Decision following the failure of the authorities of BiH, the RS and F BiH to meet their obligations under Annex 7

In accordance with my authority under Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) and Article XI of the Bonn Document;

Noting that, notwithstanding the remainder in paragraph 24 of the Declaration of the Peace Implementation Council held in Luxembourg on 9 June 1998, the authorities of Bosnia and Herzegovina, the Republika Srpska, the Federation of Bosnia and Herzegovina and the Federation's Cantons have up to now failed to meet their obligations under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina, to enact legislative and other measures as necessary to secure countrywide access to official records, particularly as referring to the issuance of identity documents to displaced persons and returnees, I hereby issue the following

DECISION

From the day of entry into force of this Decision, public officials of Bosnia and Herzegovina, the Republika Srpska, the Federation of Bosnia and Herzegovina, including public officials of any Canton, City or Municipality (hereafter: public officials) shall accept all public documents issued by a competent body of the Socialist Federal Republic of Yugoslavia/Socialist Republic of Bosnia and Herzegovina (hereafter:SFRY/SRBH documents) as providing official evidence of the facts therein stated.

In furtherance of the above, any person identified in a personal identity card issued by a competent body of the Socialist Federal Republic of Yugoslavia/Socialist Republic of Bosnia and Herzegovina which was valid on 6 April 1992, shall be entitled to apply, until 5 April 2002 inclusive, for direct exchange with any new personal identity card as provided by valid laws and regulations. Applications for exchange shall be submitted to the office competent to issue the new card, along with the SFRY/SRBH card itself, which will be immediately returned to the applicant. If the receiving official questions the authenticity of the SFRY/SRBH card or its validity on 6 April 1992, the official shall nevertheless issue the new personal identity card, and in this event the official may retain photocopies of the proffered SFRY/SRBH card, but the original must be returned to the applicant, and the official may institute judicial proceedings as appropriate to have the authenticity or validity established. In any such proceedings, the onus of proving that the SFRY/SRBH card is not authentic or valid shall be placed on the objecting administration. In case the new personal identity card is not, for any reason, issued immediately upon submission of the request, the applicant shall be issued a receipt certifying that the request has been submitted. In all cases, the competent administration shall issue the new personal identity card not later than 15 days from submission of the request. The newly issued personal identity card shall be accepted as providing official evidence of identity and residence, these being the same as indicated in the exchanged SFRY/SRBH personal identity card. In any case in which a new personal identity card is issued, and at a later time it is determined by final judicial proceedings that the SFRY/SRBH card, on the basis of which the new card is issued, is invalid or not authentic, then all transactions conducted on the basis of the new card shall be null and void, and the applicant for the new card shall be liable to disgorge all benefits obtained through its use.

It is understood that any public official failing to comply

with the above shall be considered to be liable and punishable in terms of existing legislation regulating the responsibility of public officials in administrative procedures. In order to monitor compliance, I reserve the possibility to appoint international supervisors who shall be given full access to the premises, records and personnel of the competent administrations. Taking into account the recommendation of such supervisors, I also reserve the possibility to further exercise my powers against public officials found to obstruct compliance with the present Decision, as may be necessary.

This Decision supersedes all inconsistent legislative and other provisions presently in force at the level of Bosnia and Herzegovina, the Republika Srpska, the Federation of Bosnia and Herzegovina, or any Canton, City or Municipality, until legislation ensuring countrywide recognition of official documents should have been brought into force, and existing legislation concerning the issuance of identity documents should have been amended in line with the obligations of the authorities of Bosnia and Herzegovina and the two Entities in terms of Annex 7 to the GFAP.

This Decision shall enter into force on the 30th day of July 1999, and will be appropriately disseminated beforehand. It shall thereafter be published in the Official Gazettes of Bosnia and Herzegovina, of the Republika Srpska, of the Federation of Bosnia and Herzegovina and of each of the Federation’s Cantons, within eight days after having entered into force.

Sarajevo, 30 July 1999	Carlos Westendorp
	High Representative

Office of the High Representative