

Decision imposing the Law on the Human Rights Ombudsman of Bosnia and Herzegovina

In the exercise of the powers vested in me by Article V of Annex 10 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 this Agreement on the Civilian Implementation of the Peace Settlement;

Recalling Article II.1 (d) of the Agreement on the Civilian Implementation of the Peace Settlement, 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 further 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 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 further that Article XIV of Annex 6 of the General Framework Agreement for Peace in Bosnia and Herzegovina (the “Human Rights Agreement”) provides for the transfer, on 14 December 2000, of responsibility for the continued operation of the Human Rights Ombudsman of Bosnia and Herzegovina from the Parties to the institutions of Bosnia and Herzegovina unless the Parties otherwise agree;

Recalling further that Article 6 of the 10 November 2000 Agreement Pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina refers to the Draft Law on the Human Rights Ombudsman of Bosnia and Herzegovina and transfers responsibility for the Human Rights Ombudsman of Bosnia and Herzegovina from the Parties to the Human Rights Agreement to the institutions of Bosnia and Herzegovina following the entry into force of the Draft Law;

Recalling further that the adoption by September 2000 of the Law on the Human Rights Ombudsman of Bosnia and Herzegovina is a requirement of the Brussels Peace Implementation Council Declaration Annex of 23/24 May 2000;

Determined that the Human Rights Ombudsman of Bosnia and Herzegovina become the responsibility of the institutions of Bosnia and Herzegovina, pursuant to the Human Rights Agreement;

Concerned that the Law on the Human Rights Ombudsman of Bosnia and Herzegovina, drafted with the assistance of the European Commission for Democracy through Law, presented to the authorities of Bosnia and Herzegovina in August 1999, has not yet been adopted by the Parliament of Bosnia and Herzegovina;

Concerned that the delay in the adoption of the Law has caused disruption in the work of the Human Rights Ombudsman of Bosnia and Herzegovina due to the lack of legal clarity of the structure of the institution following 14 December 2000;

Concluding that to ensure greater respect for the Agreement for Human Rights, including the protection of human rights and fundamental freedoms in Bosnia and Herzegovina and having considered and borne in mind the totality of the matters aforesaid, I hereby issue the following:

DECISION

ON THE LAW ON THE HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND HERZEGOVINA

The attached Law on the Human Rights Ombudsman of Bosnia and Herzegovina shall be published without delay in the Official Gazette of Bosnia and Herzegovina, and it shall come into force on the date specified in the Law. This

Decision shall also be published in the Official Gazette of the Federation of Bosnia and Herzegovina and the Official Gazette of Republika Srpska.

Sarajevo, 12 December 2000

Wolfgang Petritsch
High Representative

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