

Decision Amending the Law on Special Witness Protection in Criminal Proceedings in the Federation of BiH

In the exercise of the powers vested in me 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”;

Noting the importance to the rule of law of witness protection in serious criminal proceedings;

Considering the Law on Special Witness Identity Protection in

Criminal Proceedings in the Federation of Bosnia and Herzegovina of July 30th, 1999 (Official Gazette No 33/99)

Recognizing that the wording of Article 6 paragraph 3 of this Law in the English version may give rise to different interpretations as to what information exactly must be provided to the parties in pending proceedings, after the record of the hearing of a protected witness has been established;

Observing that the Bosnian, Croat and Serb versions of this provision contain a mistranslation;

With the object of removing any ambiguity and guaranteeing the best witness protection possible without any uncertainty in the interpretation and application of this Law.

I hereby issue the following

DECISION

Amending the Law on Special Witness Protection in Criminal Proceedings in the Federation of Bosnia and Herzegovina

Article 1

At the end of Article 6 paragraph 3 shall be inserted, after the last word “case”, the phrase “, that a hearing of a protected witness has taken place.”

Article 2

This amendment to the Law on Special Witness Protection in Criminal Proceedings in the Federation of Bosnia and Herzegovina shall enter into force immediately and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 2 March 2001	Wolfgang Petritsch
	High Representative

Office of the High Representative