

Law on Internal Affairs of Tuzla Canton

(excerpts)

IV. Police

Article 22.

Police carries out the tasks related to the public security within the Canton.

Police operates in accordance with the regulations of this law and regulations and orders passed by the Ministry that are in accordance with the constitutions and law of the Federation and Bosnia and Herzegovina.

Article 23.

Police performs administrative, professional and other duties and tasks related to: protection of lives and personal security of population, protection of property, prevention and detection of criminal acts, searching for and arresting the perpetrators and their summoning to the competent organs in cases when it is not in the competence of the court police, maintaining the public order and peace, execution of crime-technique tasks, security, control and regulation of traffic at the roads, stay and movement of foreigners, and protection of dignitaries.

Police neither perform military operations nor is engaged in it. The police exclusively operate in order to achieve the law enforcement.

Article 24.

Duties and tasks of immediate enforcement of the law, protection of lives and property, maintenance of the public peace and order, prevention and disclosure of the crime acts, control and regulation of traffic at the roads, tasks and duties related to the security of railroad traffic, as well as other tasks and duties from the previous paragraph, whose characteristics and conditions require so, are performed by the members of police in uniforms (hereinafter: police officer).

Police officers are wearing specified uniform with cantonal marks and are armed in accordance to the regulations.

Police commissioner or official whom the police commissioner authorizes may determine that police officers while discharging particular tasks and duties may wear plain clothes.

When interest of the administrative constellation or maintenance of the public order and peace requires so, the police commissioner or an official whom the police commissioner authorizes so, may order that authorized officials executing particular police activities and tasks in uniform.

The authorized officials in the Ministry have ranks. Government of the Canton is in charge to specify the procedure of issuance and revocation of ranks.

Article 25.

The management of the Ministry shall be based on principles of unique management when performing tasks and duties of the ministry.

Authorized officials are under an obligation to execute orders of the Police Commissioner, i.e. their immediate executives, which are issued for the performance of official duties and tasks, except those orders the execution of which would be contrary to the Constitutions and laws of Bosnia and Herzegovina, the Federation and the Canton.

V – Duties and Obligations of the Authorized Officials

Article 26.

Particular employees of the Ministry, in discharge of their tasks and duties, have special duties and authorities specified by this law (hereinafter: authorized officials).

Authorized officials shall be employees engaged in operational duties and tasks of the ministries and other employees whose tasks and duties are closely related to execution of the above mentioned duties.

The book of rules on internal organization and systematization shall define who shall be treated as an authorized official.

An official identification card and badge will be issued to the Authorized officials.

Authorized official have right and obligation to, in accordance to the regulations upon the execution of the tasks and duties of the police, posses and carry weapons.

Article 27.

The police are obliged to carry out their tasks and duties fully respecting the basic human rights of all population, in accordance to the internationally accepted standards on human rights.

The ministry shall pass the regulations that set forth upholding human rights that will be applicable to all units within the Ministry.

The uphold of these regulations will be the subject of internal inspection.

Article 28.

An authorized officials are giving their oath before the minister and police commissioner.

The text of the oath is as follows:

I beseech I will uphold the constitution of the Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and Canton, I will perform the duty of the authorized official highly responsibly and conscientiously, with all my endeavors I will protect the rights, freedoms and

securities of the citizens and all duties and tasks of an authorized official carry out even in the cases when execution of these can bring my life in danger.

Authorized officials also giving their oath before the minister and police commissioner as they will uphold the code of ethics for professional police officers.

The ministry will adopt the code of ethics for professional police officers who carry out the values that will represent the directives for all other police officers while carry out their duties. The Code of ethics for professional police officers which is attached as "Prijedlog A" will be designed in appropriate format so that every police officer may have it while on duty.

Article 29.

Authorized officials are obliged to perform the duties and tasks of the implementation and personal safety of citizens and prevention of crime and seizure of perpetrators, as well as duties and tasks of maintenance of public law and order at all times, regardless of their being on duty having a task to do so.

Authorized officials are obliged to perform the police tasks and duties even when their performing endangers their lives.

Article 30.

