

Decision Enacting the Law on Amendments to the Law on Identity Cards of Citizens of Bosnia and Herzegovina

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 “[F]acilitate, 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”;

Mindful of the fact that the peace implementation process, which continues to be pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, is not yet complete;

Further mindful of the fact that the peace implementation process requires to be completed in order that a stable political and security environment in Bosnia and Herzegovina is established;

Recalling paragraph 12.1 of the Declaration of the Peace Implementation Council which met in Madrid on 15 and 16 December 1998, which made clear that the said Council considered that the establishment of the rule of law, in which all citizens had confidence, was a prerequisite for a lasting peace, and for a self-sustaining economy capable of attracting and retaining international and domestic investors;

Noting that the Steering Board of the Peace Implementation Council, in the communiqué of 20 March 2001 issued in Brussels, emphasized that “functioning and effective State institutions, judicial reform, respect for the Rule of Law and good governance, remain fundamental to the implementation of the Peace Agreement”;

Cognizant of the reinvigorated strategy for judicial reform to strengthen the Rule of Law efforts in Bosnia and Herzegovina in 2002/03 that was endorsed by the Steering Board of the Peace Implementation Council on 28 February 2002;

Having in mind that, in the communiqué issued after the meeting of the Peace Implementation Council Steering Board in Vienna on 15 March 2006, the Political Directors expressed their continuing support for the State Court to enable the authorities of Bosnia and Herzegovina to effectively prosecute domestically war crimes indictees and those indicted for organized crime;

Recalling that the Steering Board of the Peace Implementation Council, at its meeting held in Sarajevo on 19 June 2007, called upon the authorities in Bosnia and Herzegovina, especially in Republika Srpska, to abide by their obligations under international law by cooperating fully with the International Criminal Tribunal for the Former Yugoslavia (“ICTY”), playing a proactive role in apprehending all remaining indictees – including Radovan Karadžić and Ratko Mladić – without further delay, dismantling their support networks and ensuring that indictees are transferred to the ICTY;

Recognizing that in order to prevent the activities which are, or which threaten to be obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, a need exists, in certain cases, that an individual be imposed a ban of using his/her ID Card for crossing the State border;

Being seized of the urgency to amend the relevant provisions;

Having considered and borne in mind all these matters,

The High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on Identity Cards of Citizens of Bosnia and Herzegovina

(Official Gazette of Bosnia and Herzegovina, Nos. 32/01, 16/02 and 32/07)

The Law which follows and which forms an integral part of this Decision shall enter into force 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 be published on the official website of the Office of the High Representative and shall come into effect forthwith.

This Decision shall be published in the "Official Gazette of Bosnia and Herzegovina" without delay.

<i>Sarajevo, 9 July 2007</i>	<i>Miroslav Lajčák</i> <i>High Representative</i>
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Law

on amendments to the Law ON Identity Cards of Citizens of Bosnia and Herzegovina

Article 1

(Amendment to Article 2)

In the **Law on Identity Cards of Citizens of Bosnia and Herzegovina**(Official Gazette of Bosnia and Herzegovina, Nos. 32/01, 16/02 and 32/07; hereinafter: the Law), Article 2, after paragraph (2) a new paragraph (3) shall be added to read:

"A certificate or a temporary ID issued when the ID is seized pursuant to this Law or to a criminal procedure code, shall in all respects replace the ID and shall be admitted by all as the ID, except that it may not be used for crossing the State border. The certificate and temporary ID shall be issued free of charge."

Article 2

(Amendment to Article 18)

(1) In Article 18 of the Law, paragraph (1) shall be amended to read:

"If, for reasons justified under the BiH Law on Travel Documents, the issuance of travel documents to a citizen is prohibited or travel documents are seized, an individual shall also be prohibited from using his/her ID Card for crossing the State border."

(2) In paragraph (2) of Article 18 of the Law, in the first sentence the words “or body which has requested such a decision” shall be replaced by the words “or other competent body”. The second sentence of paragraph (2) of Article 18 of the Law shall be amended to read: “The ban of using the ID Card for crossing the State border shall be implemented by a remark on the ID or through the seizure of the ID and the issuance of a temporary certificate or temporary ID with the entered remark that it may not be used for crossing the State border.”

Article 3

(New Article 19a)

After Article 19 of the Law, a new Article 19a shall be added to read:

“Article 19a

(1) In order to prevent the activities which are, or which threaten to be obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, an individual may be imposed a ban of using his/her ID Card for crossing the State border.

(2) The ban of using the ID Card for crossing the State border shall be enforced by competent bodies after receiving the notification. The ban shall also be implemented by a remark on the ID or through the seizure of the ID and the issuance of a temporary certificate or temporary ID with the entered remark that it may not be used for crossing the State border.

(3) A person for whom there is a ban of using the ID Card for crossing the State border may not cross the State border to leave Bosnia and Herzegovina.”

Article 4

(Limiting Provision in Respect of Time)

After Article 41 of the Law, a new Article 41a shall be added to read:

“Article 41a

Article 19a of this Law shall cease to be in force on 30 June 2008.”

Article 5

(Entry into Force of this Law and Publication)

This Law shall enter into force upon publication on the official website of the Office of the High Representative and shall be published in the “Official Gazette of Bosnia and Herzegovina” without delay.