

Decision Enacting The Law On Amendments To The Law On The Intelligence And Security Agency 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 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”;

Recalling 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”;

Further recalling paragraph 10 of the Communiqué of the Steering Board of the Peace Implementation Conference held in Sarajevo on 31 March through 1 April, 2004, in which the Political Directors “expressed its hope for the early appointment of the Agency’s new management”;

Considering the Law on the Intelligence and Security Agency of Bosnia and Herzegovina, (*Official Gazette of Bosnia and Herzegovina*, 12/04), which requires the Intelligence and Security Agency of Bosnia and Herzegovina (hereinafter: Agency) to “become operational on 1 May, 2004;”

Noting, in particular, that the operations of the Agency require the Director General, Deputy Director General and the Inspector General to provide for its internal direction and control;

Further Noting that the appointment process for the aforementioned officials, will not be completed prior to 1 May, 2004;

Mindful of 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 exercise of proper internal direction and control.

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

DECISION

ENACTING THE LAW ON AMENDMENTS TO THE LAW ON THE INTELLIGENCE AND SECURITY AGENCY OF BOSNIA AND HERZEGOVINA

Article 1

In Articles 94, 96, 98, 99, 102 and 104, the words “1 May, 2004” shall be replaced with “1 June, 2004”.

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 May 2004

Paddy Ashdown

High Representative