

Official Gazette of Bosnia and Herzegovina No. 49/09

Pursuant to Article IV.4.a) of the Bosnia and Herzegovina Constitution, the Parliamentary Assembly of Bosnia and Herzegovina on the 54th session of the House of Representatives held on May 27, 2009 and the 31st session of the House of Peoples held on June 18, 2009 enacted the

LAW ON AMENDMENTS TO THE LAW ON STATE INVESTIGATION AND PROTECTION AGENCY

Article 1

In the Law on State Investigation and Protection Agency ("Official Gazette of BiH", No. 27/04 and 35/05) in Article 1, Paragraph (2) following the wording: "police body", the wording: "such as police powers, working relations, education and training of police officials within SIPA" shall be deleted, and after the wording: "the Law on Police Officials of BiH" the wording: "the Law on the Directorate for Coordination of the Police Bodies and on Agencies for Support to the Police Structure of BiH, Law on Independent and Supervisory Bodies of the Police Structure of BiH and other laws applied by SIPA in its performance" shall be added.

In Paragraph (3) the wording "BiH" shall be deleted.

Article 2

In Article 3, Paragraph (1) subparagraph 4 shall be deleted.

The current subparagraphs 1, 2, 3, 5, 6, 7 and 8 shall thus become subparagraphs a), b), c), d), e), f) and g).

Article 3

In Article 4, Paragraph (3) after the word "ministers" the wording " of BiH (hereinafter Council of Ministers)" shall be added.

In Paragraph (5) after the word "organization" the wording: " of the State Investigation and Protection Agency (hereinafter: Rulebook)", and the wording: "which shall be passed in accordance with the Law on Ministries and Other Administrative Bodies of BiH" shall be deleted.

Article 4

In Article 5, Paragraph (1) shall be amended to read as follows:

"(1) SIPA employees shall be police officials, civil servants, institution employees and other employees in accordance with the Rulebook".

Paragraph (3) shall be amended to read as following:

"(3) The Law on Civil Service in the Institutions of BiH shall govern the working relations of civil servants, while the Labor Law in the Institutions of Bosnia and Herzegovina shall govern the working relations of institution employees".

In Paragraph (4) after the wording: "civil servants" a coma and the wording "institution employees" shall be added and the wording "on Internal Organization" shall be deleted.

Article 5

Article 7 shall be amended to read as follows:

"Article 7 Management, appointment and dismissal

- (1) SIPA shall be managed by the Director of SIPA (hereinafter: the Director),
- (2) The Director shall have one deputy and assistant directors. The Deputy and Assistant Directors shall be responsible to the Director for their work.
- (3) The Director and Deputy Director shall be appointed by the Council of Ministers upon proposal of the Minister of Security (hereinafter: the Minister) and selected from a list of candidates delivered by an Independent Committee, for a four year mandate with the possibility of renewal for a second consecutive term.
- (4) The Council of Ministers shall dismiss the Director and Deputy Director under the conditions and through procedures implemented by the Independent Committee.
- (5) The Director and Deputy Director may be dismissed before the end of the mandate:
 - a) upon personal request;
 - b) if s//he receives a final decision imposing disciplinary measures for a serious violation of duty;
 - c) if s/he is convicted of a criminal offence other than traffic safety;
 - d) if it is established that s/he is an active member of a political party;
 - e) if, based on an opinion of an authorized health care facility, it is established that s/he is permanently prevented from carrying out his/her duties.
- (6) The Director and Deputy may not come from the same constituent people".

Article 6

In Article 8, Paragraph (2) subparagraph a) shall be amended to read as follows:

"a) shall pass a Rulebook with consent of the Council of Ministers and in accordance with other law prescribed regulations required for performance of tasks within the scope of SIPA's competence;"

Subparagraph b) the conjunction "and" , shall be replaced with a coma and following the word "Heads" the following wording shall be added: "and other managers of basic organizational units", the wording: "on Internal Organization" shall be deleted.

Subparagraph c) the wording: "the employees within SIPA" shall be replaced with: "those employed in SIPA", following the wording: "in accordance with" the word "appropriate" shall be added, and the wording: " the Law on Police Officials of BiH and other" shall be deleted.

Subparagraphs d) and e) shall be amended to read as follows:

"d) carrying out activities on procurement of weapons in cooperation with the Agency for Support to the Police Structure, and with consent of the Minister;

e) carrying out activities related to programs for education and training of the employees within SIPA, pursuant to the Law on the Directorate for Coordination of the Police Bodies and on Agencies for Support to the Police Structure of BiH and the Law on Police Officials of BiH;”.

Following Paragraph (3) a new paragraph (4) shall be added to read as follows:

"(4) The Director shall respond to the Minister and Council of Ministers for his and for performance of SIPA as well as for the status of the areas under the authority of SIPA".

Article 7

In Article 9, Paragraphs (3) and (4) shall be amended to read as follows:

"(3) Assistant directors and other heads of the basic organizational units shall be nominated, appointed and dismissed in accordance with the Law on Police Officials of BiH and the Law on Civil Service in the Institutions of BiH.

(4) Upon the end of the Assistant Director’s mandate, the police official who held such a position shall be reassigned to a position requiring the rank of the Chief Inspector".

Article 8

In Article 10 Paragraph (2) shall be amended to read as follows:

"(2) Should the Director be unable to reassume his duties and responsibilities, a procedure shall be carried out in accordance with the provisions of Article 7, Paragraph (3) of this law".

