Decision amending the RS Law on the Prosecutors' Office

In accordance with my authority under Annex 10 of the Dayton Agreement, and recalling Article XI of the Bonn Declaration,

Recalling the text of the Madrid Declaration of 16 December 1998 which emphasized the urgent need for judicial reform in Bosnia and Herzegovina;

Recognizing the importance of establishing a truly independent judiciary at all levels of governance as an integral element of a modern democratic state and in particular the need for a process of selection, dismissal and discipline for public prosecutors and deputy public prosecutors based on merit instead of political affiliation;

Acknowledging the efforts of those in the domestic legal community who drafted the Law on the Public Prosecutors' Office as well as the efforts of the National Assembly of the Republika Srpska which passed similar legislation;

All this considered, born in mind and noted, I hereby issue the following

DECISION

On Amending the Law on the Prosecutors' Office

The Law on the Prosecutors Office, published in the Official Gazette of the Republika Srpska (n. 13/2000) on 25 May 2000, is hereby amended as follows.

Article 1

In Article 30, paragraph 5, the following is added: “Measurable and identifiable efforts must be made towards achieving multi-ethnicity and gender balance”.

Article 2

In Article 31, paragraph 4, the following is added: “Measurable and identifiable efforts must be made towards achieving multi-ethnicity and gender balance”.

Article 3

In Article 33, paragraph 1 is deleted and substituted with:

“The procedure for selection and dismissal of public prosecutors and deputy public prosecutors and the procedure for the responsibility under disciplinary measures shall be stipulated in the Rulebook on Selection and Dismissal of Public Prosecutors and Deputy Public Prosecutors (hereinafter: the Rulebook) which is adopted by the High Prosecutorial Council.”

Article 4

In Article 81, paragraphs 2 and 3 are deleted and substituted with the following three paragraphs:

“The High Prosecutorial Council shall conduct a Comprehensive Review of the suitability of all public prosecutors and deputy public prosecutors who are holding office at the time of the enactment of this Law, during a period of 18 months from the date of its constitutive session. The High Prosecutorial Council shall have the power to compel the attendance of witnesses and the production of information, and to sanction refusal to cooperate with the High Prosecutorial Council. The High Prosecutorial Council shall, within 30 days of its constitutive session, establish criteria for unsuitability and detailed rules of procedure for the review, including procedures for hearings, in its Book of Rules.”

The limitation period referred to in paragraph 1 of Article 52 shall not apply to the Comprehensive Review.

At the conclusion of its procedures, the High Prosecutorial Council shall recommend the removal of unsuitable public prosecutors and deputy public prosecutors to the National Assembly of Republika Srpska.

Article 5

This Law comes into effect on the eight day after it is published in the “Official Gazette of the Republika Srpska”

Sarajevo, 9 June 2000	Wolfgang Petritsch
	High Representative

Office of the High Representative