

## **Law on the Judicial Police of Bosnia and Herzegovina**

*(excerpts)*

### **Article 3**

The ethnic composition of the personnel of the Judicial Police shall be generally representative of the peoples of Bosnia and Herzegovina.

(...)

### **Article 14**

(1) In carrying out their duties, Judicial Police officers may use appropriate and necessary proportionate force only in cases when it is necessary to prevent a bodily attack against judges, prosecutors, other employees of the Court, and any other persons they are tasked to protect, and further to prevent the escape of a witness, suspect or convicted person or material damage to the Court.

(2) Proportionate physical force may also be applied when necessary to overcome the resistance of a person who is subject to the execution of a Court order.

### **Article 15**

(1) If, by applying means of coercion referred to in article 14 of this Law, a Judicial Police officer cannot ensure protection or discharge of his duties, the use of a firearm will be permitted if there is no other way to:

- a. protect the lives he/she is obliged to protect;
- b. avert an imminent assault which endangers his life or the lives of judges, prosecutors or other employees of the Court, and other persons he/she is obliged to protect;
- c. prevent the escape of a suspect, the accused, or convicted person whom he/she is guarding, bringing in or escorting, if specific circumstances justify the fear that such person might use fire arms against another person, or if so indicated by the manner of the execution, the consequences or other circumstances of the criminal offense the person perpetrated.

(2) When there is a justified reason for use of firearms, a Judicial Police officer shall first identify himself/herself, if possible, and give clear warning that he/she will use firearms.

(3) A Judicial Police officer shall give enough time for the warning to be obeyed, except in a situation where it would create a risk to him or her or create a threat of serious injury or death to others, and circumstances dictate the need for immediate action.

(4) While using firearms, a Judicial Police officer is obliged to protect the lives of other people, and he/she is obliged to submit immediately a written report to the commander of the Judicial Police on such use of firearms. The commander of the Judicial Police is obliged to

immediately submit a written report to the Minister of Security on each use of means of coercion and firearms.

(5) Judicial Police officers may not fire warning shots nor fire on moving vehicles in chase situations unless the vehicle is used as a means to inflict injuries on Judicial Police officers or others or if necessary in order to prevent serious injuries or death caused by the firing of weapons at Judicial Police officers or others.

#### **Article 16**

(1) A Judicial Police officer who carries out his or her assignments as part of a group may use firearms only upon an order by the leader of the group.

(2) An order to use firearms referred to in paragraph 1 of this article may be issued only in cases and under conditions stipulated by this Law.

#### **Article 17**

The Minister of Justice shall, upon obtaining the opinion of the Minister of Security, make detailed regulations on the use of firearms and other means of coercion.

#### **Article 18**

While apprehending a suspect, the accused, or a convicted person who is escorted to an institution for the execution of sanctions, a Judicial Police officer may enter another's property or other premises as regulated by the Criminal Procedure Code of Bosnia and Herzegovina and other laws.

#### **Article 19**

(1) If criminal, misdemeanour or civil legal proceedings are initiated and conducted against a Judicial Police officer due to use of firearms, means of force or other interventions while performing or in connection with the performance of his or her jobs and tasks, Bosnia and Herzegovina shall provide legal defence for that person and other appropriate legal support in connection with the conduct of the proceedings.

(2) Legal support shall also be provided to a Judicial Police officer or to his/her family if appropriate, as a victim in a procedure for compensation for damage, if damage was caused to him/her while performing or in connection with the performance of official jobs and tasks.

(3) Bosnia and Herzegovina will not offer legal support referred to in paragraphs 1 and 2 of this article to an employee against whom a disciplinary measure of termination of working relationship was pronounced in a concrete case arising out of an intentional violation or abuse of authority while performing jobs and tasks, or in a case in which Bosnia and Herzegovina has filed criminal charges against an employee.

(...)

### **V – Employment and Disciplinary Responsibility**

## **1. Employment**

### **Article 22**

Provisions set forth in Bosnia and Herzegovina laws on employment in state institutions shall be accordingly applied to employment in the Judicial Police, unless otherwise stipulated by this Law.

### **Article 23**

(1) Besides the requirements prescribed by the Bosnia and Herzegovina laws on employment in the state institutions, a person who is employed as a Judicial Police officer must meet the medical, psychological, and physical requirements in accordance with the standards prescribed for police officers as defined in regulations to be issued by the Minister of Justice.

(2) An appropriate medical institution appointed by the Minister of Justice shall assess medical, psychological, and physical fitness of persons referred to in paragraph 1 of this article.

### **Article 24**

The Minister of Justice shall regulate all rights and obligations relating to employment, health, pension and disability insurance, as well as other rights related to the work of the Judicial Police.

## **2. Disciplinary responsibility**

### **Article 25**

Judicial police officers shall be held disciplinarily responsible for violations of their obligation to work.

### **Article 26**

(1) The following are considered grave violations of the obligation to work:

- a) improper use of force;
- b) negligent performance of tasks and duties which may lead to a breach of the regulations on the maintenance of official secrets or the disclosure of such secrets;
- c) arbitrary abandonment of the workplace or the place of protection of buildings or persons;
- d) failure to take action or taking an insufficient action within one's obligations necessary for the safety of judges and other employees of the Court, internal security of the Court, persons and things entrusted;
- e) illegal deployment of resources, or illegal obtaining of personal and material benefits in connection with the performance of regular tasks and duties;

f) failure to undertake measures or taking insufficient measures or failing to provide assistance within the framework of their rights and responsibilities to other employees when they are performing official activities;

g) concealment of facts in respect of time, extent and mode of performance of official activities or the use of means of force by a Judicial Police officer when, by carrying out those actions or the using of force, a serious breach of work duty has been committed;

h) failure to render legal and other professional assistance within the framework of their rights and obligations to a party who does not know his or her legal rights;

i) avoidance of obligations in connection with professional qualification and advanced study;

j) avoidance of doctor's examinations for the sake of establishing competence for work;

k) engaging in outside employment without the approval of the Commander of the Judicial Police.

## **Article 27**

(1) The procedure for the establishment of disciplinary responsibility of a Judicial Police officer shall be instituted and carried out by the Minister of Justice.

(2) The Minister of Justice shall determine the disciplinary procedure for the establishment of disciplinary responsibility of a Judicial Police officer.

## **Article 28**

(1) A Judicial Police officer shall be temporarily suspended from the position he/she has been assigned to, or from the Judicial Police, if criminal or disciplinary proceedings have been filed against him or her for a grave violation of his/her obligation to work. Such suspension shall be pronounced by the Commander of the Judicial Police if, given the nature of the criminal offense or the gravity of the alleged violation of the obligation to work, circumstances under which the offense or violation has been committed, as well as other circumstances, it may reasonably be inferred that it would be detrimental to the interests of the Judicial Police if the Judicial Police officer in question should remain at the position he/she had been assigned to, or in the Judicial Police.

(2) In a case referred to in paragraph 1 of this article, a Judicial Police officer who has been temporarily removed from service shall have his/her weapon, ID card and badge taken away, and, during such period, must not wear a uniform during the suspension. He/she may also be subject to reduction in salary, suspension of salary, or re-assignment to desk duty for the duration of the suspension.