealing facts pertaining to the manner of the execution of official actions;
- j) Preventing, avoiding, obstructing or any other delaying of disciplinary proceeding against civil servant, police official or employee;
- k) Failure to undertake or insufficient undertaking of the measures within his/her competence;
- l) Providing and disclosing of data classified with certain degree of secrecy in accordance with the Law on Protection of Secret Data;
- m) Performance of activities that are not in line with interests of the Federation Ministry and Administration of Police i.e. by which the reputation of Federation Ministry and Administration of Police is being undermined;
- n) Participation in political activities and performance of other political activities which are not in line with official duty;
- o) Unlawful acquiring of personal or property gain himself or others pertaining to the work;
- p) Issuing of orders execution of which represents criminal offense;
- q) Discrimination on the following grounds: race, color, sex, language, religion, political or other opinion, national or social origin, or on any other grounds during performance of duty.

Article 83

Bodies for determining the disciplinary responsibility of the Police Director, for breaches of official duty referred to in Article 82 of this Law are:

- (1) Independent Board;
- (2) Disciplinary prosecutor;
- (3) First instance disciplinary commission;
- (4) Second instance disciplinary commission.

Bodies referred to in paragraph 1, points 2), 3) and 4) of this Law, shall be temporary bodies, appointed by the Federation Government upon proposal of the Minister, when there are evidences that the Police Director breached the official duty referred to in Article 80 of this Law.

Disciplinary prosecutor, graduated lawyer, shall be appointed among civil servants within Federation Ministry.

First instance disciplinary commission shall be composed of three members who are civil servants within Federation administrative bodies, out of which one must be a graduated lawyer.

Members of the First instance disciplinary commission, referred in paragraph 4 of this Article cannot be employees of the Federation Ministry and Administration of Police.

Second instance disciplinary commission shall be composed of five members who are civil servants from Federation administrative bodies, out of which at least two must be graduated lawyers and at least two managerial civil servants.

At least two members of Second Instance Disciplinary Commission, referred to in paragraph 6 of this Article, are from Federation Ministry.

Independent Board shall act based on Article 62 of this Law, during disciplinary procedure.

Article 84

For violation of official duty, referred to in Article 82 of this Law, Director of police may be pronounced the following sanctions:

- (1) Fine, and
- (2) Termination of employment

Article 85

Federal Government shall, upon the Minister's proposal and with the opinion of Independent Board, determine by regulation a disciplinary procedure, manners of work of the body referred to in Article 83 of this Law, pronouncement of disciplinary sanctions referred to in Article 84 of this Law, as well as other issues in relation to the disciplinary responsibility of the Director of Police.

VII – CITIZENS COMPLAINTS BOARD

Article 86

The Citizens Complaints Board (hereinafter: Board) shall be independent body of Federation Parliament composed of three members, out of which one member shall be civil servant within Federation administrative bodies and two members shall be citizens' representatives out of which one shall be the Chair.

The Board shall be appointed by Federation Parliament upon proposal of working bodies, referred to in Article 49, paragraph 1 of this Law and pursuant to the procedure established by the working bodies.

Composition of Board shall reflect national and gender representation.

Federation Ministry shall provide administrative and technical support to the Board and shall ensure financial compensation for the work of Board members.

Article 87

The Board shall have the aim to ensure objective and impartial procedure in relation to submitted complaints pertaining to the work and conduct of civil servants, police officials and employees and to ensure protection of human rights and freedoms.

Article 88

The Board shall be competent for the following tasks:

- a) to receive, consider, assess and forward complaints referring to the work of civil servants, police officials and employees within Federation Ministry stated by citizens, legal and other entities;
- b) to file a request for initiation of internal procedure against police official due to the violation of official duty;
- c) to submit complaints on decisions of disciplinary commission in case when procedure was initiated upon the request of Chair of the Board;
- d) to observe and oversee cases and internal procedure carried out by Unit for Professional Standards;
- e) to observe and monitor execution of disciplinary sanctions and measures pronounced by competent disciplinary bodies and implementation of those disciplinary sanctions and measures in order to ensure justice and consistency as well as purpose of sanctioning;
- f) to observe and monitor if Unit for Professional Standards informs complainants on the outcome of internal procedure in written form;
- g) to keep records and data bases on citizens' complaints and results of investigations based on which disciplinary, minor offense and criminal procedure has been initiated;
- h) to request additional presentation of evidences during the internal procedure if the opinion of the Board is not equal to the opinion of Unit for Professional standards;
- i) to observe and monitor if the Unit for Professional Standards had submitted report to competent Prosecutor's Office in case of grounded suspicion on criminal offense;

- j) to observe and monitor if the responsible supervisor informed complainant;
- k) initiation of procedure to determine responsibility of civil servant, police official or employee of Federation Ministry and Administration of police who delays, obstructs or conceals information related to any violation of official duty
- l) request initiation of disciplinary procedure against investigator of Professional Standards Unit or responsible leader due to the misuse or for neglecting the procedure;
- m) to initiate relevant procedure against complainant in case of false or tendentious complain;
- n) to oversee implementation of independency in the work of Unit for Professional standards;
- o) to submit to Independent Board complain which refers to the work of the Director of police;
- p) to give opinion in case of redeployment of investigator from Professional Standard Unit;
- q) to enact Rules of Procedure on its work;
- r) to prepare and submit semiannual and annual reports on its work to Federation Parliament, Federation Government and Minister;
- s) to inform public on its work;
- t) To perform other tasks prescribed by law and by-laws.

Article 89

If the Board, based on the request referred to in Article 88, item 8 of this Law, do not agree with the opinion of Unit for Professional Standards, shall be obliged to submit to the Unit for Professional Standards request for initiation of disciplinary procedure against police official to whom the opinion refers to, within 15 days from the day of reception of the opinion.

Unit for Professional Standards shall be obliged to submit request for initiation of disciplinary procedure within 15 days from the day of receiving request from the Board, referred to in paragraph 1 of this Article.

Article 90

The Board shall submit complaint on work of civil servant or employee to competent supervisor within 15 days from the day of receipt of complaint.

Competent supervisor shall be obliged to inform the Board on undertaken action referring to complaint, referred to in paragraph 1 of this Article within 15 days from the day of receipt the complaint.

Article 91

The Board shall forward complaint submitted against police official to the Unit for Professional Standards within 15 days from the day of receiving the complaint and Unit for Professional Standards shall inform the Board on all undertaken actions in relation to complaint upon the conducted internal procedure.

The Board shall be obliged to give the opinion on the information referred in paragraph 1 of this Article, within 15 days from the day of receipt of the information.

Article 92

Members of Board shall have four years term of office which cannot be renewed.

Procedure for selection of new Board shall be initiated at least six month prior to expiration of term of office.

Article 93

Members of the Board shall be selected among prominent experts from the field of legal, social and crime sciences with at least five years of working experience after obtaining university degree and Chair of the Board must have at least ten years of working experience in legal matters of managerial civil servant, judge or prosecutor.

Apart from the requirements, referred to in paragraph 1 of this Article, candidate for the member of the Board needs to meet the following conditions:

- (1) Citizen of Bosnia and Herzegovina
- (2) Is not a member of political party
- (3) Not to have indictment confirmed against him
- (4) Has not been convicted for criminal offense
- (5) Has not been disciplinary sanctioned for serious violation of official duty in last three years from the day of announcing public advertisement.

Article 94

Members of the Board shall be removed by Federation Parliament upon the proposal from working bodies referred to in Article 49, paragraph 1 of this Law upon:

- (1) Upon personal request;
- (2) If he/she does not perform duty without any justified reason;
- (3) In a case of long lasting illness or permanent disability to perform duties in the Board;
- (4) If fails to meet some of criteria referred to in Article 93 of this Law ;

Article 95

Tasks, duties and other issues referring to the work and functioning of the Board which are not regulated in this Law, shall be regulated in detail by Rules of Procedure, referred to in Article 88, item 17 of this Law.

VII- OVERSIGHT OVER THE IMPLEMENTATION OF THE LAW

Article 96

The Federation Ministry shall perform oversight over the implementation of the Law and by laws enacted based on this Law in Administration of Police and Cantonal Ministries, and Federal Ministry of Finance shall perform oversight over the financial funds of the Federation Ministry and Administration of Police.

