

# **High Representative Issues Order Concerning Implementation of Constitutional Court Decision AP-953/05**

The High Representative, Christian Schwarz-Schilling, issued today an Order concerning implementation of the Decision of the Constitutional Court of Bosnia and Herzegovina in the appeal of Milorad Bilbija and others.

This Order comes into immediate effect.

The Decision of the Constitutional Court is number AP-953/05 of 8 July 2006 and concerns appeals by Milorad Bilbija and Dragan Kalinic, who were removed by the High Representative in 2004.

This Order establishes a process by which the authorities of Bosnia and Herzegovina will be able to comply with the Decision of the Constitutional Court in a way that upholds Bosnia and Herzegovina's international obligations under Dayton and the UN Charter.

Under the Order, the Presidency of Bosnia and Herzegovina shall address to the High Representative, as Chair of the Steering Board of the Peace Implementation Council, all matters addressed in the Decision of the Court that ought to be considered by the international authorities referred to in that Decision.

Moreover, any step taken by any institution or authority in Bosnia and Herzegovina to establish any domestic mechanism to review the Decisions of the High Representative will be considered an attempt to undermine implementation of the civilian aspects of the Dayton Peace Accords and treated accordingly.

The Order further confirms that any proceeding instituted before any Court in Bosnia and Herzegovina, which challenges decisions sanctioning individuals for violation of the Dayton Peace Accords enacted by the High Representative, will be inadmissible, unless the High Representative expressly gives his prior consent.

In line with previous practice, the High Representative intends to continue to allow the judicial review of laws enacted by him in place of the legislatures within Bosnia and Herzegovina.

The High Representative reiterates his support to the Constitutional Court and stresses that its decision needs to be implemented in line with the Dayton Peace Accords.

Indeed, the institutions of Bosnia and Herzegovina have an obligation under the Dayton Peace Agreement and various UN Security Council Resolutions to respect and implement Decisions of the High Representative.

Decisions of the High Representative are based on international law, the Dayton Peace Agreement and UN Security Council Resolutions. As such, the institutions of Bosnia and Herzegovina cannot overturn or otherwise challenge them.

The Decision of the Court does not affect the decisions of the High Representative and individuals who have been banned from public life by such decisions, including both Milorad Bilbija and Dragan Kalanic, remain banned until the High Representative decides otherwise.