

Framework on Police Restructuring Agreement, Reform and Democratisation in the Republika Srpska

1. We, the Republika Srpska and the United Nations Mission in Bosnia and Herzegovina (UNMIBH), enter into this Framework Agreement on Police Restructuring, Reform and Democratisation in the Republika Srpska (this Agreement), bearing in mind the "Principles of Police Restructuring in the Republika Srpska" of September 1997 among authorities of the Republika Srpska and UNMIBH and Annex A thereto, the "Principles of Policing in a Democratic State" (attached also as the Annex hereto, and forming an integral part of, this Agreement). This Agreement furthers implementation of the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, in particular Annex 4 (Constitution of Bosnia and Herzegovina), Annex 6 (Human Rights), Annex 7 (Refugees and Displaced Persons) and Annex 11, whereby the International Police Task Force (IPTF) is mandated to advise governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies. This Agreement continues the process for the restructuring, reform and democratisation of the Republika Srpska police force.

2. We note that all legislation and regulations of the Republika Srpska must be in accordance with the GFAP, in particular Annex 4 (the Constitution of Bosnia and Herzegovina), Article II(2) of which provides that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina, including the Republika Srpska. The Republika Srpska undertakes to amend any Republika Srpska legislation and regulations relevant to civilian law enforcement that are not consistent with the GFAP or the Constitution of Bosnia and Herzegovina or the terms of this Agreement.

3. UNMIBH notes that the Republika Srpska Ministry of Internal Affairs (RS MUP), under the direction and with the assistance of the IPTF, is continuing the process of police restructuring, reform and democratisation. As the co-location of IPTF advisers with various levels of the police force in the Republika Srpska has been highly beneficial in this regard, we agree that the deployment of IPTF advisers should be continued.

4. This Agreement addresses the restructuring, reform and democratisation of those law enforcement agents, whether in uniform or not, who exercise police powers.

- (a) The "exercise of police powers" includes, but is not limited to, the legal right to exercise under colour of state authority the following powers, whether exercised on a temporary or on a permanent basis: the use of force; carrying a firearm; arrest or detention; stopping and questioning persons; searches and seizures; engaging in criminal investigations; enforcing judicial orders or decisions; investigating, evaluating or sanctioning misconduct by persons who exercise another power set forth in this sub-paragraph. Persons exercising police powers shall be referred to herein as police officers, or as police.
- (b) For the purposes of this Agreement, the IPTF Commissioner, in consultation with the Republika Srpska Minister of Internal Affairs, shall make the final determination as to whether or not an individual is exercising police powers, pursuant to consideration of the powers listed above, and also considering whether the individual is otherwise enjoying the prerogatives and privileges of a police officer, including: wearing or otherwise using insignia or other symbol of state authority, including a uniform or an identification card, whether such symbol is displayed openly or concealed; or, receipt of compensation (present or future) or any other consideration from a government body that engages in law enforcement activities.
- (c) We note that the Republika Srpska Law on Internal Affairs (Articles 4 and 5) establishes that police powers shall be exercised in the territory of the Republika Srpska only by persons who are within the structures of, or under the supervision of, the RS MUP.

5. The Republika Srpska agrees that the number of persons exercising police powers throughout the Republika Srpska shall not exceed a maximum level which is fixed at 8.500. We acknowledge that this

maximum level of police officers has been set in light of prevailing conditions. Therefore, in accordance with the GFAP, and in particular Annex 11, the IPTF shall conduct periodic reviews of police staffing levels and adjust the maximum level as circumstances require. The Republika Srpska shall report its staffing list of persons exercising police powers in the Republika Srpska, together with a report on their organisation and hierarchy, to the IPTF Commissioner on a quarterly basis, beginning on 1 January 1999.