IX – PENAL PROVISIONS

Article 97

Minister shall be fined with 500, 00 KM to 3.000,00 KM for an minor offense:

- (1) if he/she fails to inform the public on events and phenomena from his/her competence (Article 9, paragraph 1)
- (2) if he/she fails to submit a report on the work of the Federation Ministry or a report for individual cases or he/she fails to comply with decisions and guidelines of the body referred to in Article 15, paragraph 3 of this Law (Article 15)
- (3) if he/she prevents oversight or denies insight into data, records and documentation or necessary information to working bodies, referred to in Article 73 of this Law, i.e. *ad hoc* bodies referred to in Article 75 of this Law (Article 74)
- (4) if he/she fails to comply with guidelines and orders of the Federation Parliament in reference to elimination of irregularities referred to in Article 76 of this Law.
- (5) If he/she fails to inform Board on undertaken actions in relation to complaint, referred to in Article 90, of this Law (Article 90 paragraph 2).

Article 98

Director of Police shall be fined with 500, 00 KM to 3.000,00 KM for a minor offense:

- a) if he/she fails to report the public about events and phenomena from the competence of Administration of Police (Article 9, paragraph 1)

- b) if he/she fails to provide a segment of reports about the work of Administration of Police within the framework of the report about the work of Federation Ministry or report for individual cases (Article 15)
- c) if he/she fails to cooperate with relevant Prosecutor's offices or fails to perform tasks and duties entrusted by Courts and Prosecutor's offices in Bosnia and Herzegovina (Article 32, paragraph 1, items 6 and 7)
- d) if he/she fails to notify the cantonal ministry about preparations or execution of a crime under the competence of cantons (Article 39, paragraph 1)
- e) if he/she fails to cooperate with Prosecutor's offices, Courts and other competent judicial bodies on the issues from the competence of Administration of Police or fails to notify Minister on events and results of undertaken actions significant for safety of citizens and interest of Federation or fails to submit to Minister report on his/her work as well as on his own request. (Article 44, paragraph 1, items 11, 16,17 and 18)
- f) if he/she fails to report to the Independent Board about his/her work or fails to provide requested data and documents or deny access to relevant data and persons (Article 61)
- g) if he/she fails to perform task ordered pursuant to Article 63, paragraph 2, item 4 of this Law
- h) if he/she prevents oversight or insight into data, records and documents or needed information to the working bodies, referred to in Article 73 of this Law *i.e.* ad hoc bodies referred to in Article 75 of this Law (Article 74)
- i) if he/she do not acts based on guidelines and directives issued by Federation Parliament referring to elimination of irregularities, referred to in Article 76 of this Law
- j) if he/she fails to notify the Board on undertaken actions in relation to complaint referred to in Article 90 of this this Law (Article 90, paragraph 2).

Article 99

Head of cantonal ministry and Police commissioner shall be fined with 400, 00 KM to 2.000,00 KM for a minor offense:

- (1) if he/she fails to inform Administration of Police on preparations or perpetration of criminal offense from the competence of Federation (Article 39,paragraph 2)
- (2) if he/she fails to submit requested data, records, documentation and information within the envisaged deadline (Article 65,paragraph 2) .

Article 100

Police official shall be fined with 300, 00 KM to 1.500,00 KM for a minor offense:

- (1) if he/she do not protects human life and dignity in its work (Article 8)
- (2) if he/she in his work violates principle of nondiscrimination referred to in Article 36 of this Law.

X- TRANSITIONAL AND FINAL PROVISIONS

Article 101

Pending the adoption of relevant laws and other provisions on transport of hazardous materials and regulations on explosive materials for the needs of the industrial use, Federation Ministry shall perform the following tasks:

- (1) Approving production of explosive matters – type ANFO at the place of use;
- (2) Approving the trafficking of explosive matters for industrial use;
- (3) Approving the trafficking and use of explosive matters in the territory of the Federation of Bosnia and Herzegovina;
- (4) Approving the transport of explosive matters through the territory of the Federation of Bosnia and Herzegovina in case of import, export or transit of such substances through the territory of Bosnia and Herzegovina;
- (5) Supervision of professional training for the drivers transporting hazardous materials and issuance of the professional training ADR certificates for drivers in accordance with the European Convention on International Transport of Hazardous Materials in Road Traffic;
- (6) Supervision of production, trafficking and transport of explosive matters;
- (7) Coordination of activities in this field with cantonal ministries of internal affairs.

Tasks, referred to in paragraph 1 of this Article shall be resolved by Administration of Police in first instance procedure and by Federation Ministry in the second instance procedure.

Article 102

Federation Parliament shall, within six months from the day of the entering of this Law into force, enact regulation referred to in Article 62 of this Law.

Working bodies, referred to in Article 73 of this Law, shall enact regulation referred to in Article 77 of this Law within six months from the day of entering this Law into force.

The Federation Government shall, within 6 months from the day of entering of this Law into force, enact regulation referred to in Article 5, Article 10 paragraph 2, Articles 17, Article 33, paragraph 2 and 83 of this Law.

Minister shall, within 6 months from the day of entering of this Law into force, enact regulation referred to in Article 14 item 23, Articles 18, 30 and 41, Article 44 item 16 and Article 67 paragraph 5 of this Law.

Article 103

Pending the enactment of regulations, referred to in Article 102 of this Law, regulations applied prior to the day this law entered into force shall be applicable.

Article 104

The Minister shall, within 3 months from the day of the entering of this Law into force, enact Book of Rules, referred to in Article 19 of this Law.

Article 105

On the day of entering this Law into force, the Law on Internal Affairs of Federation Bosnia and Herzegovina ("Official Gazette F Bosnia and Herzegovina ", no. 49/05) shall cease to apply.

Article 106

This Law shall come into effect on the eighth day after the day of publication in the "Official Gazette of the Federation of Bosnia and Herzegovina."

Pursuant to Article 12, item a) and 18, item b) of the Constitution of the Sarajevo Canton (Official Gazette of the Sarajevo Canton no. 1/96, 2/96, 3/96, 16/97, 14/00 and 28/04), the Assembly of the Sarajevo Canton, at the session held on....., enacts

THE LAW ON INTERNAL AFFAIRS OF THE SARAJEVO CANTON

CHAPTER I - BASIC PROVISIONS

Article 1 (Scope of the Law)

This Law shall regulate the internal affairs of the Sarajevo Canton (hereinafter: the Canton), the organisation and jurisdiction of the Sarajevo Canton Ministry of Interior (hereinafter: the Ministry), the management of the Ministry, the appointment, composition and operations of the Public Complaints Office, mutual relations and cooperation with the Ministry of Security and other ministries of interior of Bosnia and Herzegovina, police authorities, administrative authorities in Bosnia and Herzegovina and local governments in the Canton, as well as other issues significant for the work, organisation and exercising of the Ministry functions.

Article 2 (Legal Basis for the Work of the Ministry)

- (2) Internal affairs on the territory of the Canton shall be carried out by the Ministry.
- (3) The work of the Ministry shall be based on the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina, the Constitution of a Canton as well as on the laws and other regulations of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina (hereinafter: the Federation) and cantons.

Article 3 (Principles of Policing)

All regulations from the scope of work of the Ministry, including the Book of Rules on Internal Organization and all actions of the Ministry and its employees shall be in accordance with the following:

- bb) United Nations Mission guidelines for democratic policing in the Federation and remarks in relation to the Commissioner's guidelines enacted by the Commissioner of International Police in May 1996;
- cc) Internationally accepted principles of police service in democratic state, enacted by the Federation on April 25, 1996 in Bonn Petersburg;
- dd) European Code of Police Ethics, Recommendation (2001) 10, enacted by the Committee of Ministers of the Council of Europe on September 19, 2001.

**Article 4
(Ethnic Representation)**

The composition of the employees in the Ministry shall proportionally reflect the ethnic composition of constituent peoples and the group of Others, based on the 1991 Census, until the full implementation of the Annex 7 of the Dayton Peace Accord.

**Article 5
(Gender Equality)**

Grammatical terminology in this Law shall presuppose the inclusion of both genders.

