Decision Further Appointing Int.Judge Pietro Spera previously appointed to Section I for War Crimes of the Criminal and Appellate Divisions to Section II for Org.Crime, Econ. Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH

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 "[F]acilitate, 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;

Noting that the communiqué of the Steering Board of the Peace

Implementation Council issued at Sarajevo on 31 July 2002 stated that the Board welcomed the creation of special chambers of the Court of Bosnia and Herzegovina and endorsed the proposal of the High Representative to include national and international judges and prosecutors in special sections and departments in the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina for Organised Crime, Economic Crime and Corruption;

Recalling the Agreement between the High Representative for Bosnia and Herzegovina and Bosnia and Herzegovina on the Establishment of the Registry for Section I for War Crimes and Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina and the Special Department for War Crimes and the Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of Bosnia and Herzegovina signed by the Presidency of Bosnia and Herzegovina and the High Representative on 1 December 2004;

Recalling further the relevant provisions of the Law on Court of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 29/00, 24/02, 3/03, 42/03, 37/03, 9/04, 4/04, 35/04, and 61/04) providing for a number of international judges to be appointed to the Section I for War Crimes and to the Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina;

Bearing in mind the High Representative Decision Further Appointing the International Judges previously appointed to the Section I for War Crimes of the Criminal and Appellate Divisions to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina of 7 June 2005 and the High Representative decision on appointment of Pietro Spera to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina of 28 April

2005;

Noting the Joint Recommendation for the Appointment of an International Judge of 13 February 2006 signed by the Registrar of the Registry for Section I for War Crimes and Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina and the Special Department for War Crimes and the Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of Bosnia, the President of the Court of Bosnia and Herzegovina and the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina;

Mindful therefore of the need to strengthen the special sections of the Court of Bosnia and Herzegovina and to appoint international judges to the Court of Bosnia and Herzegovina, and for all the reasons as aforesaid;

The High Representative hereby issues the following

DECISION

Further Appointing International Judge Pietro Spera previously appointed to Section I for War Crimes of the Criminal and Appellate Divisions to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina

1. As provided by Article 65, paragraph 4 of the Law on Court of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 29/00, 24/02, 3/03, 42/03, 37/03, 9/04, 4/04, 35/04 and 61/04; hereinafter: the Law) the following judge of the Section I for War Crimes of the Criminal and Appellate Divisions is hereby further appointed to Section II

for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina:

Pietro Spera

2. The term of appointment to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina of Pietro Spera pursuant to this Decision shall be for the period starting from the date of entry into force of this decision until the completion of the term of office pursuant to the High Representative decision on appointment of Pietro Spera to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina of 28 April 2005, subject to reappointment pursuant to the Law.

3. The appointed international judge shall perform the duty of judge in accordance with the Constitution of Bosnia and Herzegovina and laws of Bosnia and Herzegovina, take decisions upon his best knowledge, conscientiously, responsibly and impartially to uphold the rule of law, and shall protect the freedoms and rights of individuals granted by the Constitution of Bosnia and Herzegovina and the European Convention on Human Rights and Fundamental Freedoms. The international judge as a judge of the Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina stays bounded by a solemn oath already taken to that effect before the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

4. The appointed international judge is required to reside in Bosnia in Herzegovina during the term of his appointment and cannot perform any other function that is incompatible with the judicial service or that can impede his performance of the judicial function on a full time basis. To the extent applicable, all other requirements for judicial

service as set forth in the Law shall apply to this appointment.

5. During the term of appointment, the appointee shall complete all training programs as directed by the President of the Court of Bosnia and Herzegovina, and adhere to all professional conduct standards as established by the Court of Bosnia and Herzegovina.

6. The Registrar of the Registry for Section I for War Crimes and Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina and the Special Department for War Crimes and the Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of Bosnia and Herzegovina shall notify the appointing authority of any occurrence, including the ones as referred to in paragraph 4 of this Decision, that may cause the inability of the appointed international judge to perform his mandate. In the event of resignation by or inability of the international judge to complete his mandate, a successor to complete the above-mentioned term of office may be appointed.

7. This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 7 June 2006

Dr. Christian Schwarz-Schilling
High Representative