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TI BiH: A new violation of public peace and order leads to the legalization of repression

The RS Ministry of Interior provided a proposal which does not precisely define interference in the performance of officials' duties, while at the same time it stipulates a sentence of imprisonment for unauthorized photographing which interferes the performance of officials' duties.

Banjaluka, 4th April 2019 – The Republic of Srpska Government has established the Draft Law on Amendments to the Law on Public Peace and Order (hereinafter: the Draft) that defines „unauthorized photographing or recording which interferes the performance of officials' duties“ as violation of public peace and order. The Draft has been prepared by the Ministry of Interior of the Republic of Srpska, and its announcement provoked criticism of the journalists, and large part of public who believe that citizens' freedoms are thus limited.

Transparency International in BiH (TI BiH) submitted its comment to the Ministry of Interior of RS in which it invites the Ministry to withdraw the controversial Draft Law since the proposed solution has not been clearly defined and as such could cause confusion in the implementation and provide reason for the use of repressive measures. *The RS Ministry of Interior provided a proposal which does not precisely define interference in the performance of officials' duties, while at the same time it stipulates a sentence of imprisonment for unauthorized photographing which interferes the performance of officials' duties.*

TI BiH believes that there is no explanation that can justify the prescription of violation for photographing or recording officials, regardless of the fact that this act is presented as a protection of an official performing his/her official duties. A vague legal provision, which prescribes a sentence of imprisonment for this, is a way to legalize the repression.