CHAPTER II - INTERNAL AFFAIRS UNDER THE CANTONAL COMPETENCE**Article 6
(Internal Affairs)**

Internal Affairs that fall under the cantonal competence shall include the following:

- 1) Protection of fundamental human rights and freedoms, particularly enshrined in the European Convention on Human Rights as well as the other rights and freedoms enshrined in the constitutions of Bosnia and Herzegovina;
- 2) Preventing and combating crime and other forms of unlawful conduct that are not within the exclusive jurisdiction of other police authorities in Bosnia and Herzegovina;
- 3) Disclosing and participation in clearing up crime and other forms of unlawful conduct not within the exclusive jurisdiction of other police authorities in Bosnia and Herzegovina;
- 4) Criminal and technical expertise;
- 5) Keeping public order and peace;
- 6) Activities on security, control and regulation of traffic on the roads of the Canton, and other activities in the field of traffic safety, established by special laws and bylaws;
- 7) Activities related to the authorisation for the procurement, possession and carrying of weapons and ammunition, keeping records, and the control thereof;
- 8) Duties and tasks related to holding of public events;
- 9) Security for persons and buildings of the Canton with particular designation;
- 10) Other duties and tasks entrusted to the Ministry by the prosecutor offices in Bosnia and Herzegovina;
- 11) Activities on the issuance, cancellation and replacement of identity cards and unified personal identification number of citizens and keeping records;

- 12) Activities on the issuance, cancellation and replacement of travel documents;
- 13) Registration of motor vehicles, issuing of driving and traffic documents and keeping records;
- 14) Activities of registration, deregistration and keeping records on permanent and temporary place of residence of citizens;
- 15) Updating and keeping duplicate registers and supervision over the keeping of registers;
- 16) Change of personal names, additional data entries and corrections in the registers;
- 17) Activities related to the acquisition of citizenship of the Federation and the change of entity citizenship;
- 18) Activities of inspection oversight over fire protection within the jurisdiction of the Ministry, under the Law on Fire Protection and Fire Fighting (Official Gazette of the Federation of Bosnia and Herzegovina, No. 64/09) and other regulations in the Federation and inspection oversight of the transport and storage of explosive, flammable and other hazardous materials that fall under the cantonal jurisdiction;
- 19) Activities of inspection oversight and activities related to the work of the agencies protecting the people and property and internal protection services;
- 20) Providing assistance and services to citizens;
- 21) Cooperation with other ministries of interior and security and other authorities in Bosnia and Herzegovina within the competence of the Ministry;
- 22) Providing assistance to government bodies and legal entities performing public functions in accordance with the law;
- 23) Performing other duties and tasks that the Federal Ministry of Interior (hereinafter: the Federal Ministry) shall entrust to the Ministry from its jurisdiction;
- 24) Administrative and other tasks and duties within the competence of the Ministry, in accordance with this and other laws.

Article 7

(Joint Competences and Exercising Entrusted Tasks)

- (2) In case when the Ministry is entrusted with tasks from the Federation competence or while exercising the tasks under the joint competence of the cantons and the Federation, the Ministry shall directly apply the Federation laws and other regulations.
- (3) The Federation Ministry shall oversee the enforcement of regulations referred in paragraph (1) of this Article.

**Article 8
(Conflict of Jurisdiction)**

- (2) The conflict of jurisdiction between the Federation Ministry and the Ministry and between the other cantonal ministries of interior and the Ministry shall be decided by the Federation BiH Supreme Court.
- (3) When urgent action is necessary to prevent harmful consequences, a decision of the Minister of Federation Ministry (hereinafter: the Federation Minister) shall be applied pending the Decision of the Federation Supreme Court.

**Article 9
(Persons and Facilities under Special Protection)**

The Sarajevo Canton Government (hereinafter: Cantonal Government) shall decide in a Decree which persons and facilities of the Canton shall be particularly secured.

CHAPTER III - INTERNAL ORGANISATION AND COMPETENCIES OF THE MINISTRY

SECTION A. INTERNAL ORGANISATION

**Article 10
(Internal Organisation of the Ministry)**

Internal affairs under the cantonal competence shall be directly conducted by the Ministry and through its organizational units defined in the Book of Rules on Internal Organisation of the Ministry, in accordance with this Law and other regulations.

**Article 11
(Book of Rules on Internal Organisation)**

- (2) The Book of Rules on Internal Organisation of the Ministry shall be issued by the Minister, with the consent of the Government and upon proposal of:
- m) Police Commissioner on provisions related to the Police Administration, within his powers;
 - n) Secretary of the Ministry on all matters related to its harmonization with the law and other regulations.
- (3) The Book of Rules of Internal Organisation of the Ministry, to be harmonized with principles defined in Article 3 of this Law, shall in particular define:
- m) Organizational units and their scope of work;
 - n) Systematisation of positions including: the title of a job position, job description, requirements to perform tasks, ranks required for police officials positions, status of employees performing the activities, their number, type of duties, the name of the group encompassing those duties, complexity of duties, as well as other elements;
 - o) Systematization of positions shall define the level and type of education for each

position, taking into consideration the complexity and job description related to the position;

- p) Manner of managing the organizational units within the overall management of the Ministry, as well as the special rights and powers of employees when exercising their tasks and activities;
- q) Composition, method of work and issues discussed by expert collegiums;
- r) Programming and planning of activities;
- s) Powers and responsibilities of managerial civil servants and police officials when performing their duties (Articles 16, 17 and 18);
- t) Number of interns to be recruited and recruitment requirements for interns,
- u) Achieving the transparency of the work of the Ministry;
- v) Other relevant issues for the organisation and the method of work of the Ministry.

SECTION B. BASIC ORGANISATIONAL UNITS OF THE MINISTRY

Article 12 (Basic Organisational Units)

(6) The basic organisational units of the Ministry shall be as follows:

- a) Cabinet of the Minister,
- b) Administration of Police,
- c) Administration of Administrative Services
- d) Administration of Support
- e) Fire Protection Inspectorate and Oversight of the Agencies for the Protection of People and Property and Internal Protection Services

(7) In accordance with Article 14 of this Law, internal organizational units may be established within basic organizational units, under paragraph 1 of the Article, to ensure adequate and efficient execution of duties that fall under their competence.

Article 13 (Administrations of Police, Police Stations and Professional Standards Unit)

- (1) To carry out the tasks referred in Article 14 (2) of this Law, in addition to internal organizational units of the Police Administration in the seat of the Ministry, the police administrations or police stations shall be established in each municipality in the canton, as an internal organizational unit, managed by the chief of police administration or police station commander, appointed and removed from office by the Police Commissioner with the consent of the Minister.
- (2) The Sarajevo Canton Assembly (hereinafter: the Cantonal Assembly) at the proposal of the Cantonal Government shall enact a Regulation on the criteria for the establishment of internal organizational units referred in paragraph (1) of this Article.
- (3) The Professional Standards Unit (hereinafter: the Unit), shall be established within the Police Administration as an internal organizational unit and under systematisation, it shall have the Internal Control Department and the Development of Principles and Protection of Classified Data Department. The appointments and dismissals of police

officers in the Unit shall be conducted by the Police Commissioner, with the consent of the Minister.

- (4) The methods of work of the Unit referred in paragraph (3) of this Article shall be detailed in a special Book of Rules issued by the Minister at the proposal of the Police Commissioner.

Article 14 (Scope of Work in Organisational Units in the Ministry)

- (5) The Cabinet of the Minister, within its competencies shall:

- h) Organize and take part in the preparation of Programme and Report on the Work of the Ministry and monitor the implementation of the programme;
- i) Monitor the execution of tasks in the field of internal affairs that stem from the Program of Work of the Ministry;
- j) Prepare and take part in the preparation of material in the field of internal affairs for needs of the Ministry, monitor and study documents on issues under the Ministry's competence and inform the Minister thereof;
- k) Carry out, coordinate and monitor tasks in relation to analytics, planning and development of all segments of the Ministry;
- l) Coordinate, supervise and inspect the implementation of activities linked to the system of quality management;
- m) Prepare the sessions of the Expert Collegium and take care of the implementation of its conclusions;
- n) Prepare analytical and informative materials within the scope of work of the Cabinet of the Minister;
- o) Carry out and organize duties related to the function of the Minister and transparent work in the Ministry and cooperate with the public information services and media;
- p) Coordinate and monitor standards in the field of data protection;
- q) Cooperate with international organizations;
- r) Make preparations for counselling and other meetings organized and held by the Minister;
- s) Take care of documents and materials submitted to the Minister;
- t) Carry out certain protocol duties;
- u) Establish required cooperation with the administrations within the Ministry and other organizations in relation to tasks that fall within the scope of work of the Cabinet of the Minister.

