

**(„ Official Gazette of Bosnia and Herzegovina“ No. 56/06)**

Pursuant to Article IV.4.a) of the Bosnia and Herzegovina Constitution, the Parliamentary Assembly of Bosnia and Herzegovina on the 81<sup>th</sup> session of the House of Representatives held on June 18, 2006 and the 60<sup>th</sup> session of the House of Peoples held on July 7, 2006 passed the

**LAW ON AMENDMENTS 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, number 12/04 and 20/04) in Article 1, Paragraph 1, after the word «analyzing» a comma and the word «processing» shall be added.

In Article 1, Paragraph 2, after the word »Constitution» the words: «and the laws» shall be added.

Article 2

In Article 5, paragraph 1, after the word «analyzing» a comma and the word «processing» shall be added.

In Article 5, Paragraph 2, the word «including» shall be replaced by the words: «and in particular».

Article 3

In Article 6, Paragraph 4 after the word «Agency» the wording: «or the persons which may serve as sources to the Agency» shall be added.

In Article 6, after paragraph 4 two new paragraphs 5 and 6 shall be added to read as following:

« The Agency is also responsible for implementing security clearance and other activities that are within its authority as provided by the Law on Protection of Secret Data (Official Gazette of BiH No. 54/05).

The Agency collects strategic military information and conducts counter-intelligence activities pursuant to the Law on Defense of BiH (Official Gazette of BiH, No. 88/05).

In Article 6, Paragraph 7, the word «classified» shall be replaced by the word «secret».

#### Article 4

In Article 7, Paragraph 1, line 5 the words: »intelligence policies« shall be replaced with the words: «intelligence-security policies».

#### Article 5

In Article 8, line 1 the words: «security-intelligence policy» shall be replaced with the words: »intelligence-security policy«.

In line 5 at the end of the sentence the full stop shall be replaced with a semicolon, and a new line 6 added as to read:

« 6. approves the Code of Regulation on Clearance Procedure prescribed by Law on Protection of Law on Protection of Secret Data ».

#### Article 6

In Article 9, the words: «security-intelligence policy» shall be replaced with the words: »intelligence-security policy«.

#### Article 7

In Article 11, after paragraph 3a new paragraph 4 shall be added as to read:

«Intelligence-security-counseling service is run by the secretary appointed by the Chairperson. Exception to the provision of paragraph 3 of this article is that the secretary is not a civil servant, but the provisions of the Law on Civil Service in BiH Institutions regulating the status of an advisor apply to him/her («Official Gazette of BiH», No. 12/02, 19/02, 8/03, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, and 2/06).

#### Article 8

In Article 17 the wording: »with respect to information concerning official, military or state secrets« shall be replaced with the wording: »with respect to classified information«.

#### Article 9

In Article 18, Paragraph 2 at the end of the sentence and after the word: «Agency», the wording: «and be granted a permission to access classified information Pursuant to the Law on Protection of Secret Data » shall be added. The rest of the text of the paragraph shall be deleted.

In Article 18, Paragraph 3 shall be amended as to read:

« In accordance with the Law on Protection of Secret Data, in case when a candidate is denied issuance of permission, the candidate may file an appeal prescribed by Law on Protection of Secret Data. The candidate, whose appeal is considered by the Intelligence-Security Commission, shall be exempt from the Commission's performance while the procedure is ongoing and until the final decision regarding the issuance of the permission is reached, all in accordance with the Law on Protection of Secret Data ».

#### Article 10

In Article 19, Paragraph 4, subparagraph 2 shall be amended as to read:

«discusses the appointment of Director-General , Deputy Director/General and Inspector General of the Agency, and express an opinion on such appointments».

#### Article 11

In Article 22, Paragraph 1, the words: «official secrets» shall be replaced with the words: «Classified Information».

In article 22, Paragraph 2, in the first sentence and after the word «secrecy», the full stop shall be replaced with a comma, and the wording: «with consent of a person authorized for determining classified information» shall be added.

#### Article 12

In Article 23 Paragraph 1, the words: «classified information» shall be replaced with the words: »secret data».

In article 23, paragraph 2, the word «classified» shall be replaced with the word «secret».

#### Article 13

In article 28, subparagraph b) shall be deleted; in subparagraph c) the word «Data» shall be replaced with the words «secret data», and in subparagraph o) the word «general» shall be replaced with the word «special».

#### Article 14

In article 32, after paragraph 1 a new paragraph 2 shall be added to read as following:

«The proposal for appointment of the Inspector General shall be prepared by the Chair of the Council of Ministers, and in accordance with the consultations with his deputies, members of the Presidency of Bosnia and Herzegovina and the Joint Security-Intelligence Commission of the Parliamentary Assembly of Bosnia and Herzegovina».

In Article 32, Paragraph 3 the wording: «a State, military or official secret» shall be replaced with the wording: «of classified information».

#### Article 15

In Article 33 a new Paragraph 2 shall be inserted to read as following:

«The Council of Ministers shall pass a regulation on manner and procedure of executing the powers of the Inspector General listed in paragraph 1 of this article».

#### Article 16

In article 38, Paragraph 2 the word: »description» shall be replaced with the word: »title».

#### Article 17

In article 39, Paragraph 1 the wording: «Intelligence-Security Advisory Service and representatives of the Ministry of Security» shall be replaced with the wording: «Agency».

In article 39, Paragraph 2, after the word: «Director-General» the word: «and» shall be deleted and replaced with «a comma», and after the word: »Deputy Director-General » the wording: «and the Inspector General» shall be added.

#### Article 18

In Article 40, P paragraph 1, Subparagraph e) shall be deleted.

In Article 40, Paragraph 5 the word «Service» shall be replaced with the words: «the Agency».

