

Decision Enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska

In the exercise of the powers vested in me under 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 the 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”;

Considering the Communiqué by the Steering Board of the Peace Implementation Council of 28 February 2002, in which the Steering Board endorsed the reinvigorated strategy for judicial reform proposed by the Independent Judicial Commission for 2002/03, among other things recognizing the importance of restructuring of the court system, sentiments that were reiterated in a further Communiqué of 7 May 2002;

Taking into account my Decision no 63/02 of 1 November 2002, enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska, and in particular Article 2 of that Law, which amended Article 16a of the principal law, thereby inadvertently giving jurisdiction over economic offences to commercial departments to be established in certain Basic Courts;

Having considered the foregoing matters, I hereby issue the following:

DECISION

Enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska,

which is hereby attached as an integral part of this Decision.

The said law shall enter into force as a law of the Republika Srpska with effect from the date provided for in Article 2 thereof, on an interim basis until such time as the Legislature of the Republika Srpska adopts this law in due form, without amendments and with no conditions attached.

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 26 November 2003

Paddy Ashdown

High Representative

LAW ON AMENDMENTS TO THE LAW ON COURTS AND JUDICIAL SERVICE

Article 1

In the Law on Courts and Judicial Service (Official Gazette of the Republika Srpska no. 13/00, 15/00, 16/00, 70/01 and 77/02), item f) of Article 16a paragraph 1 sub-paragraph 1 shall be deleted.

Article 2

This law shall enter into force on the eighth day after its publication in the Official Gazette of the Republika Srpska.