6. The Republika Srpska authorities shall immediately notify the IPTF Commissioner in case of the mobilisation of any reserve police officers.
7. The uniform approved by the Republika Srpska, in consultation with the IPTF, shall be used by all uniformed police operating in the territory of the Republika Srpska. After 1 January 1999, any person found wearing another police uniform shall be regarded by the IPTF and the Republika Srpska authorities as a person illegally impersonating a police officer, and shall be disarmed and/or detained by the Republika Srpska authorities. This Agreement shall in no way limit the right and authority of SFOR to disarm and/or detain any such person illegally impersonating a police officer.
8. The Republika Srpska agrees that, in accordance with democratic standards of policing and the GFAP, the ethnic composition of the police force must reflect an equitable representation of all three constituent peoples and others as called for in the Declaration of the Peace Implementation Council held in Luxembourg on 9 June 1998 (the Luxembourg Declaration). In order to facilitate progress towards that goal, the Republika Srpska is in the process of recruiting 400 minority police officers. In accordance with the standard established by the Luxembourg Declaration, the Republika Srpska's restructured police force should reflect the 1997 municipal election results. As benchmarks towards that standard, in accordance with material, technical, demographic and other relevant conditions, the Republika Srpska shall recruit 25% of the minority police representation indicated by the 1997 municipal election results by 30 June 1999, and shall recruit an additional 15% of that minority police representation by 31 December 1999. Benchmarks for the year 2000 shall be the recruitment of a further 30% of the minority police representation by 30 June 2000 and the remaining 30% by 31 December 2000. The actual plan of implementation for the recruitment of minority police officers during the year 2000 will be finalized between the Special Representative of the Secretary-General and the competent Republika Srpska authorities in the last quarter of 1999. This midterm review shall be conducted on the basis of recommendations by the appropriate experts from UNMIBH and the Republika Srpska.
9. Recognizing the right to return set forth in the GFAP, Annex 7, the Republika Srpska agrees that any person whose name appears on the 1991 census as resident in the territory of the Republika Srpska and who indicates his or her willingness to establish Republika Srpska citizenship, shall also be eligible to apply for any position as a police officer.
10. The authorities of the Republika Srpska shall ensure the issuance of documents or other evidence of citizenship or residency in Republika Srpska to all such candidates mentioned in paragraph 9 above, who are selected or recruited as police officers of the Republika Srpska.
11. In order to facilitate the hiring of minority police officers, the Republika Srpska shall take all necessary measures to implement the provisions of Annex 7 Article I(1) pertaining to the return of property to such police officers. UNMIBH, together with other members of the Reconstruction and Return Task Force (RRTF), will actively explore the possibilities for raising resources from donors to support the efforts by the Republika Srpska in this regard.
12. The authorities of the Republika Srpska shall design and implement a program of options for the employment and professional training of any individual who is otherwise suitable and who may remain unemployed as a result of the restructuring, reform and democratisation of the police in the Republika Srpska. UNMIBH will support the efforts of the Republika Srpska in this regard by encouraging relevant donors and agencies to assist the program in financial or other ways.
13. In accordance with the non-discrimination provisions of the GFAP and the "Principles of Policing in a Democratic State," we affirm that all members of the RS MUP, regardless of ethnic, political, or religious

affiliation or gender shall be fully-integrated into the force and shall hold functional positions based on objective, non-discriminatory hiring, assignment and promotion practices. We note that the Constitution of Republika Srpska, Article 5, enshrines the protection of rights of ethnic groups and other minorities. To further ensure such protections, the RS MUP shall develop, make publicly known, and set forth in a book of rules or other regulations issued by the RS MUP, standardised qualifications for assignments and promotion.

14. Acknowledging the present under-representation of women in the Republika Srpska police force, we agree to undertake measures to increase the training and hiring of women officers. We agree to step up active recruitment of women candidates into the Republika Srpska Police Academy.

15. Rigorous standardized procedures for selection, training and certification of existing officers, as well as for recruitment, selection, training and certification of new officers must be applied and adhered to, in accordance with the IPTF's advisory role in organizing an effective and professional civilian law enforcement agency in the Republika Srpska under the GFAP, Annex 11, Article III(f), and also in order to ensure and further develop a professional police force. We agree to ensure the implementation of all standards and procedures established by the IPTF in each of these areas.

16. We acknowledge that certification will be done by the IPTF and that certification is a requirement for new or continued employment as a police officer in the Republika Srpska. The standards for certification are set by the IPTF to ensure that all persons who serve in the Republika Srpska police have appropriate qualifications and backgrounds, and have a dedication to law enforcement and the protection of human rights as provided for in the GFAP and the Constitution of Republika Srpska. The Republika Srpska acknowledges that, when appropriate, the IPTF may modify certification procedures and standards in consultation with the relevant Republika Srpska authorities.

17. We agree that all existing police officers in Republika Srpska, as well as any new recruits, will be subject to IPTF training requirements to ensure that they have the skills and knowledge necessary to carry out professional police responsibilities in accordance with democratic standards. We affirm that any applicant who fails to successfully complete or meet such requirements is ineligible for selection or certification as a Republika Srpska police officer.

18. We agree that all Republika Srpska uniformed police officers will at all times, when wearing their police uniform, display on the police uniform an IPTF identification card. This card, distributed to Republika Srpska police officers by the RS MUP, shall remain the property of the IPTF.

