

Decision On Appointment of a New Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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;

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 the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 35/02, 04 December 2002), which establishes the legal framework for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and provide for the High Representative to appoint all Council members to the extent possible during the transitional period defined therein, and provided for representation in the Council of two judges of the Court Of Bosnia and Herzegovina until the Prosecutor's Office of Bosnia and Herzegovina was established and for the representation of one judge of the said court and one prosecutor of the said prosecutor's office after the establishment of the prosecutor's office

Also taking into account that the Prosecutor's Office of Bosnia and Herzegovina was established on 27 January 2003 and that the mandate of a Council member who was a judge of the Court of Bosnia and Herzegovina in consequence thereof was terminated upon his resignation from the Council;

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 a New Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

1. As provided for in Articles 5, paragraph 2 and 66 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 35/02, 04 December 2002)

Mr. Marinko Jurcevic, Chief Prosecutor of Bosnia and Herzegovina

is hereby appointed as a member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in respect of the transitional period until 31 December 2003.

2. The appointment under this Decision shall take effect from the date hereof.

3. 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, April 2003

*Paddy Ashdown,
High Representative*