

Decision on the Law on Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina

In the exercise of the powers vested in me under 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 the 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”;

Recalling further paragraph I.2.a. of the Conclusions of the Peace Implementation Conference held in Bonn on 9 to 10 December 1997 that recognised “that an impartial and independent judiciary is essential to the rule of law and reconciliation within Bosnia and Herzegovina” and to that end “a facility for judicial training must be established”;

Mindful of the European Charter on the statute for judges adopted at a multilateral meeting in Strasbourg on 8 to 10 July 1998 organised by the Council of Europe, which indicated that the competence, independence and impartiality of the judiciary could be guaranteed in part by the provision of appropriate training for judges at the expense of the State in order to prepare candidates for judicial office and that the independent body in charge of selection, recruitment, appointment and the career progress of judges should ensure the appropriateness of training programmes and of the organisation that implements them;

Recognising the importance of improving the administration of justice and enhancing the skills and competencies of judges and prosecutors necessary for the strengthening of the rule of law and for the protection of rights and freedoms of citizens as guaranteed Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Acknowledging the efforts of those in the domestic legal community who produced a draft law on a centre for the training of judges and prosecutors of the Federation of Bosnia and Herzegovina, as well as the efforts of the Federation Parliament towards its passage and the advice and assistance of the Council of Europe in its preparation;

Mindful of the Communique of the Steering Board of the Peace Implementation Council of 7 May 2002 in which the Steering Board reiterated the need for and its full endorsement of a thorough reform of the judicial system and welcomed the intention of the High Representative to ensure completion of the first phase of reform by “ensuring the establishment of training institutes in both entities coordinated by the High Judicial Council.”

I hereby issue the following

DECISION

The Law on Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina, which is hereby attached as an integral part of this Decision, shall enter into force as a law of the Federation of Bosnia and Herzegovina, with effect from the date provided for in Article 23 thereof, on an interim basis until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts this law in due form, without amendments and with no conditions attached.

This Decision shall enter into force immediately and the Decision, accompanied by the text of the Law, shall

forthwith be published in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 22 May 2002

Wolfgang Petritsch

High Representative