

Decision On Appointment of a Member of the High Judicial and Prosecutorial Council of Republika Srpska

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 “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;

Taking into account the two Decisions of the High Representative issued on 23 May 2002, Amending the Constitution of the Federation of Bosnia and Herzegovina, and

Amending the Constitution of the Republika Srpska, wherein the constitutional foundations were enumerated for the creation of the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council of Republika Srpska;

Taking into account further the Law on the High Judicial and Prosecutorial Council of Republika Srpska (Official Gazette of Republika Srpska 31/02, 10 June 2002), as amended by High Representative Decision of 20 November 2003, which establishes the legal framework for the High Judicial and Prosecutorial Council of Republika Srpska and provide for the High Representative to appoint all Council members to the extent possible during the transitional period defined therein;

Recognising the need for the assurance that all international and European standards are upheld during the crucial transitional period of the Councils' existence when the restructuring of the courts and prosecutors offices will take place and a selection of judges and prosecutors to fill the restructured posts will occur;

Cognisant of the fact that a vacancy has arisen in the High Judicial and Prosecutorial Council of Republika Srpska, due to the termination of the mandate of Mr. Milorad Ivosevic as a result of his appointment to the Republika Srpska Constitutional Court and the consequent termination of his membership of the Republika Srpska Bar Association on 29 December 2003;

Further cognisant of the fact that on 8 October 2003, the High Judicial and Prosecutorial Council of the Republika Srpska appointed Ms. Asja Hadzic as a judge of the District Court Srpsko Sarajevo;

For the reasons set out above, the High Representative, pursuant to Article 76 of the Law on the High Judicial and Prosecutorial Council of Republika Srpska (Official Gazette of

Republika Srpska 31/02, 55/2 and 114/03), hereby issues the following

DECISION

On Appointment of a Member of the High Judicial and Prosecutorial Council of Republika Srpska

1. **Ms. Asja Hadzic** is hereby appointed as a member of the High Judicial and Prosecutorial Council of Republika Srpska in accordance with the Law on the High Judicial and Prosecutorial Council of Republika Srpska (Official Gazette of Republika Srpska 31/02, 55/2 and 114/03).

2. The appointment under this Decision shall take effect from the date hereof.

3. This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, in the Official Gazette of the Federation of Bosnia and Herzegovina, in the Official Gazette of Republika Srpska and in the Official Gazette of the Brcko District of Bosnia and Herzegovina.

Sarajevo, 3 February 2004

*Paddy Ashdown
High Representative*