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THE PRESIDENT OF THE SECURITY COUNCIL
LE PRESIDENT DU CONSEIL DE SECURITE

30 April 2007

Excellency,

I wish to inform you that members of the Security Council have been giving consideration to your letter of 30 January 2006 concerning former police officers of Bosnia and Herzegovina who were denied certification or decertified by the IPTF.

In S/PRST/2004/22, the Security Council affirmed that the certification process was carried out pursuant to the mandate of the IPTF and fully endorsed the process, including the comprehensive and rigorous vetting procedure designed to create a police force comprised entirely of personnel meeting internationally recognised standards of personal integrity and professional performance. The Security Council also recalled the responsibility of BiH, as a party to the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement), to give full and immediate effect to the decisions of the IPTF, including decisions to deny certification. The Security Council also called upon BiH to ensure, including through the adoption or amendment of domestic legislation, that all IPTF certification decisions be fully and effectively implemented, that employment of persons who were denied certification by IPTF be terminated, and that such persons be precluded from employment, either now or in the future, in any position within any law enforcement agency in BiH.

Members of the Security Council recognise that there have subsequently been improvements in the legal standards and practices for the recruitment and selection of police officers within BiH. In this respect, Security Council members have noted the adoption and implementation of the Law on Police Officials of Bosnia and Herzegovina 2004, followed by the adoption of similar legislation in the Federation of Bosnia and Herzegovina and some of the Cantons. Members of the Security Council also understand that similar legislation will be soon adopted by Republika Srpska, Brcko District and the remaining Cantons.

His Excellency
Mr. Miloš Prica
Permanent Representative of Bosnia and Herzegovina
to the United Nations
New York

As a result, members of the Security Council consider that, where BiH law allows, persons denied certification or decertified by IPTF may be permitted to apply for positions in BiH law enforcement agencies on the conditions that:

1. The recruitment grounds and procedures prescribed under the current Law on Police Officials of Bosnia and Herzegovina apply in full, in particular but not limited to Article 42 and that the recruitment standards for the position meet or exceed the standards prescribed in Article 46, items a) and c) through h) of the said Law. -
2. The person denied certification or decertified by the IPTF discloses at the time of application his or her denial of certification or decertification.

Members of the Security Council reaffirm that any entitlement to re-apply under the conditions mentioned above will not call into question the validity of the decisions by which persons were denied certification or decertified by IPTF. Nothing in this letter shall be interpreted as authorising or otherwise permitting any review of any kind by any authority of the decisions of the IPTF, including decisions to deny certification. For the avoidance of doubt, the members of the Security Council emphasise that nothing in this letter will be interpreted as entitling any person who was denied certification or de-certified by the IPTF to any reinstatement in any law enforcement agency. Any person who was denied certification or decertified by the IPTF and remained employed as a police official will continue to be in direct violation of UN Security Council resolutions, as is his employer.

The provisions of this letter shall only take effect in the State, Entities, Cantons and Brcko District, provided that Laws on Police Officials, as described above, which are consistent with the conditions set forth in this letter, including conditions contained in point 1 above, are in force there. The Security Council requests that Bosnia and Herzegovina certify when each level of local government has amended or adopted legislation to comply with the conditions above and give such certification together with a copy of this letter appropriate publicity.

In addition, members of the Security Council note that there is no prohibition on persons denied certification or decertified by IPTF regarding employment in private security companies.

Please accept, Excellency, the assurances of my highest consideration.



Emyr Jones Parry
President of the Security Council