

Supervisory Order on Implementation of the Appellate Court of Brcko District of Bosnia and Herzegovina Decision number 97 0 U 002694 24 0us of 7 October 2024

November 1st, 2024

In accordance with the powers vested in me by Paragraphs 8, 10, 13, 37 and 43 of the Final Award, dated March 5, 1999, of the Arbitral Tribunal for Dispute over the Inter-Entity Boundary in Brcko Area (hereinafter: Arbitral Tribunal);

Recalling the Award of the Arbitral Tribunal of February 14, 1997, which in the course of establishing an international supervision of Dayton implementation in the Brcko area ordered establishment of “an office and staff in Brcko under the leadership of a Deputy High Representative and Supervisor for Brcko (...) with specific authority to promulgate binding regulations and orders (...) which shall prevail against any conflicting law. All relevant authorities including courts and police personnel shall obey and enforce all Supervisory regulations and orders”;

Without prejudice to the decision of the Supervisor for Brčko District of Bosnia and Herzegovina to suspend his functions as of 31 August 2012, which was supported by the Steering Board of the Peace Implementation Council at its session held on 23 May 2012;

Noting that the Appellate Court of Brcko District of Bosnia and Herzegovina at the session held on October 7, 2024, adopted the Decision no. 97 0 U 002694 24 0us determining that the Decision on the Appointment of the Chief of Police of the Brcko District of Bosnia and Herzegovina, no. 33-004427/20 of November 9, 2020 ("Official Gazette of the Brcko District of Bosnia and Herzegovina", no. 10/22), is not in accordance with the provision of Article 64, Paragraph (2) of the Statute of the Brcko District of Bosnia and Herzegovina ("Official Gazette of the Brcko District of Bosnia and Herzegovina", no. 2/10 – Consolidated Text);

Further noting that as of the date of the publication of the Appellate Court's Decision in the Official Gazette of the Brcko District of Bosnia and Herzegovina, the Decision on the Appointment of the Chief of Police of the Brcko District of Bosnia and Herzegovina, no. 33-004427/20 of November 9, 2020 ("Official Gazette of the Brcko District of Bosnia and Herzegovina", no. 10/22) shall cease to be valid;

Acknowledging the content and the effects of the decision of the Appellate Court of Brcko District of Bosnia and Herzegovina, which must be respected and implemented;

Emphasizing that the decision of the Court does not call into question the administrative, personnel and investigatory decisions of the Chief of Police from his appointment in 2020 and that the continuation of the work and actions that will be undertaken until a new Chief of Police is appointed is of the utmost importance, in particular in respect to investigations that are ongoing.

Concerned however about the effect that decision would have on the functioning of the police and possible disruption in its ability to provide a safe and secure environment for all persons in the District, especially taking into account the time necessary for the procedure for the selection and appointment of a new chief of police as well as recently

completed local elections that is expected to result in appropriate changes in the composition of the bodies responsible for the implementation of the appointment procedure;

Considering that the proper administration of the public institutions must be ensured at all times;

Concerned that smooth and uninterrupted performance of the police tasks that are vital for the public order and security of Brcko District's citizens, as well as activities on investigation of criminal offences for which timely actions are of the utmost importance, may be questioned in the absence of the Chief of Police of the Brcko District of Bosnia and Herzegovina;

Further concerned that in the absence of the Chief of Police, investigative actions in the corruption cases that are currently underway could be jeopardized;

Aware of the important responsibilities entrusted upon the chief of police by the law and the need for them to be exercised in the interest of the Brcko District citizens;

Reiterating that it is essential to ensure the uninterrupted functioning of the police at all times in order to prevent crime and maintain public order and security in the Brčko District of Bosnia and Herzegovina while also respecting the above-mentioned decision of the Court;

Having consulted with the Commander of the European Union Forces in Bosnia and Herzegovina and the Commander of NATO Headquarters in Sarajevo, Bosnia and Herzegovina;

Considering the urgency of the matter at stake;

With the aim of eliminating any legal uncertainty or ambiguity

I hereby order that:

1. As of the date of the publication of the Decision of the Appellate Court of Brcko District of Bosnia and Herzegovina no. 97 0 U 002694 24 0us dated 7 October 2024 Goran Pisic shall continue to perform duties of the Chief of Police of the Brcko District of Bosnia and Herzegovina until the appointment of a Chief of Police and his assumption of duty.
2. This Supervisory Order shall come into effect immediately and shall be published on the official website of the Office of the High Representative and in the "Official Gazette of the Brcko District" without delay.

Louis J. Crishock

Supervisor of Brcko District

Principal Deputy High Representative