

Law on Internal Affairs of Sarajevo Canton (*excerpts*)

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IV - Police

Article 29

The work and tasks of public security in the Ministry are performed by the police. The police will act in accordance with the provisions of this Law and written regulations and orders enacted by the Ministry in accordance with the Constitutions and laws of the Canton, the Federation and Bosnia and Herzegovina.

Article 30

The police perform administrative, professional and other work and tasks related in particular to: the protection of life and personal security of the people, protection of property, prevention and detection of criminal acts, locating and capturing the perpetrators and their bringing to the authorized bodies in cases which are not under jurisdiction of the court police, maintaining public peace and order, crime investigation tasks, security, checking and regulating traffic on roads and protection of certain personalities.

The police will not perform or engage in military operations. The police will act only to enforce the law.

Article 31

Duties and tasks of direct enforcement of law, protection of life and property, maintaining public order and peace, prevention and detection of criminal acts, control and regulation of traffic on roads, as well as duties and tasks of public security of road and railway traffic and other duties and tasks referred to in the preceding paragraph, the nature and conditions of which so require, shall be performed by the uniformed police (hereinafter: policeman).

Policemen wear prescribed uniforms with Cantonal insignia and they carry weapons in accordance with the rules of service.

The Police Commissioner or the official authorized by him may determine that the policemen perform certain duties and tasks in plain clothes.

If the interest of public order or maintaining public peace and order so require, the Police Commissioner or the official authorized by him may order other authorized officials to perform certain duties of policing in uniforms.

Article 32

Management of the Ministry is based on principles of unified management in performance of duties and tasks of the Ministry.

Employees of the Ministry are to respond to the orders of the Minister through the chain of command, unless those orders go against the Constitution or law of Bosnia and Herzegovina, the federation or the Canton.

V – Rights and Duties of Authorized Officials

Article 33

Certain officials of the Ministry, while performing police duties and tasks have special duties and powers defined by this Law (hereinafter: authorized officials).

Those officials who perform operational duties and tasks within the jurisdiction of the Ministry and other officials whose duties and tasks and responsibility are directly linked to the performance of those duties and tasks, are regarded as the authorized officials.

The Book of Rules on Internal Organization and Systematization of the Ministry defines who is regarded as the authorized official.

Authorized officials in the Ministry shall have ranks. The manner in which they will be awarded such ranks and lose such ranks shall be determined by the Cantonal Government.

Authorized officials are issued with an official identity card and a badge.

Authorized officials have the right and duty to have and bear weapons in accordance with the regulations on performance of police duties and tasks.

Police are obliged to carry out their duties and tasks with full respect of human dignity and fundamental human rights of all persons in accordance with the internationally accepted human rights standards. The Ministry shall enact regulations with regard to respect for human rights which will be applicable to all units within the Ministry. Adherence to these regulations shall be subject to internal inspection.

Authorized officials take a solemn declaration before the Minister and the Police Commissioner.

The text of the oath will be determined by the Minister on the suggestion of the Police Commissioner.

Authorized officials shall also make a solemn declaration before the Minister and the Police Commissioner that they will abide by and uphold the Code of Ethics for professional police officers.

The Ministry shall adopt a written Code of Ethics for professional police officers expressing values which must animate any action of a police officer. The Code of Ethics for professional police officers which is attached as “Exhibit A” shall be made in a format suitable to be carried by all police officers when on duty.

Article 34

Authorized officials are under an obligation to perform the duties and tasks of enforcing the laws, protecting the life and personal safety of citizens, preventing commission of criminal acts and capturing their perpetrators, as well as maintaining public peace and order, in all circumstances, whether they are on duty or not and regardless of whether any incident falls within their assigned work.

Authorized officials are obliged to perform the police duties and tasks even in the case when the performance of those duties and tasks jeopardizes their lives.

Article 35

When an authorized official in plain clothes gives an order or performs some other special task according to the provisions of this Law towards an individual or legal entity, he is obliged to identify himself if the circumstances allow that.

In a case referred to in the preceding paragraph, a uniformed authorized official is also obliged to identify himself if the person, towards whom he is performing the special task, so requests.

Article 36

Authorized officials, when performing their duties and tasks on public transport, are entitled to a free of charge transportation by those means and to the insurance which other passengers in public transport have.

An authorized official may use a free of charge transportation under the provision of the preceding paragraph only if he has a written order to carry out duties and tasks on the means of transport concerned.

Article 37

The Police Commissioner and another official designated by him, or in emergency cases other authorized officials too, may issue necessary orders to citizens, enterprises and other legal entities while performing duties and tasks to protect lives and personal safety of citizens, to protect property from destruction, damage or theft, to maintain public order and peace, to provide safety of traffic on roads as well as in cases of general emergency caused by natural disasters or epidemics.

Article 38

Authorized officials, while performing their duties and tasks, have the right to identify persons when it is necessary to detect a criminal act or to protect lives and personal safety of citizens.

