

High Representative Appoints Judges to the Court of BiH

The High Representative, Wolfgang Petritsch, today issued a Decision appointing Milos Babic, Suada Halilagic, Venceslav Ilic, Branko Morait, Muhidin Niksic, Nedzad Popovac and Martin Raguz as judges to the Appellate Division of the Court of Bosnia and Herzegovina, thereby also establishing the Court. The seven judges were chosen from a list of 19 suitable candidates selected by the Commission for the Nomination of Judges of the Court of BiH.

The establishment of the Appellate Division is urgently needed as it will provide legal remedy for the protection of the electoral rights of BiH citizens, by hearing appeals to decisions of the BiH Election Commission and the Election Complaints and Appeals Council. The BiH Election Commission initiated the process of certification of political parties, candidates, coalitions and independent candidates, which could result in appeals, on April 19, when it announced general elections to be held in BiH on October 5.

In his Decision, the High Representative also calls on the BiH State institutions to deal with financial, staffing and location issues affecting the Court of BiH, as a matter of priority. Premises in the centre of Sarajevo should be provided at least on a temporary basis as the seat of the Court of BiH.

The seven judges appointed will have a three-year mandate and can be reappointed to these positions. Apart from working in the Appellate Division, they will form the Plenum of the Court and are charged with electing the Presidents of the Court and of the Appellate Division, drawing up and adopting the rules of procedure for the Court and the Appellate Division, and determining the organisational and personnel structure and the

budget of the Court.

The Court of BiH will have three judicial divisions: criminal law, administrative law and appeals. Judges in the criminal and administrative law divisions will be appointed in due course.

The Law on the Court of BiH was imposed by the High Representative on November 12, 2000. Article 65 provides that "If six months after the entry into force of the present law, judges are not elected pursuant to Article 4, the High Representative may appoint them for a maximum period of five years." The High Representative is disappointed that despite considerable efforts made by his staff, one year after this deadline and one-and-a-half years after the Law on the Court went into effect, the Court is only now being set up.

With this Decision the High Representative has ensured the full and proper functioning of all the bodies necessary for free and fair elections.