

OHR Brcko Arbitration, Order on Judiciary in the RS Municipality of Brcko

Brcko Arbitral Tribunal for Dispute Over the Inter-Entity Boundary in Brcko Area

Order on Judiciary in the RS Municipality of Brcko

As the Supervisor for Brcko, I herein issue the following Order in accordance with my authority under the Award on the Interim International Supervision in the Brcko Area of 14 February 1997:

Article VII.I.B(5) of the Award stipulates that the Supervisor should issue such regulations and orders as may be appropriate to enhance democratic government and a multi-ethnic administration in Brcko. The Chairman's Conclusions of the Brcko Implementation Conference, held in Vienna on 7 March 1997 and the Political Declaration of the Steering Board Ministerial Conference, held in Sintra on 30 May 1997 specify that the installation in the area of a new multi-ethnic administration shall be based on the municipal elections scheduled for 13 and 14 September 1997 including the composition of the voters registry.

In accordance with these decisions, the composition of the judicial bodies of Brcko shall be based on the following provisions and principles:

1. There shall be a President and a Vice President of the Basic Court (hereinafter: the Court) who shall be of different nationalities.
2. The President and the Vice President of the Court shall be appointed or reconfirmed by the President of the Republika Srpska, as representing the Republika Srpska as party to the Brcko dispute, in consultation with the RS Prime Minister and the Supervisor, within 30 days after the technical certification of the municipal elections of 13 and 14 September 1997. If the President of the Republika Srpska fails to appoint the President and the Vice President within the given time frame, the Supervisor shall make the appointments.
3. The composition of the Court shall reflect the composition of the population of the RS Municipality of Brcko, based on the voters registry and as reflected by the results of the municipal elections of 13 and 14 September 1997. For this purpose, the President and the Vice President of the Court shall elaborate, in co-operation with the Supervisor, a staffing plan for the Basic Court of Brcko to be implemented by 31 December 1997. By that time, the President of the Republika Srpska shall also appoint the other judges of the Court, in accordance with the staffing plan and paragraph 2 above.
4. The Municipality of Brcko shall have a Public Prosecutor and a Deputy Prosecutor who shall not be of the same nationality. They shall be appointed according to the procedure established in paragraph 2 above. The Public Prosecutor shall be of a different nationality than the President and Vice-President of the Basic Court.
5. The Magistrates' Court of the Municipality of Brcko shall have three magistrates who shall all be of different nationalities, to be appointed in accordance with the paragraph 2 above.
6. Everyone shall have the right to be represented by any attorney of his/her choice, registered with a Bar Association within the territory of Bosnia and Herzegovina.

Non-compliance with this Supervisory Order shall constitute a major breach of the Parties' obligations under the Arbitral Award.

Robert W. Farrand
Supervisor for Brcko