- (6) Within the duties referred to in Article 6 of this Law, the Administration of Police shall, through its organisational units, with full operational autonomy, perform the following duties:

- m) Protection of life and property;
- n) Prevention, detection and investigation of criminal offenses and minor offences on the territory of the Canton, in accordance with the Law;
- o) Gather and analyze the information and data from item b) of this Article and on the overall situation in the sphere of internal affairs in the Canton;
- p) Duties and tasks related to public peace and order;
- q) Duties and tasks related to public events;

- r) Providing security to specifically designated persons and premises of the Canton in accordance with the law,
 - s) Crime and technical expertise,
 - t) Control and regulation of the road traffic in the Canton and other duties in the field of traffic safety, as defined under the law;
 - u) Tasks related to issuing permits for the procurement, possession and carrying arms and ammunition, procurement control and keeping of prescribed records;
 - v) Keeping statistical, operational and other official records required to exercise the duties, pursuant to applicable laws and other regulations;
 - w) Exchange of information with prosecutor's offices, courts and other police bodies in BiH;
 - x) Cooperation with other security agencies and other bodies in BiH within the work of the Administration of Police;
 - y) Providing of assistance to other state bodies and legal entities entrusted with the exercising of public authorities in accordance with special regulations;
 - z) Duties and tasks of police entrusted to the Administration of Police by the Federation Ministry, under its competence;
 - aa) Other duties and tasks of police entrusted to the Administration of Police by the prosecutor's offices in BiH;
 - bb) Other duties and tasks defined by the law and other regulations;
 - r) Plan and implement programs within and in the method of work for community policing in order to identify and resolve problems in the community.
- (7) Within the duties referred in Article 6 of this Law, the Administration for Administrative Services shall, through its internal organisational units, perform the following duties:
- a) Issuance, replacement and cancellation of ID cards, identification, tracking, replacement and cancellation of the personal identification number and keeping proper records;
 - b) Registration and deregistration of temporary and permanent residence and keeping proper records;
 - c) Issuance, replacement and cancellation of passports and keeping proper records,
 - d) Issuance, replacement and cancellation of driving licenses, keeping proper records and carrying out protective measures prohibiting driving a motor vehicle,
 - e) Registration of motor vehicles;
 - f) Changing of personal name;
 - g) Additional entries, corrections and additions to the registers, updating and storing duplicate registers and overseeing the implementation of regulations on the registers;
 - h) Conducting administrative and other professional activities in accordance with the competences and powers set out in the legislation on citizenship;
 - i) Management of administrative and other professional activities in accordance with the competences and authorizations provided by the Law on Agencies and Internal Services Protecting People and Property (Official Gazette of the Federation of Bosnia and Herzegovina, No. 78/08),
 - j) Second-instance administrative proceedings in administrative areas where the special law or other regulations established the jurisdiction of the Ministry to conduct the appeal proceedings;
 - k) Receipt, registration, distribution and archiving of mail in accordance with the regulations on office operations;
 - l) Other duties prescribed under the law.

- (4) The Administration for Support shall, through its internal organizational units, perform the following tasks for the organizational units specified in Article 12 paragraph (1) of this law:
- a) Human resources and training and the activities of the registry office,
 - b) Material, financial and commercial affairs,
 - c) IT tasks
 - d) Setting up and maintenance of telecommunication links,
 - e) Activities of technical and sanitary maintenance
 - f) Other logistic operations.
- (5) In the framework of the activities referred to in Article 6 this Law, the Fire Protection Inspectorate and Oversight of the Agencies for the Protection of People and Property and Internal Protection Services, shall perform the inspection oversight of fire protection within the jurisdiction of the Ministry, under the Law on Fire Protection and Fire Fighting (Official Gazette of the Federation of Bosnia and Herzegovina, No. 64/09) and other regulations in the Federation and the tasks related to the transportation and storage of explosive, flammable and other hazardous substances that are the responsibility of the canton. Also, it shall conduct inspections oversight of the work of the agency to protecting people and property and internal protection services, in accordance with the Law on the Agencies and Internal Services Protecting People and Property (Official Gazette of the Federation of Bosnia and Herzegovina, No. 78/08) as well as the tasks of internal control of the legality of work of the Ministry employees.

CHAPTER IV- MANAGEMENT

Section A. Management of the Ministry

Article 15

(Competences of the Minister in the Management of the Ministry)

- (3) The Minister shall manage the Ministry.
- (4) In the management of the Ministry, the Minister shall have the powers as established under the Constitution of the Canton, this Law and other regulations.
- (8) With the purpose of implementing the cantonal policies and priorities in relation to internal affairs matters and enforcement of the cantonal laws and performing tasks entrusted by the Cantonal Government, in addition to tasks determined by other laws, the Minister shall:
- f) Represent the Ministry;
 - g) Oversee the enforcement of laws and other regulations within the competence of the Ministry;

- h) Define priorities and policies of the Ministry;
 - i) Propose enactment of laws and other regulations within the jurisdiction of the Ministry;
 - j) Issue implementing regulations and other general and individual acts as authorised by the law, for the purpose of enforcement of laws and other regulations of the Canton within the scope of internal affairs;
 - k) Organize the work of the Ministry;
 - l) Ensure lawful and efficient functioning of the Ministry;
 - m) Make decisions in administrative matters as defined by law;
 - n) Organise unified system of reporting and data processing in the scope of internal affairs necessary for the performance of the tasks of the Ministry;
 - o) Ensure cooperation of the Ministry with other governmental bodies in BiH;
 - p) Under the operational supervision of Police Commissioner, establish a system of internal control to oversee whether the activities of all individuals and organisational units are in compliance with the Constitution and the laws and other regulations, and make internal control reports publicly available;
 - q) Monitor and guide the activities of analytics, planning and development of activities under the jurisdiction of internal affairs;
 - r) Ensure smooth conduct of operational police activities without the right to influence these activities at any stage or segment when criminal investigations are carried out;
 - s) Ensure that the managers in the police have the autonomy in operative responsibility and in passing operative decisions, which must be in compliance with the law and subject to review by legislative, executive and court authorities;
 - t) Perform other duties and tasks entrusted by the Government of the Canton, as well as other duties defined under the law.
- (9) In relation to the Ministry's basic organisational units the Minister shall:
- r) Manage and direct the execution of duties within the scope of the work of organisational units, except the tasks referred in Article 14, paragraph 1 of this Law;
 - s) Establish administrative and other expert commissions and appropriate working bodies;
 - t) Decide on the procurement and use of means for work in compliance with Article 114 of the Law on Organisation of Administrative Bodies in the Federation of Bosnia and Herzegovina (Official Gazette of Federation of Bosnia and Herzegovina No. 35/05);
 - u) Make decisions related to the rights, obligations and responsibilities of the Police Commissioner, civil servants and employees of the Ministry, in accordance with this Law and other regulations;

- v) Decide on the salaries, remunerations and other financial entitlements of the Ministry employees;
 - w) Perform other tasks and duties entrusted to him by the Cantonal Government, as well as other tasks determined by the law;
 - x) Upon the proposal of the Police Commissioner, issues by-laws and other general and individual regulations that fall under the competence of the Administration of Police, for which he/she is authorized under the law;
 - y) Oversee the work of the Police Commissioner;
 - z) Establish the policy and priorities on general police-related security issues;
 - aa) Give consent for the deployment of police officials who manage organisational units in the Administration of Police;
 - bb) Give guidelines to the Police Commissioner on general police issues and perform other duties prescribed to him/her under this Law and other regulations.
- (10) Due to nature of the activities within the competence of the Ministry which he/she manages and the authorities prescribed in paragraphs (3) and (4) of this Article, directly related to operational activities, a salary increment in the amount of 30% of the basic salary shall be established for the Minister.

Article 16 (Absence of the Minister)

- (5) If the Minister is unable to carry out his functions due to absence or other reasons, the Secretary of the Ministry shall perform managerial functions for smooth operations of the Ministry, until a new Minister is appointed.
- (6) The Secretary of the Ministry shall perform managerial functions under paragraph (1) of this Article, in accordance with the law and the Book of Rules on Internal Organisation and in this period shall be entitled to receive salary difference to the level of the basic salary of the Minister.

Section B. - Management of the Administration of Police

Article 17 (Competences of the Police Commissioner in the Management of the Administration of Police)

- (3) Under overall supervision of the Minister, except in the field of planning and implementation of concrete operational activities, the Police Commissioner shall manage the Administration of Police in the following manner:

- u) Supervise and direct the activities of the Administration of Police;
 - v) Make decisions in administrative matters related to the tasks defined in Article 14 paragraph 2 of this Law,
 - w) Propose to the Minister the drafts and proposals of regulations or amendments to the existing regulations within the competences of the Administration of Police;
 - x) Decide on the matters related to the employment rights and obligations of police officials, except those rights and obligations defined in Article 15 paragraph 4 item e) of this Law;
 - y) Decide on disciplinary accountability of police officials in minor violations of official duty;
 - z) Prepare funding proposals required for the work of the police;
 - aa) Prepare quarterly reports regarding the execution of allocated funds referred in to item f) of this paragraph, and submit them to the Minister;
 - bb) Propose the total number of employees of the Administration of Police;
 - cc) Establish expert commissions and relevant working bodies in relation to duties under the competence of the Administration of Police;
 - dd) Identify the needs, define and implement programs of professional and advanced training for police officers of the Administration of Police;
 - ee) Organise a unified system of reporting and data processing necessary for the performance of activities of the Administration of Police, in accordance with the reporting methodology in the Cantonal Government and the Federation Ministry;
 - ff) Issue Cantonal warrants and publishes issued warrants;
 - gg) Ensure cooperation with other police bodies and law enforcement agencies in BiH;
 - hh) Prepare programmes, information, analysis, and other materials from the scope of work of the Administration of Police at the request of the Minister, Cantonal Government or at his own initiative;
 - ii) Regularly report to the Minister on the activities of the Administration of Police,
 - jj) Inform the public on the work of the Administration of Police, based on a bylaw passed by the Minister;
 - r) Submit the information and statistical data to the Federation Ministry related to the matters of the joint jurisdiction of the Canton and the Federation and the matters within the jurisdiction of the Federation entrusted to the Ministry,
 - s) Decide how to secure certain persons and facilities;
 - t) Exercise other authorities conferred upon him by this Law and other regulations.
- (4) The Police Commissioner shall, for his work, be responsible to the Minister.

