Decision requiring prior consultation of IPTF before foreigners without visa of residence permit are expelled

In the exercise of the powers vested in me by Annex 10 to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theater regarding interpretation of his mandate; and considering in particular Art. II.1. (d) of the same Annex, entrusting to the High Representative the power to facilitate, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation; recalling the interpretation of such a power given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn the 10 December 1997, particularly sub-paragraph (c) thereof, in terms of which the High Representative is entitled to make binding decisions, as he judges necessary, on the adoption of measures aiming at ensuring implementation of the Peace Agreement throughout Bosnia and Herzegovina, including such measures as needed "*to ensure (…) the smooth running of the common institutions*",

Considering Art. III.1 (f) of the Constitution of Bosnia and Herzegovina and the Human Rights Agreements listed in Annex I to the Constitution of Bosnia and Herzegovina, in particular the 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto and other relevant treaties to which Bosnia and Herzegovina is a Party;

Concerned with the recent rejection of the draft Law on Immigration and Asylum by the Parliamentary Assembly of Bosnia and Herzegovina;

Noting the Interim Directive of the Commissioner of the International Police Task Force dated 30 August 1999 on police operations against premises suspected of organizing the procurement of prostitutes;

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

DECISION

On decisions on refusal of entry against aliens

Article 1

For the purpose of the present Decision:

a). "Aliens" means "all individuals who are not citizens of Bosnia and Herzegovina".
b). "Decision on refusal of entry" means a "decision taken at the border entry point or within Bosnia and Herzegovina in relation to aliens who have entered illegally or illegally remain on the territory of Bosnia and Herzegovina".
c). To "enforce" means to "forcibly remove, intentionally or/and effectively, an alien from the territory of Bosnia and Herzegovina".

Article 2

Until such time the draft Law on Immigration and Asylum is adopted by the Parliamentary Assembly of Bosnia and Herzegovina and implemented, any decision on refusal of entry against aliens shall not be enforced throughout Bosnia and Herzegovina without prior consultation of the International Police Task Force.

Article 3

This Decision shall enter into force with immediate effect, and be appropriately disseminated to all interested parties. It shall be published in the Official Gazettes of Bosnia and

Herzegovina, of the Republika Srpska, of the Federation of Bosnia and Herzegovina and of all Cantons of the Federation of Bosnia and Herzegovina, within eight days after having entered into force.

Sarajevo, 29 October 1999

Wolfgang Petritsch
High Representative

Office of the High Representative