Article 39

In order to capture a perpetrator of a criminal act who is directly pursued and in order to transport to the nearest medical facility the victims of a criminal act, natural disaster or an accident, the authorized officials shall be entitled to use other people's vehicle or means of

communication which they can reach. The authorized official shall issue an attestation on the use of the vehicle or means of communication to the owner or the user.

The owner or the user of the means referred to in paragraph 1 of this Article shall be entitled to compensation for the material damage caused by the use of his vehicle or means of communication.

Article 40

Authorized officials are entitled to use appropriate means of force such as: physical force and rubber baton, tying devices, chemicals, equipment for forcible stopping and obstructing vehicles and persons, trained dogs, cavalry and water cannon when necessary to protect themselves or another person or personalities under protection from being attacked, or to restrain the resistance of one or more persons disturbing public peace and order or endangering the safety of traffic or of the persons who are to be brought, detained or deprived of liberty, in order to settle the disturbance of public peace and order, as well as to prevent the escape of persons being escorted or who are to be brought, detained or deprived of liberty, if there is a suspicion that he will attempt to escape.

Except in the cases referred to in paragraph 1 of this Article, an authorized official has the right to use tying devices in other cases as well when the person is to be brought, escorted, detained or deprived of liberty.

Article 41

The highest priority of the Ministry and police service is the protection of life. Any measure undertaken in the conduct of police operations must be consistent with this priority. Means of force shall be used only in cases in which other methods of exerting control are ineffective. In all circumstances, only the minimum amount of force necessary to exert control shall be used. Deadly force shall only be used as a last resort in circumstances in which it is necessary to protect life.

Deadly force is the force which is reasonably expected to cause death or grievous bodily injuries. Discharge of a firearm at or in the direction of a person or a moving vehicle shall constitute a use of deadly force.

In the course of carrying out duties and tasks within their competence authorized officials may use firearms in order to:

1. protect people's lives;
2. protect their own lives or to repel a direct attack which jeopardizes their lives;
3. prevent the escape of a person caught at the commission of criminal acts if his escape would directly endanger somebody's life;
4. prevent the escape of a person deprived of liberty and the person for whom a warrant of arrest has been issued if his escape would directly endanger somebody's life.

Exceptionally, an authorized official may use firearms also if there is no other way to prevent an escape of a suspect, if on the basis of his behaviour or other relevant circumstances, it is indicated that he intends to attack a personality under the protection of the police.

Police officers will only bear weapons which are defensive in nature, never larger than a pistol, unless unusual, specific and explicitly defined exigencies so require. The Ministry will enact regulations in accordance with this Law and the Constitution, setting forth expressly the circumstances where carrying weapons larger than a pistol is authorized. In no event shall long-barrelled weapons be carried by other than special units, which are trained in their use.

Article 42

Authorized officials use firearms as per Article 41 if they cannot carry out the job or the task by the use of physical strength, a rubber baton or other means of force.

If the given situation allows, the authorized official is obliged to warn, prior to the use of firearms, the person against whom he intends to use it.

An authorized official who performs jobs and tasks within a unit or a group, may use firearms only if he is ordered to by the chief of the unit or group. The order to use arms can be given only in cases and under conditions envisaged by law.

Article 43

In a case of use of firearms or other means of force, the authorized official is obliged to inform his immediate superior at once.

The immediate superior is obliged, within two days at the latest from the day of receiving the information that the authorized official used firearms or another means of force referred to in Article 41 of this Law while performing his duties and tasks, to collect all data and facts that are necessary to assess the lawfulness and justification for the use of the means of force or firearms.

The lawfulness and justification for the use of firearms or another means of force by an authorized official is assessed by the Police Commissioner within seven days from the day of receiving the information on the use of the means of force or firearms.

If the Police Commissioner establishes that the authorized official used firearms or another means of force unlawfully or unjustifiably, he is under an obligation to take appropriate measures to establish the responsibility of the authorized official concerned.

Article 44

If criminal, (minor offence) or civil proceedings are instituted or conducted against an authorized official because of his use of firearms or another means of force in connection with the performance of duties and tasks, the Ministry shall provide to that official a defense and relevant legal assistance in connection with the conduct of the proceedings.

Legal assistance will be also provided to the authorized official as the injured party in proceedings for compensation for damage, if he suffered damage in connection with performance of his tasks and duties.

The provisions referred to in preceding paragraphs apply even after cessation of the labour relationship of the authorized official in the Ministry.

The Ministry will not render legal assistance under provisions of preceding paragraphs to the authorized official against whom a disciplinary measure of cessation of the labour relationship has been pronounced because of intentional ultra vires actions, i.e. the abuse of authority as well as in the case the Ministry has brought criminal charges against an authorized official.

Provisions of paragraphs 1 and 2 of this Article apply equally to the persons who have assisted the Ministry or an authorized official in performance of his jobs and tasks.

Article 45

The expenses of rendering legal assistance pursuant to the provisions of the preceding Article shall be borne by the Ministry.