Decisions Furthering the Implementation of the Dayton Peace Agreement in Bosnia and Herzegovina

Yesterday, in accordance with the powers granted him under Article 5 of Annex 10 to the General Agreement for Peace (GFAP) in Bosnia and Herzegovina and reinforced in the Bonn Peace Implementation Council Conclusions, the High Representative Carlos Westendorp issued a series of Decisions. These decisions have been taken following the failure of the relevant local authorities and institutions to reach agreement on a number of issues vital to continued implementation of the GFAP. These decisions are particular to the establishment of a functioning administration, a foundation for democracy, reconciliation and the Rule of Law in Bosnia and Herzegovina.

The High Representative leaves Bosnia and Herzegovina with regret after two years working on the implementation of the peace process. As he said in his speech at the Stability Pact Summit on Thursday, "**much has been achieved, but much still needs to be done. The cup is half full not half empty.**" As he leaves Mr Westendorp would wish to remind the leadership of this country that full implementation of the Dayton Peace Agreement is the only way to achieve lasting peace, true democracy and integration into the European family of nations.

The most important Decisions that he signed yesterday are:

- Decision on the Restructuring of the Public Service Broadcasting System in Bosnia and Herzegovina
- Decision on Freedom of Information and Decriminalisation of Libel and Defamation
- Law on Amendments to the Law on the Supreme Court of the

Federation
- Law on Amendments to the Law on the Federation Prosecutor's Office
- Law on Special Witness Identity Protection in Criminal Proceedings in the Federation

With regard to the other Decisions, we will issue separate press releases on Monday.

Decision on Restructuring of the Public Service Broadcasting System in BiH and Decision on Freedom of Information and Decriminalisation of Libel and Defamation

The Decision on Restructuring the Public Service Broadcasting System in BiH is designed to establish a legal framework for public radio and television that will serve the needs of all citizens in line with the Dayton Peace Agreement and best European practice.

It creates a new Public Broadcasting Service which will provide news programming to the whole of BiH based on the resources and mutual interests of the Federation and Republika Srpska networks.

An executive board appointed by the High Representative and the BiH Presidency will manage the service until more comprehensive legislation is adopted. The programming and management structure will strictly respect the equality of the constituent peoples under the Dayton Peace Agreement.

The new Public Broadcasting Service will succeed the existing RTV BiH as a member in international organisations. The distribution of the property of RTV BiH shall be reviewed by a team of experts over a designated period.

As part of the Decision, the High Representative has also imposed the Law on the Radio-Television of the Federation of BiH. The version imposed is based on the law forwarded by the Federation Government. The High Representative has added certain amendments taking into account the new state-wide

service and the need for international supervision.

The Decision also requires that HRT puts its operations in BiH on a legal footing, and in a manner that will enable the establishment of Federation Radio-Television.

Under the Decision, the High Representative issued a deadline of August 15 to the RS National Assembly to amend the SRT law so it respect a certain minimum level of public service standards. The RS National Assembly has thus far failed to bring this law into line with European standards.

The Decision on Freedom of Information and Decriminalisation of Libel and Defamation seeks to ensure full respect for the constitutional right of Freedom of Expression, promote media freedom and allow citizens access to information about the work of governmental bodies.

It suspends the sanction of imprisonment for Libel and Defamation provisions in the Criminal Codes of both Entities. The High Representative requires that by the end of 1999, authorities in both Entities adopt new legislation that treat Libel and Defamation as civil offenses. The current provisions have posed a threat to journalistic inquiry.

In addition, the High Representative requires by the end of 1999 that the State and Entities adopt, or amend existing legislation, upholding the principle of Freedom of Information. Such legislation will provide the citizens of BiH the right to gain access to information about the activities of governmental bodies except for narrowly defined categories.

Law on Amendments to the Law on the Supreme Court of the Federation, Law on Amendments to the Law on the Federation Prosecutor's Office and Law on Special Witness Identity Protection in Criminal Proceedings in the Federation

This legislation will enhance judicial proceedings and the Rule of Law in the Federation of Bosnia and Herzegovina and

thereby promote justice throughout this Entity. Given the urgency of the matter and, at the same time, the slow parliamentary procedures in the Federation, the High Representative has decided to impose the legislation on an interim basis, until such time as they can be adopted by the Federation institutions in accordance with the normal procedures.

The Law on Amendments to the Law on the Supreme Court of the Federation creates a first-instance jurisdiction department in the Federation Supreme Court, thereby making the Supreme Court a trial court for a number of serious crimes. These crimes are defined in the Federation Constitution as being within the jurisdiction of the Federation. The Constitution, however, failed to provide for a first-instance court, which forced prosecutors to bring such cases to Cantonal courts instead of a Federation-level court. This problem has been solved now.

The crimes within the jurisdiction of the Federation include terrorism, drug trafficking, inter-Cantonal crime and organized crime. While the Federation Criminal Code already defines the offenses of terrorism and drug trafficking, the Law on Amendments to the Law on the Supreme Court of the Federation also defines inter-Cantonal crime and organized crime. The Federation House of Representatives has already passed this Law.

The Law on Amendments to the Law on the Federation Prosecutor’s Office enhances the powers of the Federation Prosecutor, giving him authority over Cantonal prosecutors. If a Cantonal prosecutor does not take the action ordered by the Federation Prosecutor, the Federation Prosecutor can now step in and take over the case. The Law on Amendments to the Law on the Federation Prosecutor’s Office also empowers the Federation Prosecutor to initiate criminal prosecution at the Federation level for those criminal acts within the jurisdiction of the Federation.

The Law on Special Witness Identity Protection in Criminal Proceedings gives witnesses the opportunity to present their testimonies to the courts without fear of threats, intimidation or reprisals. The Law enables a panel of three Supreme Court judges to hear a witness and convey the witness's testimony anonymously to the court.

The new legislation and Decisions are effective immediately and shall be published in the relevant Official Gazettes without any delay. The High Representative has made these Decisions exercising the powers vested in him by Annex 10 to the Dayton Peace Agreement and by Article XI of the Conclusions of the Peace Implementation Council Conference held in Bonn in December 1997.