

Decision Extending the Mandate of Sven Marius Urke as an International Member of 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 “[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 paragraph I.2.a of the said Bonn Conclusions of the Peace Implementation Conference, which recognised “that an impartial and independent judiciary” was “essential to the rule of law and reconciliation within Bosnia and Herzegovina”, that the judicial appointment process had to be based on merit, that a judicial training facility had to be established, and that the monitoring of the judicial system was an essential element of the aforesaid process;

Considering paragraph 12.1 of the Peace Implementation Council Madrid Declaration of 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 its Communiqué issued in Brussels on 28 February 2002, endorsed the reinvigorated strategy for judicial reform in 2002/03 in order to strengthen the Rule of Law efforts in Bosnia and Herzegovina, and in this context recognised the importance of the creation of a High Judicial Council for Bosnia and Herzegovina, while insisting on the need for measures that would contribute decisively to building of an independent and more efficient judicial system enjoying the confidence of the public and enhancing the environment for foreign investment;

Noting further that the Steering Board of the Peace Implementation Council, in the Communiqué issued in Sarajevo on 31 July 2002 called upon the authorities to assist in the timely establishment of the High Judicial and Prosecutorial Council and in the restructuring of the court and prosecutorial systems, and that such stance was reiterated in the Communiqué issued in Sarajevo on 7 May 2002;

Acknowledging the provision of the Law on High Judicial and

Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 25/04 and 93/05) providing for a secondment of international experts to the Council;

Recalling the previous Decision of the High Representative of 3 June 2004 on Appointment of Members and Advisors to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the "Official Gazette of Bosnia and Herzegovina" No. 28/04, according to which the mandate of Mr. Sven Marius Urke as an international member of the High Judicial and Prosecutorial Council expired on 3 June 2005;

Recalling further the subsequent Decision of the High Representative of 3 June 2005 Extending the Mandate of Mr. Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the "Official Gazette of Bosnia and Herzegovina" No. 43/05, pursuant to which the mandate is expiring on 1 August 2006;

Being informed of the view of the High Judicial and Prosecutorial Council, expressed by the President of the Council in the letter dated 7 July 2006, that the continued international membership is still necessary in order to assist in the development of an independent and efficient judicial system;

Noting the recommendation for the extension of the mandate of Mr. Sven Marius Urke as an international member to the High Judicial and Prosecutorial Council, signed by the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on 7 July 2006, which also confirms that the funding for such an extension of the mandate has been secured;

The High Representative hereby issues the following

DECISION

Extending the Mandate of Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 1

(1) This Decision provides for the extension of the mandate of Sven Marius Urke as an international member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: the Council), until 30 June 2007.

(2) In addition to his responsibilities as a member of the Council, Sven Marius Urke shall also act as the Advisor to the Secretariat of the Council under the co-ordination of the Director of the Secretariat, until 30 June 2007.

Article 2

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

Sarajevo, 1 August 2006

Dr. Christian Schwarz-Schilling
High Representative