- (5) The Police Commissioner may authorise the Uniform Police Sector Chief and the Crime Police Sector Chief to perform certain tasks referred to in paragraph 1 of this Article.

Article 18
(Absence of the Police Commissioner)

- (1) If the Police Commissioner is unable to exercise his managerial authorities in the Administration of Police, due to the term of office expiry, dismissal, resignation, illness, absence or other factual or legal reasons, those duties shall be carried out by the Uniform Police Sector Chief until the time when the Police Commissioner is able to reassume his duties or a new Police Commissioner is appointed. The Uniform Police Sector Chief shall assume duties one day after a decision on dismissal, acceptance of resignation or mandate expiry was made.
- (2) While replacing the Police Commissioner, the Uniform Police Sector Chief shall have all rights, obligations and authorities of the Police Commissioner prescribed in Article 17 of this Law as well as the entitlement right to salary difference to the level of the Police Commissioner basic salary.
- (3) If the Uniform Police Sector Chief is also unable, due to legal or other factual reasons, to carry out duties referred in paragraph 1 of this Article, the Crime Police Sector Chief shall replace the Police Commissioner, until the time when the Police Commissioner is able to reassume the duties or until a new Police Commissioner is appointed, and enjoys the rights referred in paragraph 2 of this Article.
- (4) If the term in the office of the Police Commissioner should cease due to the dismissal, acceptance of resignation or expiration of the term in the office, the Cantonal Government shall appoint new Police Commissioner in accordance with the law.

**CHAPTER V – THE COMMISSION CONDUCTING THE CANDIDATE SELECTION
PROCEDURE FOR THE POLICE COMMISSIONER POSITION**

Section A. – Commission

Article 19
**(The Commission Conducting the Candidate Selection Procedure for the Police
Commissioner Position)**

- (5) The Cantonal Assembly Selection and Appointment Commission (hereinafter: Selection Commission), after the opening and completion of the public vacancy procedure, shall establish the Commission Conducting the Candidate Selection Procedure for the Police Commissioner Position (hereinafter: Commission).
- (6) The Commission is the body of the Cantonal Assembly that shall conduct the candidate selection procedure for the Police Commissioner position (hereinafter: selection of candidates).
- (7) The Board shall act solely on professional grounds, without representing, protecting or undermining the interests of any political party, registered organisation or association or any of the peoples in Bosnia and Herzegovina.

- (8) The vacancy shall be announced in the Official Gazette of the Federation of Bosnia and Herzegovina in at least two daily newspapers distributed throughout the territory of Bosnia and Herzegovina.
- (9) The deadline for applications shall be 15 days after the last vacancy publication.
- (10) The vacancy shall contain:
- a) job description (conducting the procedure to prepare the list of candidates for the police commissioner);
 - b) requirements under Article 21 this Law;
 - c) list of required documents provided by a candidate, as well as those obtained ex officio;

Article 20
(Composition of the Commission)

- (1) The Commission shall consist of five members, representatives of citizens who are not employed in the ministries of interior and other police authorities at all levels of authority in Bosnia and Herzegovina.
- (2) At least two members of the Commission must be graduate lawyers.
- (3) Composition of the Commission should reflect the proportional representation of constituent peoples and the rank of Others, based on the 1991 census, until full implementation of the Annex 7 of the Dayton Peace Agreement, with mandatory compliance to gender representation.

Article 21
(Requirements to be a Commission Member)

- (6) A member of the Commission may be a person meeting the following requirements:
- k) at least VII level of education and at least seven years of work experience after earning a university degree, with priority in the field of legal, criminal, security and other social studies;
 - l) not a member of political party;
 - m) has not held a position within a political party at any level, nor has been appointed to any position by a political party, in the last 4 years;
 - n) has not been a member of an executive or legislative body at any level of authority in BiH, in the last 4 years;
 - o) has not been pronounced guilty of a criminal offense;

- p) no pending criminal proceedings against him/her;
 - q) no disciplinary sanctions pronounced against him/her for serious violations of official duty.
- (7) Persons employed in the Ministry in the last five years cannot be representatives from the ranks of citizens.

Article 22
(Conflict of Interest)

- (3) The member of the Commission shall not have a conflict of interest with the work of Administration of Police and the Ministry.
- (4) The conflict of interest under paragraph (1) of this Article shall exist when a Commission member has a personal interest in police matters, which may affect the legality, transparency, objectivity and impartiality in exercising the functions of Commission member as well as in other instances prescribed under the law.

Article 23
(Appointment of the Commission)

- (3) The Commission shall be established until the finalisation of the Police Commissioner appointment procedure.
- (4) The Decision on the appointment of the Commission shall be final.
- (5) The process of establishing the Commission shall be initiated at least six months prior to expiration of the Police Commissioner term in the office.

Article 24
(Financing of the Commission)

- (8) The work of the Commission shall be financed from the budget of the Cantonal Assembly.
- (9) Commission Members shall be entitled to a compensation for their work and the Cantonal Assembly shall decide on the amount.

Article 25
(Operations of the Commission)

- (1) At the first session, the Commission members shall select among themselves the chairperson and enact the Rules of Procedure.
- (2) Administrative issue of the Commission shall be carried out by the Service of the Cantonal Assembly.

- (3) The Commission shall produce a report on the conducted procedure and submit it to the Cantonal Assembly.

Section B -Process of candidate selection, appointment and the mandate of the Police Commissioner

Article 26 (Requirements for the Police Commissioner Position)

The following conditions are required for the working post of Police Commissioner:

- a) citizenship of Bosnia and Herzegovina;
- b) health capability to perform duties and tasks;
- c) university degree - level VII of education;
- d) the rank of Chief Inspector;
- e) no criminal sanction pronounced against him/her in a legally binding judgment;
- f) no criminal proceedings initiated against him/her under the Criminal Procedure Codes in Bosnia and Herzegovina;
- g) not to be addressee of Article IX.1. of the Constitution of Bosnia and Herzegovina,
- h) not meeting the legal requirements for retirement during the term of office,
- i) has not been a political party member upon entry into force of the Sarajevo Canton Law on Police Officials (Official Gazette of Sarajevo Canton No. 25/06, 4/08) (hereinafter: the Law on Police Officials), or a relevant law governing the rights and obligations of police officials in a police body where he was employed at the time of applying to the vacancy;
- j) has not been at any position in a political party at any level, or appointed to any position by a political party upon entry into force of the Law on Police Officials, or a relevant law governing the rights and obligations of police officials in a police body where he was employed at the time of applying to the vacancy;
- k) has not been a member of an executive or legislative body at any level of authority in BiH upon entry into force of the Law on Police Officials, or a relevant law governing the rights and obligations of police officials in a police body where he was employed at the time of applying to the vacancy;
- l) has not been disciplinary sanctioned for serious violation of official duty.

Article 27 (Preliminary Procedure for Selection of Candidate and Principles)

- (1) The application of a candidate to a position of Police Commissioner shall be conducted through a public vacancy (hereinafter: the vacancy).

- (2) The candidate selection process must be initiated three months before term of the appointed Police Commissioner expires.
- (3) The Commission shall announce the vacancy no later than 15 days after its establishment.
- (4) The principles of transparency and legality shall apply during the vacancy procedure.

Article 28
(Publication of the Vacancy)

- (1) The vacancy shall be published in the Official Gazette of the Federation of Bosnia and Herzegovina and in at least two daily newspapers distributed on the whole territory of Bosnia and Herzegovina.
- (2) The deadline for submitting applications shall be fifteen days from the last published vacancy.
- (3) The Vacancy shall contain the following:
 - a) Job description for the position of Police Commissioner;
 - b) Requirements referred to in Article 26 of this Law and selection criteria under Article 30 of this Law;
 - c) List of necessary documentation provided by the candidate, including those provided *ex officio*, in accordance with the law;
 - d) Deadline and the location where application shall be submitted.