When an authorized official person in civilian clothes is issuing orders or performing other special duties in accordance to the provisions of this law, towards an individual or a legitimate party, he/she is obliged to identify him/herself if the circumstances are permitting.

The uniformed authorized person is also obliged to identify him/herself if the person from the above paragraph requests so.

Article31.

When the authorized officials perform the duties and tasks involving the means of public transportation, they are entitled for free transport and hold the same insurance as all other passengers in the public transport.

Authorized officials may only use the transportation from the above paragraph if she/he is in possession of a written order to perform duties and tasks involving this transportation.

Article 32.

While performing duties and tasks of protection of life and personal safety of citizens, protection of property from destruction, damage, theft, maintenance of public law and order, road safety traffic, as well as in cases of general danger caused by natural catastrophes and epidemics, the Police Commissioner and other employee appointed by the Police Commissioner and in emergencies other authorized official persons may issue necessary orders to citizens and other legitimate parties.

Article 33.

While performing tasks and duties, the authorized official persons have the right to request the identification papers from citizens when this is necessary for detection criminal acts or protection of life and personal safety of citizens.

Authorized official persons are authorized to deprive of freedom, in accordance with law, persons justifiably suspected of committing or intending to commit a punishable act. Arrest and deprivation of freedom must be carried out in accordance with international standards on human rights regulated in the constitution of BiH and the constitution of FBiH and Constitution of Tuzla Canton.

Article 34.

The police is obliged to bring the person who is deprived of freedom before the competent judge or investigative judge of lower instance court at whose area of responsibility the criminal act has been committed if it is possible to reach that place in a timely manner within 24 hours without delay.

If the person who is deprived of freedom should not be brought to the investigative judge prescribed in paragraph 1 of this article will be set free.

Article 35.

If the person is deprived of freedom, in accordance to the articles 33. and 34. paragraph 1. of this Law, following measures should be undertaken:

1. The person who is deprived of freedom should be lecture on his/her rights i.e.

- has right to take the defense attorney and request to be given an official defense attorney, if due to his/her income scale cannot afford him/herself paying the expenditures of having engaged the defense attorney. The same one may be present while compiling he reports.

- have the right to remain silent, i.e. he/she is not obliged to give any statement or answer on the posed questions posed by the authorized official, except date on his/her identity.

2. In the moment when the person is deprived of freedom, the authorized official is obliged to make written report on deprivation of freedom and arrest on a previously prepared form.

Article 36.

Person who is deprived of freedom without legal basis has right for compensation of the indemnity caused by groundless deprivation of freedom.

The claim for deprivation has to be lodged in the Ministry within 6 months as of the last day of the detention.

The claim for compensation of indemnity has to be dealt by Ministry in the mutual agreement manner with the claim submitter.

If the claim is not solved on mutual satisfaction within 60 days as of the day when it was submitted, the person who was deprived of freedom may lodge the appeal to the competent court as per compensation of indemnity.

Article 37.

At the request of the person who was deprived of freedom, and in accordance to the provision of the articles 33. and 34. of this Law, the Ministry is obliged to advise his family or other appropriate person immediately and latest within 24 hours from the moment of deprivation of freedom.

Article 38.

In order to catch a perpetrator of criminal act, in a direct pursuit, as well as to transport the victim of the criminal act, natural catastrophe, or accident, to the nearest health institution, the authorized official persons have the right to use someone else's transportation means or communication means available to them. The owner or user of the transportation or communication means are to be issued with the receipt on their use.

The owner or the user from the paragraph 1 has the right to reimbursement for damages caused while using his/her transport or communication means.

Article 39.

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Article 40.

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Article 41.

In discharge of the tasks and duties of the police at the shipping rivers and lakes, the authorized officials, beside other authorities prescribed by this law, have right to check the documents and search the vessel, as well as to pursue it, stop and arrest the person who does not uphold the law and vessel and take him/her to the competent organ, other provisions and regulations of international law or special provisions of the international treaties that Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and Canton concluded.

Article 42.

