

Decision On Appointment of an International Member of the High Judicial and Prosecutorial Council 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 “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 grounds for economic growth and foreign investment;

Mindful of paragraph I.2.a of the Conclusions of the said Bonn 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 must be based on merit, and that the monitoring of the judicial system was an essential element of the aforesaid process;

Noting the Communiqué by the Steering Board of the Peace Implementation Council of 28 February 2002, in which the Steering Board endorsed the reinvigorated strategy for judicial reform proposed by the Independent Judicial Commission for 2002/03, among other things recognising the importance of the creation of a High Judicial Council for BiH and the restructuring of the court system, sentiments that were reiterated in a further Communiqué of 7 May 2002;

Appreciating the fact that the Entities reached an Agreement on the transfer of certain responsibilities relating to the judiciary to the level of Bosnia and Herzegovina, facilitating the creation of a single High Judicial and Prosecutorial Council at the level of Bosnia and Herzegovina;

Noting that the law on the single High Judicial and Prosecutorial Council at the level of Bosnia and Herzegovina entered into force on 1 June 2004 and that it is necessary to secure a seamless transition to the newly-established Council as well as to guarantee continuous operation, membership continuity, continuous international presence, geographical representation and gender and ethnic balance;

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;

Considering the conclusion of the High Judicial and Prosecutorial Council reached on its session in February of 2005 that the international members of the said Council continue to provide significant professional contribution to the work of the Council and that the participation of the international members has an extremely beneficial effect to the creation of a professional work environment, especially during a present period of reinforced activity connected with the judicial reforms in Bosnia and Herzegovina;

Noting the recommendation for the extension of international membership of the High Judicial and Prosecutorial Council, and particularly the recommendation by the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina for the appointment of Ms. Lynn Sheehan from 1 February 2006 to 31 December 2007;

The High Representative hereby issues the following

DECISION

On Appointment of an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 1

(1) This Decision hereby appoints Ms. Lynn Sheehan, Attorney from Ireland, as an international member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: the Council), until 31 December 2007.

(2) In addition to her responsibilities as a member of the Council, Ms. Lynn Sheehan shall also continue to act as the Advisor to the Secretariat of the Council.

Article 2

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

Sarajevo, 26 January 2006

Paddy Ashdown

High Representative