

Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of BiH

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Convinced of the vital importance to Bosnia and Herzegovina of ensuring that the rule of law is strengthened and followed in

order to create the ground for economic growth and foreign investment;

Recalling the establishment of the High Judicial and Prosecutorial Council for the Federation of Bosnia and Herzegovina, the High Judicial and Prosecutorial Council of the Republika Srpska, and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in May 2002 in order to strengthen the independence of the judiciary and provide for the re-appointment of judges and prosecutors in line with the restructuring of courts and prosecutors' offices;

Noting the Communiqué by the Steering Board of the Peace Implementation Council of 25-26 September 2003, in which the Steering Board: "agreed to extend the Independent Judicial Commission's mandate, as well as the transitional period of the High Judicial and Prosecutorial Councils, until 31 March 2004. The Steering Board strongly supported the establishment of one single HJPC at the State level and urged the BiH authorities to contribute to this without delay."

Bearing in mind the need to extend the transitional period in order to complete the re-appointment of judges and prosecutors in line with the restructuring of the courts and prosecutors' offices;

Recalling the previous Decisions of the High Representative numbers 167/02 on Enacting the Law on the High Judicial Council of Bosnia and Herzegovina published in the "Official Gazette of Bosnia and Herzegovina", 15/02, "Official Gazette of the Federation of Bosnia and Herzegovina", 29/02, "Official Gazette of Republika Srpska", 40/02, and in the "Official Gazette of Brcko District" 11/02, 15/02 on Enacting the Law on Amendments to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the "Official Gazette of Bosnia and Herzegovina", 26/02, "Official Gazette of the Federation of Bosnia and Herzegovina", 47/02, "Official Gazette of Republika Srpska", 58/02 and in the

“Official Gazette of Brcko District” 12/02, 62/02 on the Law on re-Amending the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the “Official Gazette of Bosnia and Herzegovina”, 35/02, “Official Gazette of the Federation of Bosnia and Herzegovina”, 62/02, and in the “Official Gazette of Republika Srpska”, 77/02.

I hereby issue the following

DECISION

Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,

which is hereby attached as an integral part of this Decision

The said Law shall enter into force as a law of Bosnia and Herzegovina as provided for in Article 5 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina and in the Official Gazette of the Brcko District of Bosnia and Herzegovina.

Sarajevo, 20 Novembar 2003

*Paddy Ashdown
High Representative*

LAW ON AMENDMENTS TO THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

Preamble

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina No.15/02), as amended (Official Gazette of Bosnia and Herzegovina No.26/02 and No. 35/02) (hereinafter the 'Law'), is hereby amended as follows:

Article 1

In Article 66 paragraph 1, the words "until 31 December 2003" shall be replaced by the words "until 31 March 2004".

Article 2

In Article 67 paragraph 1, the words "Until 31 December 2003" shall be replaced by the words "Until 31 March 2004".

Article 3

In Article 67 paragraph 2, the words "Until 31 December 2003" shall be replaced by the words "Until 31 March 2004".

Article 4

In Article 68, first sentence, the words "until 31 December 2003" shall be replaced by the words "until 31 March 2004".

In Article 68, second sentence, the words "on 1 January 2004" shall be replaced by the words "on 1 April 2004".

Article 5

The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina shall be published in the "Official Gazette of Bosnia and Herzegovina" and the "Official Gazette of Brcko District" and shall enter into force on the eighth day after publication in the official Gazette of Bosnia and Herzegovina.