

Decision Extending the mandate of a Supervisor for Intelligence Reform

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 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”;

Further recalling Article III.5 (a) of the Constitution of Bosnia and Herzegovina, which stipulates that “Bosnia and Herzegovina shall assume responsibility for”, inter alia, matters “necessary to preserve the sovereignty, territorial integrity, political independence and international

personality of Bosnia and Herzegovina”;

Acknowledging the enactment of the Law on the Intelligence and Security Agency of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 12/04 of 14 April 2004) to provide independent information and analysis regarding threats to the existence or to the constitutional order of Bosnia and Herzegovina, and acts punishable under international law;

Noting that the Intelligence and Security Agency of Bosnia and Herzegovina, (hereinafter: the Agency), became operational on 1 June 2004, and in particular, the appointment of the Director General and the Deputy Director General of the Agency, and the formation of the Intelligence Committee of the Parliamentary Assembly of Bosnia and Herzegovina;

Mindful that ensuring the respect for internationally recognized human rights within Bosnia and Herzegovina during the conduct of Agency operations, including those rights included in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, requires the strengthening of newly established institutional structures within the intelligence and security community, as well as further reforms to ensure the exercise of proper internal direction and control.

Recalling the previous decision of the High Representative, No. 217/04 of 18 June 2004 on the Appointment of a Supervisor for Intelligence Reform (“Official Gazette of Bosnia and Herzegovina”, No. 31/04 of 12 July 2004) according to which the initial term of Mr. Kalman Kocsis is expiring on 31 December 2004, and recognizing the need for an extension of the initial term of the Supervisor, with the same scope of authority as established and defined in the Decision on his appointment, for the purpose of, inter alia, further strengthening the institutional structures of the Agency and developing a functioning and modern intelligence-security community within Bosnia and Herzegovina;

Having considered, noted and borne in mind all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Extending the mandate of a Supervisor for Intelligence Reform

Article 1

This Decision provides for the extension of the mandate of Mr. Kalman Kocsis as a Supervisor for the Intelligence Reform (hereinafter "Supervisor") until 30 June 2005.

Article 2

Mr. Kalman Kocsis shall continue to operate as Supervisor with the same scope of authority as established and defined in the Decision of the High Representative No. 217/04 on the Appointment of a Supervisor for Intelligence Reform.

The priorities in the exercise of the Supervisor's authorities referred to in Paragraph 1 of this Article and the manner in which the Supervisor shall exercise said authorities shall be established by the High Representative.

Article 3

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

Sarajevo, 17 December 2004

Paddy Ashdown
High Representative