

Decision on Appointment of Members of the High Judicial and Prosecutorial Councils.

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities which "may include actions against persons holding public office or officials...who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation";

Taking into account the two Decisions of the High Representative issued on 23 May 2002, Amending the Constitution of the Federation of Bosnia and Herzegovina, and Amending the Constitution of the Republika Srpska, wherein the constitutional foundations were enumerated for the creation of the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council of Republika Srpska.

Taking into account further the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 15/02, 02 July 2002), the Law on High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, 22/02, 05 June 2002), and the Law on High Judicial and Prosecutorial Council of Republika Srpska (Official Gazette of Republika Srpska, 31/02, 10 June 2002), which establish the legal framework for all of the High Judicial and Prosecutorial Councils within Bosnia and Herzegovina and provide for the High Representative to appoint all Council members for the transitional period defined therein.

Recognising the need for the assurance that all international and European standards are upheld during the crucial transitional period of the Councils' existence when the restructuring of the courts and prosecutors offices will take place and a selection of judges and prosecutors to fill the restructured posts will occur.

Recognising further the necessity of independence and impartiality in the work of the Councils in order to achieve the essential purposes underlying the laws and constitutional amendments aforementioned, and the invaluable benefit that would accrue to the people and judicial system of Bosnia and Herzegovina from the utilisation of international expertise during the transitional period.

For the reasons hereinafter set out the High Representative hereby issues the following

DECISION

On Appointment of Members of the High Judicial and Prosecutorial Councils.

1. As provided for in Article 76 of the Law on the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina and in Article 76 of the Law on the High Judicial and Prosecutorial Council of the Republika Srpska, the following persons are hereby appointed as members of the Councils established under those laws.

High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina

Mr. Zdenko Eterovic Judge of the Supreme Court of the Federation of Bosnia and Herzegovina

Ms. Alma Tiric	Deputy Prosecutor of the Federation of Bosnia and Herzegovina
Mr. Davorin Jukic	Judge of the Cantonal Court Sarajevo
Mr. Izo Tankic	Cantonal Prosecutor Tuzla
Ms. Danka Vucina	Attorney, Mostar
Mr. Kasim Begic	Professor of the Law Faculty in Sarajevo

High Judicial and Prosecutorial Council of the Republika Srpska

Mr. Stevan Savic	Judge of the Supreme Court of the Republika Srpska
Ms. Svetlana Maric	Deputy Basic Public Prosecutor Banja Luka
Ms. Marica Vucetic-Zelenbabic	Judge of the District Court Dobo
Ms. Ranka Mrsic	Deputy District Public Prosecutor Srpsko Sarajevo
Mr. Milorad Ivosevic	Attorney, Banja Luka
Mr. Branko Peric	Journalist, Banja Luka

International Members to Serve on the High Judicial Councils of the Federation of Bosnia and Herzegovina and of the Republika Sprska

Mr. Silvio Bonfigli	Prosecutor	Italy
Mr. Christopher Harland	Attorney	Canada
Mr. Carlos Lobo	Judge	Portugal
Ms. Susanne Moeller	Judge	Finland
Mr. Jan Erik Oja	Judge	Sweden
Ms. Sylvie Pantz	Judge	France
Mr. John Peyton	Prosecutor	United States
Dr. Axel Schwarz	Attorney	Germany

2. As provided for in Article 66 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the following persons are hereby appointed as members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in respect of the transitional period until 31 December 2003.

Mr. Branko Morait	Judge of Court of Bosnia and Herzegovina
Mr. Venceslav Ilic	Judge of Court of Bosnia and Herzegovina
Mr. Mirza Jusufovic	Judge of the Appellate Court of Brcko District
Mr. Zekerija Mujkanovic	Public Prosecutor of Brcko District
Ms. Ljiljana Mijovic	Assistant Professor of the Law Faculty in Banja Luka

3. The persons appointed to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina under Article 2 hereof shall serve on that Council with the members of the Entity High Judicial and Prosecutorial Councils appointed under Article 1 hereof.

4. As provided for in Article 66 of the Law on the High Judicial and Prosecutorial Council of Bosnia

and Herzegovina, in Article 76 of the Law on the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina, and in Article 76 of the Law on the High Judicial and Prosecutorial Council of the Republika Srpska, the following international members of the High Judicial and Prosecutorial Councils are hereby designated and appointed as President and Vice President of each of the three Councils.

Mr. Jan Erik Oja President

Mr. John Peyton Vice President

5. All the appointments under this Decision shall take effect from the date hereof.
6. This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, in the Official Gazette of the Federation of Bosnia and Herzegovina, in the Official Gazette of Republika Srpska and in the official Gazette of the Brcko District of Bosnia and Herzegovina.

Sarajevo, 6 August 2002

*Paddy Ashdown,
High Representative*