Ministry, i.e. authorized officials have right to use certain compulsory means: physical strength and rubber baton, handcuffing devices, chemical means, means for forced stopping and blocking of vehicles and persons, official dogs, official cavalry and water cannon, when it is necessary to reject the attack against themselves or other person, person under security, to subdue resistance of one or more persons violating the public peace and order, or endangering the traffic Safety, or persons who are to be brought, detained or arrested, to establish violated public law and order, as well as to prevent escape of persons being escorted, brought, detained or arrested, if it is suspected that they will attempt an escape.

Except in cases from paragraph 1. of this article, authorized officials have also a right to use devices in cases when a person is to be brought, escorted, detained, or arrested.

Article 43.

The highest priority of the Ministry and the police service is the protection of the lives. Any measure that was undertaken while carrying out the police actions has to be in accordance to this priority.

The compulsory means will be used only in cases when other means of control are ineffective.

In all circumstances, there will be used the lowest level of compulsory that is indispensable for controlling the situation.

Lethal force will be used only as the outermost solution in circumstances in which it is necessary as to protect the lives.

The lethal force is the force which justifiably and consequently may lead to the death or severe bodily injury.

Shooting from the fire weapon at or in direction of a person or vehicle in motion is considered as use of lethal force.

Article 44.

While performing duties and tasks within their authority, the authorized official person may use firearms in the following cases.

1. to protect lives of people.
2. to protect their own lives. i.e. to draw back an immediate assault which endangers their lives
3. to prevent escape of a person caught in commission of criminal act, if his/her escape immediately endangers someone's life
4. to prevent escape of an arrested person and a person after whom an arrest warrant was issued, if his/her escape immediately endangers someone's life

Exceptionally, authorized officials may also use firearms when they cannot prevent escape of a suspect in any other way, if, on the basis of his behaviors and other circumstances, it is justifiably estimated that he/she is intending to assault a person under police protection.

The police officers will only carry weapons which is designed for self-defense, not bigger than pistol, except the extraordinary, specific and clearly defined circumstances does not order so. The ministry will pass the regulations in accordance to this law and constitution, in which is explicitly stress the circumstances under which it is allowed carrying the weapons that is bigger than pistol. In no case any other units except special units, which are trained in that scope, will not be carrying long barrel weapons.

Article 45.

Authorized official persons use firearms from the article 43. only if by using physical force, baton or other means of force, they cannot carry out a task or a duty.

If the situation permits, the official authorized person is obliged to warn a person before using the firearms against him/her.

An authorized official person performing the duties and tasks within a unit or a group may use firearms only upon order of the leader of that group or unit.

Order to use firearms may only be issued in cases and under conditions regulated by law.

Article 46.

Authorized official is obliged to immediately inform the direct supervisor upon using firearms or other compulsory means.

The immediate supervisor is obliged not latest than within 2 days after finding out that an authorized official in discharge of his/her duties have used the fire arms or other compulsory means prescribed in article 43 of this law, to gather all information and facts necessary to estimate the legacy and regularity of use compulsory means or fire arms.

Legacy and regularity of use of firearms or other means of force by an authorized official is estimated by the Police Commissioner within 7 days after learning that compulsory means or a firearm were used.

If the Police Commissioner establishes that an authorized official illegally and irregularly used the firearms or compulsory means, he is obliged to immediately take appropriate measures to establish the responsibility of that authorized official.

Article 47.

If there is a criminal, offence or law suite procedure ongoing or initiated against an authorized official as a consequence of use of firearms or other compulsory means related to discharge of duties and tasks, the Ministry will provide this person with the defense and other appropriate legal assistance concerning the proceeding.

Legal assistance will be provided to an authorized official who is a damaged party in the procedure of reimbursement for damages, if the damage was service incurred.

Provisions of the above paragraphs are also applicable after the cessation of authorized officials' employment within the Ministry.

The Ministry will not provide legal assistance in accordance with provisions in the above paragraphs, if the authorized officials' employment was, in the concrete case, as a disciplinary measure terminated due to intentional violation of authority, i.e. due to misuse in performance of duties and tasks, as well as in cases when the Ministry filed criminal charges against the authorized official person.

Provisions of the paragraphs 1 and 2. are also applied to persons who assisted the Ministry or an authorized official person in performance of their duties and tasks.

Article 48.

The Ministry bears the costs of providing legal assistance from the previous article.