

Decision On Appointment of a New Member of the High Judicial and Prosecutorial Councils of BiH, of the Federation of BiH and of the RS

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;

Taking into account the two Decisions of the High Representative issued on 23 May 2002, Amending the Constitution of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina 22/02, 05 June 2002), and Amending the Constitution of the Republika Srpska (Official Gazette of Republika Srpska 31/02, 10 June 2002), wherein the constitutional foundations were laid for the creation of the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council of Republika Srpska;

Further taking into account the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 15/02, 02 July 2002), the Law on the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, 22/02, 05 June 2002), and the Law on the High Judicial and Prosecutorial Council of Republika Srpska (Official Gazette of Republika Srpska, 31/02, 10 June 2002), which establish the legal framework for all of the High Judicial and Prosecutorial Councils within Bosnia and Herzegovina and provide for the High Representative to appoint all Council members for the transitional period defined therein;

Recognising the need for international and European standards to be upheld during the crucial transitional period of the Councils’ existence when the restructuring of the courts and prosecutors offices will take place and a selection of judges and prosecutors to fill the restructured posts will occur;

Recognising further the necessity of independence and impartiality in the work of the Councils in order to achieve the essential purposes underlying the laws and constitutional amendments aforementioned, and the invaluable benefit that would accrue to the people and judicial system of Bosnia and Herzegovina from the utilisation of international expertise during the transitional period;

Bearing in mind the provisions of Article 66 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, of Article 76 of the Law on the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina and of Article 76 of the Law on the High Judicial and Prosecutorial Council of the Republika Srpska;

Recalling the Decision of the High Representative dated 06 August 2002 on Appointment of Members of the High Judicial and Prosecutorial Councils (Official Gazette of Bosnia and Herzegovina 24/02, 29 August 2002, Official Gazette of the Federation Bosnia and Herzegovina 43/02, 04 September 2002 and Official Gazette of Republika Srpska 55/02, 04 September 2002), and conscious of the fact that one international member, Mr. Carlos Alberto Gameiro de Campos Lobo, Judge, Portugal, appointed at that time has been unable to take up his duties and has resigned.

Pursuant to the totality of the matters herein before set out the High Representative hereby issues the following

DECISION

On Appointment of a New Member of the High Judicial and Prosecutorial Councils of Bosnia and Herzegovina, of the Federation of Bosnia and Herzegovina and of the Republika Srpska.

1. Mr. Carlos Jorge Martins Ribeiro, Judge, Portugal

is hereby appointed from the date hereof as an international member to serve on the High Judicial and Prosecutorial Councils of the Federation of Bosnia and Herzegovina and of the Republika Srpska, and of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

2. This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, in the Official Gazette of the Federation of Bosnia and Herzegovina, in the Official Gazette of Republika Srpska, and in the official Gazette of the Brcko District of Bosnia and Herzegovina.

Sarajevo, 6 December 2002

*Paddy Ashdown
High Representative*