Article 29
(Candidate Selection Procedure)

Following receipt of the applications, the Commission shall:

- a) review the applications;
- b) consider all the applications received within the prescribed deadline;
- c) make a list of candidates who meet vacancy requirements (hereinafter: list of candidates);
- d) interview the candidates on the list of candidates.

Article 30
(Candidate Selection Criteria)

- (1) Candidates meeting the requirements for the Police Commissioner position shall submit a proposal for the plan and program of work.
- (2) The Commission shall interview each candidate referred to in paragraph 1 of this Article.
- (3) In addition to the interview, the Commission shall take into account the following qualifications during the selection procedure:

- a) type of academic degree - similarity with the activities under Article 14 paragraph 2 of this Law;
 - b) professional training;
 - c) years of police experience in managerial positions;
 - d) performance evaluation in the last 3 years,
 - e) proven ability to manage complex police operations and
 - f) other qualifications that correspond to the needs of the position.
- (4) In addition to the documentation on meeting requirements under Article 26 of this Law, the candidate invited for an interview shall also submit documents proving the qualifications referred in paragraph 3 of this Article.
- (5) The Commission shall rank the candidates based on paragraphs 1, 2 and 3 of this Article.

Article 31
(Submission of the List of Candidates)

After the interview under Article 30 paragraph 2 of this Law, the Commission shall submit the Minister the list of candidates, within fifteen days after the deadline for submission of applications for the vacancy.

Article 32
(Proposal to the Government of the Canton)

- (1) Having deliberated the list of candidates, the Minister submits to the Government of the Canton a reasoned proposal with the name of one candidate from the list, within eight days after the receipt of the list.
- (2) If the Government does not appoint proposed candidate, the Minister submits the Government of the Canton a new proposal from the list of candidates within three days.

Article 33
(Proposing One Candidate to the Minister)

- (1) Notwithstanding the procedure under Articles 31 and 32 of this Law, in case only one candidate meets the requirements prescribed under Article 26 of this Law, the Commission shall submit to the Minister a proposal with the name of the candidate within three days, upon completion of the procedure referred to in Article 30 of this Law.
- (2) In case the Minister accepts the proposed candidate, the Minister shall submit the Government of the Canton a proposal with the reasoning for the appointment, within eight days of receiving the proposal.
- (3) In case that Minister does not accept the proposed candidate, after consultations with the Government of the Canton, the Minister shall request the Commission to reinitiate the candidate selection procedure, prescribed in articles 28, 29, 30 and 31 of this Law.
- (4) The Commission shall repeat the candidate selection procedure within eight days after receiving the request.

- (5) During a repeated selection procedure, should only one candidate meet the requirements referred in Article 26 of this Law, the Commission shall submit the name of the candidate to the Minister, who shall submit the Government of the Canton a proposal with the reasoning for the appointment within three days after receiving the proposal.

Article 34

(Police Commissioner Appointment)

- (1) Within 30 days upon the receipt of the Minister's proposal, the Cantonal Government shall issue a decision on the appointment of the proposed candidate to the position of Police Commissioner and publish the decision in the Official Gazette of the Sarajevo Canton.
- (2) The complaint against the decision of the Government of the Canton shall be submitted within 15 days after the submission of the decision to the Cantonal Assembly Security Commission that shall resolve the complaint within 15 days after receiving it.
- (3) The Police Commissioner shall be appointed to a four-year term and may be renewed only once.
- (4) The Police Commissioner shall give a written property disclosure, available to the public.

Section C – Evaluating the performance of Police Commissioner

Article 35

(Annual Evaluation of the Police Commissioner Performance)

- (1) Based on the criteria prescribed in the Law on Police Officials and the Book of Rules on the Performance Evaluation of Police Officials in the Ministry, the Minister shall pass a Decision on the Annual Evaluation of Police Commissioner and submit it to the Government of the Canton and the Police Commissioner, according to the following grades:

- a) not satisfactory,
- b) satisfactory,
- c) good,
- d) very good and
- e) excellent.

- (2) The Police Commissioner may file a complaint with the Government of the Canton against the evaluation under paragraph (1) of this Article, within 15 days of receiving the Decision.
- (3) Decision of the Government of the Canton on the complaint shall be final.

Section D – PROCEDURE FOR REMOVAL OF POLICE COMMISSIONER

Article 36

(Removal of the Police Commissioner by Operation of Law)

- (1) The Minister shall initiate the procedure to remove the Police Commissioner by operation of law in following instances:
 - a) if the requirements under Article 26 of this Law are no longer fulfilled;
 - b) if the requirements for the removal or termination of employment, prescribed under the Law on Police Officials are met;
 - c) if his performance was evaluated with the “not satisfactory” grade.

Article 37

(Decision on Removal of the Police Commissioner)

- (1) The Minister shall propose to the Government of the Canton the removal from office of the Police Commissioner, if there is one or more grounds for the removal referred to in Article 36 this Law.
- (2) Cantonal Government shall, within 30 days from the day of the receipt of the proposal of the Minister referred to in paragraph (1) of this Article, consider submitted proposal and take decision.
- (3) If accepts the proposal of the Minister, Cantonal Government shall take the decision on removal of Police Commissioner.
- (4) An appeal against the Decision of the Government of the Canton shall be submitted to the Security Commission of Cantonal Assembly, within 15 days from the day of receipt, and the Security Commission shall decide upon it within 15 days from the day of receipt of appeal.

CHAPTER VI - DISCIPLINARY RESPONSIBILITY OF THE POLICE COMMISSIONER

Article 38

(Disciplinary Responsibility of the Police Commissioner)

The Police Commissioner shall be held disciplinary responsible under the provisions this Law and in instances prescribed under the Law on Police Officials.

Article 39

(Disciplinary Proceedings Bodies)

- (1) The bodies of disciplinary proceedings authorised with finding disciplinary responsibility of the Police Commissioner include the following:
 - a) Disciplinary Prosecutor

- b) First Instance Disciplinary Commission
- c) Second Instance Disciplinary Commission.

(2) The bodies referred to in paragraph 1 of this article are temporary bodies established by the decision of the Government of the Canton when necessary.

Article 40
(Composition of Disciplinary Proceedings Bodies)

- (1) The Disciplinary Prosecutor shall hold a law degree and shall be appointed among the civil servants.
- (2) The First Instance Disciplinary Commission shall have 3 civil servants, not employed in the Ministry and at least one of them shall hold a law degree.
- (3) The Second Instance Disciplinary Commission shall have 5 civil servants, not employed in the Ministry and at least two members shall hold a law degree.

Article 41
(Receiving Complaints)

- (1) The Public Complaints Office referred in Article 44 of this Law shall receive complaints on the work of the Police Commissioner.
- (2) The Public Complaints Office shall deliberate each complaint received, verify the allegations therein and assess if the complaint is grounded, within 30 days upon the receipt of the complaint.
- (3) If the Public Complaints Office finds grounds of suspicion that a serious violation of official duty has been committed, it shall immediately request the Government of the Canton to appoint disciplinary bodies under Article 39 of this Law. The Government of the Canton shall appoint disciplinary bodies to establish disciplinary responsibility of the Police Commissioner, within 15 days upon receipt of the request of Public Complaints Office.
- (4) If the Public Complaints Office receives a complaint containing the elements that might also include criminal responsibility of the Police Commissioner, it shall forward the complaint to the competent Prosecutor within 7 days.

Article 42
(Obligation to Cooperate)

All organisational units of the Ministry shall cooperate with the disciplinary procedure bodies, including the access to relevant information and staff.

Article 43
(Rules of Procedure)

- (1) If the grounds of suspicion referred to in Article 41, paragraph (3) exist, the Public Complaints Office shall submit the initiative to open disciplinary proceedings to the

Disciplinary Prosecutor, within eight days upon the appointment of the bodies referred to in Article 39 of this Law.

- (2) Upon receipt of the initiative referred to in paragraph (1) of this Article, the Disciplinary Prosecutor shall take all necessary actions in order to examine the grounds of the initiative.
- (3) The Disciplinary Prosecutor shall make an assessment on the grounds of the initiative within 60 days upon its receipt. If determined that the grounds exist, the Disciplinary Prosecutor shall file a request for initiation of disciplinary proceedings against the Police Commissioner with the First Instance Disciplinary Commission.
- (4) The first and the second instance disciplinary proceedings for establishing disciplinary responsibility of the Police Commissioner shall be conducted under Rules of Disciplinary Procedure defined in the Book of Rules on Disciplinary Responsibility of Police Officials in the Canton, exempting the provisions on internal proceedings and bodies of disciplinary proceedings.