#### Article 19

In Article 41, at the beginning of the sentence, the words: «final determination» shall be replaced with the words: «final decision».

## Article 20

In Article 44, Paragraph 1, subparagraph a) the wording: « contract of service for a fixed period» are replaced with the words: «fixed term contract»

In Article 44, after Paragraph 1 two new paragraphs 2 and 3 shall be added to read as following:

«The Agency employees serving on positions which include performance of operational activities shall be entitled to increase of the service insurance benefits where each 12 months of effective service shall be calculated as 16 months of service insurance benefits. The list of positions shall be determined by the Council of Ministers, upon the proposal of the Director-General, Deputy Director-General and Inspector General.

The Agency employees, who lack not more than three years of experience, to legally qualify for retirement, cannot be discharged from service due to superfluous staff issues.

## Article 21

After article 47 a new article 47a shall be inserted to read as following:

«Article 47a. «

The Agency employees may be sent to the state administrative organs, institutions, agencies or legal entities for performance duties governed by this law or pursuant to agreement specified in article 67of this law.

Organs or legal entities specified in paragraph 1 of this article can send their employees to the Agency to perform duties in accordance with paragraph 1 of this article.

The Decision on sending the Agency employees and admission of employees specified in paragraph 2 of this Article shall be made by the Director-General pursuant to the agreement with the director of the organ/institution specified in paragraph 1 of this article, and shall be approved by the Chairperson.

The Agreement listed in paragraph 3 of this article regulates the details of relations and co-ordination between the Agency and the organ/legal entity specified in paragraph 1 of this article, duties and responsibilities of the employers specified in paragraph 2 of this Article, as well as administrative and other issues of importance.

## Article 22

In Article 59, Paragraph 1 shall be amended to read as following:

«The Agency employees shall be held disciplinary liable for breaches of official duty as set forth in this Law and Agency by-laws».

In article 59, after paragraph 1 a new paragraph 2 shall be inserted to read as following:

«Breaches of official duty may be grave and lenient. The sanction for a grave breach is disciplinary penalty while the sanction for lenient breach is disciplinary measure».

In article 59, paragraph 2 the wording: « Violation of official duties shall be understood to mean: » shall be replaced with the wording «Grave breaches of official duty are»

Subparagraph b) shall be amended to read as following: «disclosure of confidential information contrary to the Law on Protection of Secret Data, or other laws and regulations».

At the end of subparagraph i) the full stop shall be replaced with a semicolon, and a new subparagraph j) shall be added to read as following:

« j) at least three lenient breaches of official duty committed during one calendar year».

In Article 59, after Paragraph 3 a new paragraph shall be added to read as following:

«Lenient breaches of official duty are formulated in the Book of Rules on Disciplinary Liability».

In Article 59, Paragraph 4 after the word: «responsibility» a comma and the wording: the types of sanctions and authority for pronouncing sanctions» shall be inserted, and the wording: «shall be specified» shall be replaced with the words: «shall be precisely specified».

## Article 23

In Article 60, Paragraph 1 subparagraph c) shall be amended as to read:

«complying with legal conditions for retirement».

## Article 24

In Article 62, Paragraph 2 the wording: «investigate» shall be replaced with: «conduct activities specified in Article 76 of this law».

#### Article 25

In article 67, Paragraph 1 the wording: «classified information» are replaced with: «secret data». In article 67m after Paragraph 1 a new paragraph 2 shall be added to read as following:

«Cooperation and assistance specified in paragraph 1 may be established and regulated in details by an agreement between institutions and organs of Bosnia and Herzegovina, specified paragraph 1 of this article. An agreement may set out cooperative bodies and regulate their structure, tasks, authority as well as administrative and other issues.

#### Article 26

In Article 72, after the word: «analyze» a comma and the word: «process» shall be added.

#### Article 27

In Article 74, at the beginning of a sentence, the word: «activities» shall be replaced with the word: «operation», and in subparagraph b) the wording: «which shall be obliged to answer requests for information made by the Agency» shall be replaced with the words: «via direct access to data base».

#### Article 28

In Article 75, Paragraph 1, add the wording: «and represents secret data in accordance with the Law on Protection of Secret Data ».

#### Article 29

In article 77, Paragraph 2, the word: «investigation» shall be replaced with the wording: «to investigate».

In article 77, after Paragraph 3 a new paragraph 4 shall be added to read as following:

«Enterprises tasked with transfer of information are obliged to allow the Agency to conduct the approved activities listed in this article».

In Article 77, Paragraph 5 shall be amended to read as following:

«The citizen of Bosnia and Herzegovina, who was subjected to surveillance and wiretapping, shall upon the completion of the surveillance or wiretapping be notified about measures taken, except if providing such information might jeopardize the finalization of the Agency's tasks or the finalization of the proceedings before the authorized organs.

#### Article 30

In Article 86, Paragraph 2 the wording: «classified information» shall be replaced with the wording: «secret information».

#### Article 31

In Article 87, Paragraph 2 the word: «classified» shall be replaced by: «secret».

In Article 87, after Paragraph 2 a new paragraph 3 shall be added to read as following:

“An exemption from the provision of Paragraph 1, the disclosure of information labeled as TOP SECRET and secret information about associate’s records, shall require an approval of the Chairperson of the Council of Ministers”

#### Article 32

This Law shall enter into force on the eight day of its issuance in the «Official Gazette of Bosnia and Herzegovina»

PSBIH no. 328/06

July 7, 2006.

Sarajevo

Speaker of the  
House of Representatives  
Parliamentary Assembly of BiH  
Martin Raguž sgd.

Speaker of the  
House of Peoples  
Parliamentary Assembly of  
Goran Milojevic sgd.