

Decision Enacting the Law on Amendments to the Law on Judicial and Prosecutorial Service in the Federation of BiH

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 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;

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”;

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

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

DECISION

Enacting the Law on Amendments to the Law on Judicial and Prosecutorial Service in the Federation of Bosnia and Herzegovina

(Official Gazette of Federation of Bosnia and Herzegovina, Nos. 22/00, 20/01, 37/01, 57/01 and 63/03),

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 Federation of Bosnia and Herzegovina, with immediate effect, on an interim basis, until such time as the Parliament of the Federation of Bosnia and Herzegovina 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 Federation of Bosnia and Herzegovina”.

Sarajevo, 13 December 2004
Paddy Ashdown
High Representative

**LAW ON AMENDMENTS TO THE LAW ON JUDICIAL AND PROSECUTORIAL SERVICE IN THE FEDERATION
OF BOSNIA AND HERZEGOVINA**

Article 1

In the Law on Judicial and Prosecutorial Service Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina ", Nos. 22/00, 20/01, 37/01, 57/01 and 63/03) Paragraph 1 of Article 35 shall be amended to read as follows:

"The initial basis for calculation of judicial or deputy prosecutor salary for all judges and deputies is the same and is 2,5 of the average net salaries of employees in the FBiH in the month of December 2003."

Article 2

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