

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 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”;

Convinced of the vital importance to Bosnia and Herzegovina of ensuring that the rule of law is strengthened and followed in order to create the grounds for economic growth and foreign investment;

Noting the Communiqué by the Steering Board of the Peace Implementation Council of 2 and 3 December 2004, in which the Steering Board reiterated its full support for the work of national and international judges and prosecutors in Bosnia and Herzegovina underlining that the efficient administration of justice, a core plank of Bosnia and Herzegovina’s postwar rehabilitation, depends on a properly functioning and appropriately remunerated judiciary;

Cognizant of the necessity to stop further increases of salaries for judges until a new law regulating such salaries has been brought into effect;

Further noting that the Steering Board “fully supports the urgent need to review judicial salaries in order to ensure the proper allocation of funds to enable the judicial system to work effectively”,

Having considered the totality of the matters aforesaid, I hereby issue the following:

DECISION

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

(Official Gazette of Republika Srpska, No. 13/00, 15/00, 16/00, 70/01, 77/02 and 85/03)

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

The said Law shall be published on the official website of the Office of the High Representative and shall enter into force as a law of the Republika Srpska, with immediate effect, on an interim basis, until such time as the National Assembly of the Republika Srpska adopts this Law in due form, without amendment and with no conditions attached. This Decision shall come into force forthwith and shall be published without delay in the “Official Gazette of the Republika Srpska”.

Sarajevo, 13 December 2004

LAW ON AMENDMENTS TO THE LAW ON COURTS AND JUDICIAL SERVICE OF REPUBLIKA SRPSKA

Article 1

In the Law on Courts and Judicial Service of the Republika Srpska ("Official Gazette of the Republika Srpska", Nos. 13/00, 15/00, 16/00, 70/01, 77/02 and 85/03), Article 88 shall be amended to read as follows:

"The basis for judges' salary calculation shall be equal to three average net salaries of the employees in the Republika Srpska in the month of November 2004."

Article 2

This Law shall enter into force forthwith and shall be published without delay.