CHAPTER VII - PUBLIC COMPLAINTS OFFICE

Article 44 (Establishment of the Public Complaints Office)

- (1) The Public Complaints Office (hereinafter: Office) shall be established as a permanent working body in the Ministry, conducting the tasks within its jurisdiction independently and shall not be in chain of command of the Ministry.
- (2) The members of the Office shall be appointed by the Commission for Selection.
- (3) Premises and other administrative and technical support for the Office shall be provided by the Ministry.

Article 45 (Competences of the Office)

- (1) The Office shall receive and deliberate upon all the complaints against the police officials of the Administration of Police.
- (2) If a complaint is filed against a civil servant or an employee of the Ministry, the Office shall forward it to the Minister.
- (3) If the complaint is filed against a police official, the Office shall:
 - a) forward the complaint to the Professional Standards Unit (hereinafter: the Unit), excluding the complaint against the Police Commissioner which shall be forwarded to the Minister;
 - b) monitor investigation of the Unit in all stages,

- c) oversee the course of proceedings in all stages and the enforcement of the imposed sanction,
 - d) prepare and submit six-month and annual reports on its activities to the Cantonal Assembly for deliberation and to the Minister for information.
 - e) provide the complainant with the information on the outcome of investigation related to the complaint,
- (4) The Office shall be notified of any transfer of investigators from the Internal Control Department within the Unit.

Article 46
(Composition of the Office)

- (1) The Office shall be composed of 5 members, reflecting the ethnic and gender representation:
- a) chairperson and three members of the Office shall be from the ranks of citizens, who shall not enter into employment contract with the Ministry and one of them shall have a law degree;
 - b) one shall be a civil servant employed in the Ministry.

Article 47
(Mandate of the Office Members)

- (1) The Selection Commission shall appoint members of the Office to a two-year period, renewable only once consecutively.
- (2) The Office members shall be entitled to a monthly compensation for their work.

Article 48
(Selection and Appointment of the Office Members)

- (1) The Chairperson and members of the Office shall be appointed based on public vacancy.
- (2) The Ministry shall, upon conducting the open vacancy, submit to the Selection and Appointment Commission a list of proposed candidates, for appointment.
- (3) The selection procedure shall be conducted according to the provisions of the Law on Ministerial, Governmental and Other Appointments of the Federation of Bosnia and Herzegovina, except for the issues regulated in a different manner in this Law.
- (4) Should the term of office of the members of the Office expire prior to the appointment of new members, the existing members of the Office shall continue exercising their duties until the appointment of new members of the Office.

Article 49
(Eligibility Criteria for the Office Members)

- (1) The members of the Office shall have at least VII level of education and at least seven years of experience, having obtained a university degree in the fields of legal, criminal justice, criminology, economic or other social and technical sciences.
- (2) The members of the Office must meet the requirements as foreseen in Article 21 paragraph (1) items b), c), d), e), f), and g) of this Law.

Article 50
(Removing the Office Members)

- (1) The Commission for Selection shall remove a member of the Office, if the member no longer meets any of the appointment criteria.
- (2) The members of the Office and other interested parties shall inform the Commission for Selection on all the circumstances that may affect Office membership.

Article 51
(Regulations Governing the Work of the Office)

Upon the proposal of the Minister, the Government of the Canton shall enact a Decree on the Public Complaint Office, determining the competences of the Office and the rights and obligations of the Office members.

CHAPTER VIII - EMPLOYEES OF THE MINISTRY, PROFESSIONAL AND ADVANCED TRAINING AND REWARDS

Article 52
(Employees of the Ministry)

- (1) The tasks and duties of the Ministry shall be performed by:
 - a) police officials,
 - b) civil servants, civil servants with special powers and other employees (hereinafter: employees)
- (2) Employees that in accordance with this Law have special powers and responsibilities, due to the nature of their duties (Article 6 of this Law) and whose tasks are directly related to operational duties, shall be given a salary increment of up to 30% of the basic salary.
- (3) The Book of Rules on Internal Organization shall establish the job positions that carry out the duties referred to in paragraph 2 of this Article.

- (4) The Minister shall pass a Decision on the amount of increment to salary referred in paragraph (2) of this Article, depending on the level of complexity, responsibility and special powers.

Article 53
(Professional and Advanced Training)

All the employees of the Ministry shall be mandated to attend professional and advanced training in accordance with programme of the Ministry.

Article 54
(Interns)

Interns shall be hired by the Ministry in accordance with the regulations on employment contracts of civil servants and other employees.

Article 55
(Selection of Candidates)

- (1) The Administration of Police of the Ministry shall select candidates to be trained as police officials according to the needs of the Administration of Police and according to the procedure set forth in the Law on Police Officials.
- (2) Gender and ethnic representation of police officials shall be taken into account when selecting the candidates.
- (3) Upon the final selection of candidates and signing of the contract, a candidate acquires a cadet status.
- (4) The training of cadets for the needs of the Administration of Police shall be regulated by a special contract between the Ministry and Federation Ministry.

Article 56
(Mutual Obligations of Cadets and Administration of Police)

- (1) Mutual obligations between the cadets and the Administration of Police shall be regulated under a special contract.
- (2) During the training, the cadets shall be provided with the accommodation, food, whole uniform, textbooks, health and disability insurance if they do not have such insurance on another basis, and monthly income sufficient to cover basic personal expenses.
- (3) The funds for the training of cadets shall be secured in the cantonal budget.

**Article 57
(Rewards)**

- (1) Organisational units, police officials and employees of the Ministry may be rewarded with acknowledgment, commendation and other awards for the success achieved in the exercising of their duties.
- (2) The acknowledgment, commendation and other awards referred to in paragraph (1) of this Article shall be awarded on the basis of a decision issued by the Minister.
- (3) The Minister shall issue the Book of Rules on the Acknowledgment, Commendation and Other Awards referred to in paragraph (1) of this Article.

CHAPTER IX - MUTUAL RELATIONS AND COOPERATION OF THE MINISTRY WITH THE MINISTRY OF SECURITY, OTHER MINISTRIES OF INTERIOR, POLICE BODIES AND ADMINISTRATIVE BODIES IN BIH

**Article 58
(Principles for Cooperation)**

Mutual relations of the Ministry with administrative bodies at all levels of the government in Bosnia and Herzegovina shall be established on mutual cooperation, contacts, agreements, protocols, contracts, exchange of information of joint interest, in accordance with the Law.

SECTION A. - MUTUAL RELATIONS AND COOPERATION WITHIN THE FEDERATION

**Article 59
(Cooperation with bodies of local self-government in the Canton)**

- (1) The Ministry, through the responsible Police Administration or a police station at the request of the municipal council or the municipal mayor, city council or city mayor shall submit notices, information and other data on the status and problems within the competence of the Ministry in that area.
- (2) The municipal council or municipal mayor, city council or city mayor may make proposals to the Ministry, issue opinion or an initiative on the issues of importance for security in the municipality or the City of Sarajevo.
- (3) The Ministry shall deliberate proposals, opinions or initiatives referred to in paragraph (2) of this Article and shall inform the proponent of their position and measures being taken.

Article 60
(Cooperation with the Federal and Cantonal Ministries of Interior)

The Ministry shall cooperate with the Federation Ministry of Interior and the ministries of interior of other cantons, in order to jointly improve work, harmonise work plans, take joint activities and security measures of mutual interest.

Article 61
(Tasks Entrusted by the Federation Ministry and Providing Assistance to Cantonal Ministries of Interior)

- (1) The Federation Ministry, with consent of the Ministry, may entrust the tasks from the scope of its competencies to the Ministry.
- (2) The Ministry shall execute tasks entrusted by the Federation Ministry.
- (3) The Ministry shall provide assistance to the ministries of interior of other cantons, upon their request.
- (4) In case the Ministry undertakes actions referred to in paragraphs 1 and 2 of this Article, the Federation Ministry or the Ministry of Interior of another canton shall cover costs for the execution of those tasks. The details related to those additional expenses shall be agreed upon mutually and as needed.

Section B. - Mutual Relations and Cooperation with Ministry of Security, other Ministries of Interior, Police Bodies and Administrative Bodies in Bosnia and Herzegovina

Article 62
(Cooperation with Other Bodies, Ministries of Interior and Other Police Bodies in Bosnia and Herzegovina)

The Ministry shall cooperate with Ministry of Security of Bosnia and Herzegovina, as well as State Investigation and Protection Agency and Border Police, Directorate for Police Coordination in Bosnia and Herzegovina, Agency for Forensic Examinations and Expertise, Agency for Education and Advanced Training of Personnel, Agency for Police Support, Ministry of Interior of Republika Srpska and Police of Brčko District, through contacts, agreements, protocols and exchange of information on issues of common interest.