19. We understand that those persons who are not selected to serve as police officers in the Republika Srpska police force will not be allowed to exercise police powers, including the right to carry a police-issued firearm, or receive a salary or other benefits from the RS MUP. Any person who does not possess an IPTF identification card and who attempts to exercise police powers, or in any manner represents himself as a police officer shall be considered by the Republika Srpska police as a person illegally impersonating a police officer and subject to arrest by the Republika Srpska police in accordance with the GFAP and other laws of Republika Srpska. This Agreement in no way limits the right and authority of SFOR to disarm and/or detain such persons.

20. The RS MUP shall vigorously investigate any credible complaint that a police officer has violated international or Republika Srpska law, including the GFAP, and vigorously pursue disciplinary or criminal proceedings against such police officer if appropriate.

21. To assist the Republika Srpska in the organization of effective civilian law enforcement agencies, as required under the GFAP, Annex 11, and to assist the Republika Srpska attain the highest standards of professionalism and respect for human rights, as set forth in the Constitution of Bosnia and Herzegovina, Article III(2)(c), the IPTF Commissioner has designed procedures to bring failures to cooperate to the attention of the RS MUP so that appropriate remedies may be undertaken. We affirm that these procedures facilitate the IPTF's authority to demand that the Republika Srpska police take corrective or disciplinary action, or when merited, commence criminal investigations and prosecutions. We note further that the

GFAP. Annex 11 obliges the authorities of the Republika Srpska to cooperate and comply with IPTF requests.

22. To further assist the Republika Srpska, pursuant to the GFAP, and meet the IPTF's obligations thereunder, the IPTF Commissioner has established procedures for the decertification of police officers. On the basis of IPTF records and findings, the IPTF Commissioner may issue instructions to the RS MUP to investigate, suspend, and, if required by the IPTF, dismiss the offending officers. We understand that a decertified officer is no longer eligible to exercise police powers in the Republika Srpska, nor to enjoy the prerogatives and privileges of a police officer, including: wearing or otherwise using insignia or other symbol of state authority, including a uniform or an identification card, whether such symbol is displayed openly or concealed; or, receipt of compensation (present or future) or any other consideration from a government body that engages in law enforcement activities.

23. We affirm that IPTF policies and instructions are designed to promote more democratic police practices, and to instill public confidence. In accordance with the GFAP, in particular Annex 11, the RS MUP shall take all necessary steps to fully implement all such instructions and policies, and fully promulgate explanations and direction to the Public Security Centers and Public Security Stations. The issuance of IPTF policies and instructions will, wherever appropriate, be made after consultation with the Minister of Internal Affairs.

24. We affirm our obligation to maintain a police force free from political influence, in order to further the development of a professional police force in accordance with the GFAP. We note that this principle is also reflected in Article 3(2) of the Republika Srpska Law on Internal Affairs. We jointly affirm that through professional development of the Republika Srpska police, both the RS MUP and the IPTF will take all measures necessary to prevent political influence over the police.

25. We agree that citizens' complaints against the police shall be vigorously investigated in a timely manner. We agree that the RS MUP's Department of Internal Control will maintain a distinct section devoted to the investigation of citizens' allegations against police officers. The terms of reference and procedures for handling such allegations, including any internal review procedures already in existence, shall be subject to the supervision, monitoring, and advice of IPTF.

26. We affirm that the police serve the public and are accountable to the public they serve. Therefore, we shall emphasize principles of community policing in all aspects of police restructuring, placing the focus of police work on the community it serves. We further commit to emphasizing community policing in the education, training and advising of Republika Srpska police officers, in order to increase their responsiveness to the specific needs of communities living in, or returning to, the Republika Srpska. We agree also that the RS MUP, in close coordination with UNMIBH, will initiate a public information campaign to educate the public on Republika Srpska police practices.

27. We agree that the RS MUP will consult with UNMIBH to set priorities regarding training and equipment needs of the Republika Srpska police. UNMIBH will, as it determines appropriate while taking into consideration these priorities, provide material assistance and coordinate further assistance from bilateral donors. We acknowledge that special consideration in distribution of material assistance will be given to those departments and areas of the Republika Srpska police which have, in the view of the IPTF Commissioner in consultation with the Republika Srpska Minister of Internal Affairs, made substantial progress in meeting police restructuring, reform and democratisation guidelines and standards set by the IPTF.

Signed at Banja Luka on 9 December 1998.

FOR THE REPUBLIKA SRPSKA:

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President of Republika Srpska

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