

**Policy:** IPTF-P10/2002  
**Issued by:** IPTF Commissioner  
**Subject:** **Removal of Provisional Authorization and Disqualification of Law Enforcement Agency Personnel in BiH**

**Overview:**

1. This policy outlines the UNMIBH/IPTF basis for, and procedure to remove the provisional authorization to exercise police powers and to disqualify from service BiH law enforcement agency personnel. This policy is applied to those law enforcement officers whose conduct fails to meet the basic standards necessary to serve in any BiH law enforcement agency. Application of this policy does not absolve a law enforcement agency of its obligation to take appropriate redress measures, including dismissal, initiation or continuation of disciplinary proceedings, and/or initiation/continuation of internal and/or criminal investigation.

**Removal of provisional authorization – substantive basis:**

2. The IPTF Commissioner shall remove a law enforcement agency employee's provisional authorization to exercise police powers when UNMIBH/IPTF has sufficient evidence to establish that the officer's conduct results in serious violations of law and/or duty. This conduct includes, but is not limited to, the commission or omission of acts, association with the commission or omission of acts by others, and/or association with policies that result in serious violations of law and/or duty. Removal of provisional authorization precludes such officer from holding any position within a law enforcement agency in BiH. The following circumstances define the substantive basis for the permanent removal of provisional authorization:
  - (a) Conviction of a serious breach of law, and the law enforcement agency in which the officer is employed has failed to take appropriate actions/sanctions in conformity with domestic law;
  - (b) Conviction by a disciplinary panel of a serious breach of duty, and the penalty assigned does not correspond to the severity of the misconduct of the officer;
  - (c) In the context of investigations conducted under Security Council resolution 1088, UNMIBH/IPTF has obtained independent evidence that an officer has committed a serious breach of duty that would obligate a law enforcement agency and the judiciary to take action under domestic law;

- (d) An officer has committed a pattern of minor offenses that demonstrate disregard for upholding the law;
- (e) In the context of investigations conducted under Security Council resolution 1088, UNMIBH/IPTF has obtained independent evidence that an officer committed a serious breach of duty that would obligate a law enforcement agency to take action under domestic law and rulebooks on disciplinary procedure;
- (f) An officer has been issued two substantive non-compliance reports as outlined in UNMIBH/IPTF "Performance Assessment Policy" (IPTF-P05/2001);
- (g) An officer has made a material misrepresentation to UNMIBH that fundamentally affects consideration of suitability to exercise police powers;
- (h) An officer, whose acts and/or omissions, and/or functions from the period of April 1992 to December 1995, demonstrate the inability or unwillingness to uphold internationally recognized human rights standards.

### **Removal of provisional authorization - Procedure**

3. The IPTF Commissioner officially notifies the relevant authorities of the law enforcement agency that an officer's provisional authorization has been removed. This notification is accompanied by a formal letter of notification of the removal of provisional authorization that must be delivered/served expeditiously by the relevant authorities through the proper chain of command to the officer concerned. A copy of this letter is forwarded by the IPTF Commissioner to the Principals, and the respective IPTF Liaison Officer or Senior Adviser.
4. Within seven days of receipt/service of this letter, the concerned officer must turn over his/her uniform, police-issued sidearm, and UNMIBH/IPTF identification card to the law enforcement agency in the presence of the IPTF Liaison Officer.
5. Within seven days of the receipt of notification of the removal of provisional authorization, the head of the relevant law enforcement agency must initiate measures to terminate the officer's employment under appropriate disciplinary or legal provisions. The head of the law enforcement agency must also present to the IPTF Commissioner a written explanation of why such provisions and/or termination of the employee had not been initiated by the appropriate law enforcement agency personnel including the officer's supervisors, prior to the removal of provisional authorization notification.
6. The IPTF Commissioner, based on the information provided as required in paragraph 5, will consider whether further action should be taken against any additional officers and/or supervisors for failure to take action.
7. In cases outlined in paragraph 2(c), 2(d), and 2(h), removal of provisional authorization obliges the relevant police official within the concerned law enforcement agency to order an immediate investigation into the acts

alleged. The relevant law enforcement agency official shall send a written notice to the IPTF Commissioner of planned investigative actions that will be undertaken by the relevant law enforcement agency.

#### **Disqualification from employment with any BiH Law Enforcement Agency:**

8. Where an officer has been dismissed from employment by a BiH law enforcement agency as a result of a criminal and/or disciplinary proceeding establishing that the officer has committed a serious breach of law or duty, the IPTF Commissioner may disqualify the officer from any consideration for recruitment or employment in any position/capacity within any law enforcement agency in BiH. Such disqualification shall constitute UNMIBH/IPTF's acknowledgement that a law enforcement agency has considered that the officer is no longer suitable for service within any law enforcement agency. Notification of disqualification will be conducted and hold the same requirements as stated for removal of provisional authorization in paragraphs 3 and 4 of this policy.

#### **Future employment within a Ministry of Interior or any BiH Law Enforcement Agency:**

9. As authorized by the Peace Implementation Council, paragraph 16.7 of the Annex to the Madrid Declaration of the Peace Implementation Council (16 December 1998), the removal of provisional authorization or disqualification by the IPTF Commissioner precludes the officer from holding any position within any law enforcement agency in BiH. "Any position" includes, also, those positions that do not require the authority to exercise police powers and are considered administrative in nature.

#### **Requests for review:**

10. An individual, who may have substantive information that could justify a review of his/her case, may send his/her request for review within fourteen days of receipt of a letter of removal of provisional authorization or disqualification. Such requests accompanied by relevant, supporting documentation must be addressed to:

IPTF Commissioner  
UNMIBH/IPTF  
BP.56, Ilidza, Sarajevo

11. Decisions for removal of provisional authorization to exercise police powers or disqualification by the IPTF Commissioner are effective immediately upon receipt of notification. Submission of a request for review by the concerned officer does not suspend the removal of provisional authorization/disqualification. UNMIBH/IPTF will respond to requests in

accordance with internal guidelines, and applicants will be notified of final decisions. A request for review shall suspend all obligations of the law enforcement agency to initiate procedures as required to terminate the officer's employment, pending a determination of the request for review.