

Decision Establishing the Ownership and the Right of Use of certain buildings and land within the complex of “Ramiz Salcin” (formerly known as “Viktor Bubanj”) in Sarajevo

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”;

Considering paragraph 12.1 of the Declaration of the Peace Implementation Council which met in Madrid on 15 and 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;

Considering further paragraph 3 of Annex II (Rule of Law and Human Rights) to the last said Declaration, according to which the establishment of judicial institutions at the State level, which meet an established constitutional need to deal with criminal offences perpetrated by public officials of Bosnia and Herzegovina in the course of their duties, and with administrative and electoral matters, is a precondition for the establishment of the rule of law in Bosnia and Herzegovina;

Bearing in mind the reinvigorated strategy for judicial reform to strengthen the Rule of Law efforts in Bosnia and Herzegovina in 2002/03 which was endorsed by the Steering Board of the Peace Implementation Council on 28 February 2002 and noting that the aforementioned strategy was devised in response to calls by the authorities in Bosnia and Herzegovina for firmer International Community actions to tackle economic crime, corruption and problems inherent in the judicial system;

Recalling in addition that the Steering Board of the Peace Implementation Council in Sarajevo on 7 May 2002 called upon the local authorities to ensure the rapid establishment of the Court of Bosnia and Herzegovina reminding the Bosnia and Herzegovina authorities that the Appellate Division of the Court needs to be operational in order to adjudicate election

complaints and urging the authorities to immediately find a sustainable solution to the problem of the location of the Court;

Noting Article II and Article III of the Proposed Decision Establishing the Status of the Building and the Land within the Complex of “Ramiz Salcin” in Sarajevo presented at the 85th Session of the Council of Ministers of Bosnia and Herzegovina on October 10, 2002 which provides that the buildings within the complex “Ramiz Salcin” in Sarajevo and the surrounding land shall be used for the purposes of accommodating the Court of Bosnia and Herzegovina and that the ownership rights over the buildings and surrounding land as mentioned in Article II of the Decision shall be registered in the name of Bosnia and Herzegovina – Joint Institutions of Bosnia and Herzegovina;

Noting further that the Council of Ministers of Bosnia and Herzegovina at its 86th Session on October 15, 2002 failed to finalize the aforementioned proposed Decision Establishing the Status of the Building and the Land within the Complex of “Ramiz Salcin” in Sarajevo;

Stressing the need for the provision of judicial remedies to exist at the State Level within Bosnia and Herzegovina which comply with the guarantees enshrined under the European Convention on Human Rights and other Conventions which form part of the Constitution of Bosnia and Herzegovina and enjoy priority over all other law in Bosnia and Herzegovina;

Convinced therefore of the urgency and of the need and to provide adequate premises for the Court of Bosnia and Herzegovina and the Office of the Prosecutor of Bosnia and Herzegovina and for all the reasons as aforesaid and in order to protect the interests of all the citizens of Bosnia and Herzegovina;

The High Representative hereby issues the following

DECISION

Establishing the Ownership and the Right of Use of certain buildings and land within the complex of "Ramiz Salcin" (formerly known as "Viktor Bubanj") in Sarajevo

- (1) This Decision establishes the Ownership and the Right of Use of the buildings and land within the demarcation line indicated on the plan attached hereto as the Appendix, within the complex of 'Ramiz Salcin' (formerly known as "Viktor Bubanj") in Sarajevo.
- (2) The ownership of the buildings, infrastructure, accessory facilities and land as referred to in paragraph 1 is conferred upon Bosnia and Herzegovina-Joint Institutions of Bosnia and Herzegovina.
- (3) The buildings, infrastructure, accessory facilities and surrounding land as referred to in paragraph 1 shall be permanently used for the purpose of accommodating the Court of Bosnia and Herzegovina, the Prosecutor's Office of Bosnia and Herzegovina and other judicial institutions of Bosnia and Herzegovina.
- (4) Each and every legal step required to be made or taken under applicable law to the said buildings and land in order to effect such Ownership and the Right of Use as provided for in this Decision is hereby deemed to have been duly made and taken in proper and due form as provided for under the law.
- (5) Based on this Decision, the rights from the previous paragraphs shall be registered by the responsible authorities in the Land Register Books in the Municipal Court I in Sarajevo and in the "Katastar" Records of the Municipality Novi Grad, Sarajevo in the name of Bosnia and Herzegovina-Joint Institutions of Bosnia and Herzegovina. Former rights registered in the name of the State Department for National Defense of FNRJ, the Ministry of National Defense of FNRJ and the Department for National Defense Sarajevo shall be erased.

(6) The Court of Bosnia and Herzegovina, the Prosecutor's Office of Bosnia and Herzegovina and other judicial institutions of Bosnia and Herzegovina shall use the buildings and the land as referred to in paragraph 1 of this Decision in accordance with their purpose, and shall maintain and protect the said buildings and land for such use.

(7) The Appendix referred to in paragraph 1 shall constitute an integral part of this Decision.

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

Sarajevo, 16 October 2002

*Paddy Ashdown
High Representative*