

(„ Official Gazette of Bosnia and Herzegovina“ no. 12/09”)

Pursuant to Article IV.4.a) of the Bosnia and Herzegovina Constitution, the Parliamentary Assembly of Bosnia and Herzegovina on the 44th session of the House of Representatives held on January 21, 2009 and the 24th session of the House of Peoples held on January 29, 2009 passed the

LAW
ON AMANDMENTS TO THE LAW ON INTELLIGENCE AND SECURITY
AGENCY OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Intelligence and Security Agency of Bosnia and Herzegovina („Official Gazette of BiH“ no. 12/04, 20/04 and 56/06 in the Article 6, Paragraph 2 the words in the brackets: „(hereinafter: Presidency)“ shall be deleted.

In Paragraph 7, following the words in the brackets „(Presidency)“ abbreviation BiH shall be added; following the words “ Council of Ministers” the words “of Bosnia and Herzegovina” shall be added (hereafter Chairperson of the Council of Ministers of BiH), the words “Intelligence Committee of the House of Representatives of Bosnia and Herzegovina (hereinafter: Intelligence Committee).” shall be replaced with the wording “Joint Committee for performance supervision of the Intelligence and Security Agency of Bosnia and Herzegovina”.

In Paragraph 9 at the end a new sentence shall be added to read as following:
“This report shall be delivered in July for the period of previous year”

Article 2

In Article 7 Paragraph 1, Subparagraph 5 at the end a new sentence shall be added to read as following:

“The BiH Presidency shall deliver a platform for security and intelligence policy to the Parliamentary Assembly of BiH, by November the 1st, the latest, for the upcoming year.”

Article 3

In Article 10, Subparagraph 5, following the word “Agency” the semicolon shall be deleted and the following wording added:”until May 1st the latest, for the pervious year;”

Article 4

In Article 18, Paragraphs 1 and 2 shall be replaced to read as follows:

“House of Representatives and House of Peoples of the Parliamentary Assembly of BiH shall form a Joint Security and Intelligence Committee on Supervision of the Work of the Intelligence and Security Agency of Bosnia and Herzegovina (hereafter Joint Committee).

Joint Committee shall have 12 members, six representatives from each House of Parliament.”

Paragraph 3 shall be deleted

Paragraph 4 shall thus become Paragraph 3.

Article 5

In Article 19, Paragraph 4, Subparagraph 4 shall be amended to read as follows:

“4. reviews and adopts the report of the Director General on performance, activities and expenditures of the Agency, and in particular analyses the manner of budget funds spending.

In Subparagraph 5 following the word “reviews” the words “and adopts” shall be added.

Article 6

In Article 23 Paragraph 2 shall be deleted.

Article 7

In Article 26, Paragraph 2 following the wording “criminal offence of abuse of office or” the wording “the criminal offence of disclosing confidential data i.e.” shall be added

Article 8

In the Article 28, after Paragraph 1 a new Paragraph 2 shall be added to read as follows:

“The Director-General may, with a previously obtained approval of the Chair of the BiH Council of Ministers and after consulting the executive intelligence board, pass other bylaws if the implementation of this law requires it.

Article 9

In Article 33, Paragraph 1, subparagraph 6 the word "grounded" shall be deleted.

Article 10

In Article 39, Paragraphs 1 and 2 the word "a selection" shall be replaced by the following wording "the selection process".

In Paragraph 3 the wording "selection committee" are replaced by the following wording "selection process implementation committee"

Article 11

In Article 44, Paragraph 2 following the word "and", the words "14, 15 and" shall be added, and after the word "position" the wording "and the duration of the extended experience in service" shall be added.

Article 12

In Article 45 after Paragraph 2 a new Paragraph 3 shall be inserted to read as following:

"Persons for whom security issues were established through a security clearance procedure conducted under the Law on Protection of Secret Data (Official Gazette of BiH" No. 54/05) may not become employees of the Agency. Employees of the Agency must meet security requirements that shall be determined through a security clearance procedure pursuant to this Law. "

Current paragraphs 3, 4, 5, 6 and 7 shall thus become paragraphs 4, 5, 6, 7 and 8 respectively.

Article 13

In the Article 59 after paragraph 5 a new paragraph 6 shall be inserted to read as follows:

"The Director-General of the Agency may suspend an employee pending a disciplinary procedure outcome."

The current paragraph 6 shall thus become paragraph 7.

Article 14

In the Article 60 after subparagraph d) a new subparagraph e) shall be inserted to read as following:

e) failure to meet safety requirements established by the security clearance procedure pursuant to this law or the existence of safety issues identified in the security clearance procedure under the Law on Protection of Secret Data;"

Current subparagraphs e), f), g), h), i) and j) thus become subparagraphs f), g), h), i), j) and k) respectively.

Following Paragraph 1 a new paragraph 2 shall be added to read as following:

"In cases referred to in paragraph 1, subparagraph e) of this Article i.e. the employees of the Agency for whom security issues were established in security clearance procedure conducted pursuant to the Law on Protection of Secret Data as well as employees of the Agency for whom the security clearance procedure has established failure to meet the law proscribed safety requirements, the provisions of the Law on Protection of Secret Data on remedies, as well as on legal employment status are applicable, however the individuals having received final decision determining a security issue, or failure to meet safety requirements shall be terminated with severance pay as provided by law. "

Article 15

The abbreviated names of the institutions provided in Articles 1 and 4 of this Law shall be applied in all the provisions of the Law in appropriate cases.

Article 16

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

PA BiH No. 287/09
January 29, 2009
Sarajevo

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

Speaker of the
House of Peoples
Parliamentary Assembly of BiH
Dr. Mladen Ivanić sgd