Article 63
(Providing Assistance to Police Bodies in Bosnia and Herzegovina)

- (1) Within the scope of its competence, the Ministry shall be obliged to cooperate and provide assistance to the police bodies referred to in Article 69 of this Law, on their request.
- (2) In case that the Ministry undertakes the activities referred to in paragraph (1) of this Article, the ministries and other police bodies shall bear the additional expenses of execution of

those tasks. The details related to the additional expenses shall be agreed upon mutually and when needed.

Article 64

(Assistance to Other Bodies and Legal Entities)

- (1) The Administration of Police shall assist other bodies, companies and other legal entities that are entrusted with the execution of public powers in order to ensure the execution of tasks in their competence, provided that there is the physical resistance or such resistance may be reasonably expected when executing these tasks and duties.
- (2) The head of the competent police administration shall decide on the manner and scope of assistance as referred in paragraph (1) of this Article and in accordance with the seat of the body or legal entity.
- (3) The head of the competent police administration shall, prior to making decision referred to in the paragraph (2) of this Article, obtain the written approval of Police Commissioner when mass physical resistance or use of firearms is expected in the course of rendering assistance referred to in paragraph (1) of this Article.
- (4) The manner and the scope of rendering assistance, as well as actions of police officials shall be specified in more detail by the Minister in a bylaw regulation upon the proposal of the Police Commissioner.

Article 65

(Assistance in Emergency Situations)

The Administration of Police provides assistance to administrative bodies, units of local self-government, legal and physical entities and in cases of general danger caused by natural disasters, epidemics and other emergency situations.

Article 66

(Joint Use of Resources of Ministry and Other Police Bodies)

- (1) The Administration of Police may jointly use the resources of the Ministry and police bodies and administrative bodies of Bosnia and Herzegovina, Federation Administration of Police, administrations of police of other cantons, Ministry of Interior of Republika Srpska, Brčko District Police, for the execution of tasks related to expert and advanced training of police officers, scientific research relevant for needs of police, development of complex criminal and technical expert evaluations, provision of police equipment, information technology and communication systems, armament and other such resources, as well as other tasks within its competence.
- (2) As per paragraph (1) of this Article, the Ministry and the police bodies may integrate the financial and other resources. The details of those shared financial and other resources shall be agreed upon mutually and when needed.

Section C. - Mutual Relations and Cooperation in Criminal Matters of Administration of Police with Other Police Bodies and Law Enforcement Agencies in Bosnia and Herzegovina

Article 67 (Cooperation in Criminal Matters)

The Administration of Police shall establish the official cooperation in criminal matters with other police bodies and law enforcement agencies in Bosnia and Herzegovina in accordance with the Law on Legal Assistance and Official Cooperation in Criminal Matters between Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District of Bosnia and Herzegovina ("Official Gazette of Federation of Bosnia and Herzegovina", No. 52/02) and other laws and regulations.

Article 68 (Information Exchange and Data Gathering)

In achieving cooperation from Article 67 of this Law, continuous exchange of data and information shall be established amongst Administration of Police, Directorate for Police Coordination of Bosnia and Herzegovina, State Investigation and Protection Agency, Border Police, Federation Administration of Police, other cantonal administrations of police, Ministry of Interior of Republika Srpska, Brčko District Police, as well with other competent bodies.

Article 69 (Powers of Police Officials of Other Police Agencies on Territory of Canton)

Police officials of the Directorate for Police Coordination in Bosnia and Herzegovina, State Investigation and Protection Agency, Border Police and Federation Administration of Police, shall perform tasks within their competence, keeping police powers, on the territory of the Canton.

Article 70 (Performing Duties outside Territory of Canton)

The Administration of Police may directly with other cantonal administrations of police or with Ministry of Interior of the Republika Srpska and with Brčko District Police establish the conditions under which police officers can perform certain tasks or duties in the area of another police body and the conditions under which police officers of those bodies can carry out certain tasks or duties in the area of the Canton.

Article 71

(Criminal Offences under Jurisdiction of Other Police Bodies)

- (1) In case that the Administration of Police, while performing tasks within its competence, discovers that criminal offence within the competence of other police bodies in Bosnia and Herzegovina was being prepared or has been committed, the Administration of Police shall undertake necessary measures and actions to prevent the commission of that criminal offence or to find and deprive of liberty the perpetrator of the criminal offence.
- (2) Upon undertaking the measures and actions referred to in paragraph (1) of this Article, the Administration of Police shall immediately inform the police body that has jurisdiction over those crimes.

Article 72

(Exchange of Information in Specific Case)

- (1) The Administration of Police shall exchange the information with the other police bodies in Bosnia and Herzegovina if they consider that such information is necessary or if the use of such information would facilitate the investigative procedure or work of the police.
- (2) The information exchange shall be done in accordance with the Law on Secret Data Protection ("Official Gazette of Bosnia and Herzegovina", no. 54/05 and 12/09) and other laws and regulations.

Article 73

(Data Exchange)

- (1) The Ministry and The Administration of Police may exchange the data with other police bodies and other competent bodies:
 - a) with the purpose of establishing and functioning of data bases which shall be used by police and other competent bodies in Bosnia and Herzegovina,
 - b) with the purpose of establishing and functioning of the data exchange system with police and other competent bodies in Bosnia and Herzegovina,
 - c) for other purposes in accordance with the laws and other regulations.
- (2) The data, referred to in paragraph (1) of this Article, shall refer to the tasks of police bodies, ministries and other competent bodies in Bosnia and Herzegovina.

Article 74

(Assistance in Emergency Situations)

In cases of natural disasters, epidemics or other emergency situations, the Ministry may request and provide assistance in terms of resources, equipment and manpower to other cantonal ministries of interior, Federation Ministry, Ministry of Interior of Republika Srpska, Brčko District Police, State Investigation and Protection Agency and Border Police.

CHAPTER X - TRANSITIONAL AND FINAL PROVISIONS**Article 75****(By-Law Regulations to be Enacted by Cantonal Assembly)**

Upon the proposal of the Government of the Canton, the Cantonal Assembly shall enact the regulation from Article 13 paragraph (2) of this Law within the deadline of three months upon entry into force of this Law.

Article 76**(By-Law Regulations to Be Enacted by Cantonal Government)**

The Government of the Canton shall enact the following by-law regulations within the deadline of three months after this Law takes effect:

- a) Decree on Protection of Certain Persons and Facilities in the Canton from Article 9 of this Law,
- b) Decree on the Public Complaints Office from Article 51 of this Law.

Article 77**(By-Law Regulations to Be Enacted by Minister)**

- (1) Within three months of the entry into force of this Law, the Minister shall issue the following bylaws:
 - a) Book of Rules on special salary increment referred to in paragraph 4, Article 52 of this Law;
 - b) Book of Rules on Commendations, Prizes and Awards referred to in Article 57, paragraph 3 of this Law;
 - c) Book of Rules on public information referred to in Article 17 paragraph 1 item p) of this Law.
- (2) Within three months of the entry into force of this Law, the Minister shall, upon the proposal of Police Commissioner issue the following bylaws:
 - a) Instruction on rendering assistance to other bodies referred to in Article 64 paragraph 4 of this Law;
 - b) Book of Rules on the Work of the Unit referred to in Article 13 paragraph 4 of this Law;
 - c) Instruction on the work of the police in the community referred to in Article 14 paragraph 2 item r) of this Law.
- (3) Within three months from entry into force of this Law, the Minister shall issue the Book of Rules on Internal Organisation of the Ministry referred to in Article 11 paragraph 1 of this Law, with the consent of cantonal government.

Article 78

(Application of provisions of this Law)

- (1) At the effective date of this Law, the application of provisions of the Law on police officials which define issues prescribed by this law, as well as other regulations defining in different manner issues prescribed by this Law shall cease to apply.
- (2) Bylaws enacted based on the Law on Internal Affairs of Canton Sarajevo (Official Gazette of the Canton Sarajevo No.22/00-consolidated version 15/02, 18/02 and 28/02) shall remain effective pending the adoption of new bylaws and at the latest three months from the day of entry into force of this Law.
- (3) The regulations referred to in paragraph 1 of this article shall be harmonised within three months from the day of entry into force of this Law.

Article 79

(Cessation of Effectiveness of Previous Law)

- (1) At the effective date of this Law, the Law on internal affairs of Canton Sarajevo shall cease to apply. (Official Gazette of the Canton Sarajevo No.22/00-consolidated version 15/02, 18/02 and 28/02).

Article 80

(Coming into Effect)

This Law shall come into effect the day after its publication in the Official Gazette of the Canton Sarajevo.

Number:

Cantonal Assembly Chairperson