Article 9

In Article 11 Subparagraph 3 shall be deleted.

In Subparagraph 7 the wording "on internal organization" shall be deleted.

Current subparagraphs 1, 2, 4, 5, 6 and 7 shall become subparagraphs a), b), c), d), e) and f).

Article 10

In Article 12 the article title shall be amended to read as follows: "Duties and tasks of the Criminal Investigative Department".

In Paragraph (1) the wording: "(hereinafter: CID)" shall be deleted.

Article 11

In Article 13 the article title shall be amended to read as follows: "Duties and tasks of the Financial Intelligence Department".

In Paragraph (1) the wording: "(hereinafter: FID)" shall be deleted.

Article 12

Articles 14, 15 and 16 shall be deleted.

Article 13

In Article 17.the article title shall be amended to read as follows: "Duties and tasks of the Witness Protection Department"

In Paragraph (1) the wording: "(herein after: WPD)" shall be deleted.

Article 14

U Article 18 the article title shall be amended to read as follows: "Duties and tasks of the Special Support Unit".

In Paragraph (1) the wording: "(hereinafter: SSU)" shall be deleted.

Article 15

U Article 19 the article title shall be amended to read as follows: "Duties and tasks of the Internal Control Department".

In Paragraph (1) the wording: "(hereinafter: ICD)" shall be deleted.

Article 16

Article 20 shall be amended to read as follows:

"Article 20
Additional duties and tasks of the organizational units

Additional duties and tasks of the organizational units may be regulated in detail through the Rulebook and in accordance with the competencies prescribed by Law"

Article 17

In Article 21, Paragraph (1) the wording: "Interpol liaison bodies," shall be replaced with the following wording: "international operative police co-operation".

Article 18

In Article 22, Paragraphs (1) and (2) the wording: "the competent bodies in BiH " shall be replaced with the following wording: "bodies listed in Article 21, Paragraph (1) of this Law".

Article 19

In Article 23, Paragraph (1) the wording: "its tasks under this Law" shall be replaced with the following wording: "duties determined in Article 3 of this Law".

In Paragraph (3) the wording: "Office for Co-operation with Interpol" shall be replaced with the following wording: "competent organs and institutions of BiH".

In Paragraph (4) the wording: "Notwithstanding Paragraph" shall be replaced with the following wording: "Notwithstanding the provisions of Paragraph".

In Paragraph (5) following the word "code" a coma and the following wording: "the Law on Protection of Personal Data and the Law on Protection of Secret Data" shall be added.

Article 20

Following Article 24 a new Article 24a shall be added to read as follows:

"Article 24a Transitional period

(1) During the transitional period, organization and implementation of the physical and technical protection of persons and objects of the BiH institutions and diplomatic/consular departments which are provided with special protection pursuant to appropriate laws, international obligations and other regulations passed by the Council of Ministers, shall be carried out by SIPA until the requirements for the Directorate for Coordination of Police Bodies in BiH to take over are met, and within 90 days as of the day the Directorate commences with work the latest.

(2) The protected persons, in terms of this Law shall be: the members of the Presidency of BiH, the ministers of the Council of Ministers, the Speaker of the House of Peoples of the Parliamentary Assembly of BiH, the Speaker of the House of Representatives of the Parliamentary Assembly of BiH, the President of the Court of BiH, the Chief Prosecutor of BiH, foreign dignitaries visiting BiH and other persons as designated by the Council of Ministers.

(3) When the situation so requires and upon the decision of the Director and SIPA's professional evaluation, SIPA may provide protection to other members of the Parliamentary Assembly, other judges of the Court of BiH, Deputy Chief Prosecutors and other Prosecutors of the Prosecutor's Office of BiH, persons employed within the institutions of BiH, diplomatic and consular missions in BiH and persons visiting BiH.

(4) Protected facilities and other property, in terms of this Law, shall be facilities and property for which the BiH is obliged to provide protection pursuant to international law and regulations, or the decision of the Council of Ministers."

Article 21

In Article 25, Paragraph (1) shall be amended to read as follows:

"(1) The Rulebook shall be passed within 60 days of the entry into force of this Law."

In Paragraph (2) following the wording "pursuant to" the following wording: "Law on State Investigation and Protection Agency ("Official Gazette of BiH", no. 27/04 and 35/05)", shall be added and the wording: "the laws referred to in Article 24 of this Law" shall be deleted.

Article 22

Following Article 26 a new Article 26a shall be added to read as follows:

"Article 26a Mandate of the appointed persons

(1) Mandate of the persons who shall on the day of entry into force of this Law be upholding the duty of Director and Deputy Director shall not exceed the time period proscribed in Article 7, Paragraph (3) of this Law.

(2) Mandate of the persons who shall on the day of entry into force of this Law be upholding the duty of the Assistant Director in the Criminal Investigative Department and the Assistant Director in the Internal Control Department shall expire at the end of the appointed mandate.

(3) The duration of mandate for the persons listed in paragraphs (1) and (2) of this Article shall be calculated as of the day the Director, Deputy Director, Assistant Director in the Criminal Investigative Department and the Assistant Director in the Internal Control Department assume their respective duties."

Article 23

This Law shall enter into force on the eight day of its issuance in the Official Gazette of BiH.

PA BiH No. 368/09

June 18, 2009

Sarajevo

Speaker of the
House of Representatives
Parliamentary Assembly of BiH
Beriz Belkic sgd

Speaker of the
House of Peoples
Parliamentary Assembly of BiH
Ilija Filipovic sgd