

Decision Enacting the Law on Amendments to the Law on Travel Documents 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 "[F]acilitate, 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";

Mindful of the fact that the peace implementation process, which continues to be pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, is not yet complete;

Further mindful of the fact that the peace implementation process requires to be completed in order that a stable political and security environment in Bosnia and Herzegovina is established;

Recalling paragraph 12.1 of the Declaration of the Peace Implementation Council which met in Madrid on 15 and 16 December 1998, which made clear that the said Council considered that the establishment of the rule of law, in which all citizens had confidence, was a prerequisite for a lasting peace, and for a self-sustaining economy capable of attracting and retaining international and domestic investors;

Noting that the Steering Board of the Peace Implementation Council, in the communiqué of 20 March 2001 issued in Brussels, emphasized that "functioning and effective State institutions, judicial reform, respect for the Rule of Law and good governance, remain fundamental to the implementation of the Peace Agreement";

Cognizant of the reinvigorated strategy for judicial reform to strengthen the Rule of Law efforts in Bosnia and Herzegovina in 2002/03 that was endorsed by the Steering Board of the Peace Implementation Council on 28 February 2002;

Having in mind that, in the communiqué issued after the meeting of the Peace Implementation Council Steering Board in Vienna on 15 March 2006, the Political Directors expressed their continuing support for the State Court to enable the authorities of Bosnia and Herzegovina to effectively prosecute domestically war crimes indictees and those indicted for organized crime;

Recalling that the Steering Board of the Peace Implementation Council, at its meeting held in Sarajevo on 19 June 2007, called upon the authorities in Bosnia and Herzegovina, especially in Republika Srpska, to abide by their obligations under international law by cooperating fully with the International Criminal Tribunal for the Former Yugoslavia ("ICTY"), playing a proactive role in apprehending all remaining indictees – including Radovan Karadžić and Ratko Mladić – without further delay, dismantling their support networks and ensuring that indictees are transferred to the ICTY;

Recognizing that in order to prevent the activities which are, or which threaten to be obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, there is, in certain cases, a need for the bearer of a travel document to have the travel document seized;

Being seized of the urgency to amend the relevant provisions;

Having considered and borne in mind all these matters,

The High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on Travel Documents of Bosnia and Herzegovina

(Official Gazette of Bosnia and Herzegovina, Nos. 4/97, 1/99, 9/99, 27/00, 32/00, 19/01 and 47/04)

The Law which follows and which forms an integral part of this Decision shall enter into force as provided for in Article 6 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall be published on the official website of the Office of the High Representative and shall come into effect forthwith.

This Decision shall be published in the "Official Gazette of Bosnia and Herzegovina" without delay.

Sarajevo, 9 July 2007	Miroslav Lajčák High Representative
-----------------------	--

Law

on amendments to the Law ON TRAVEL DOCUMENTS of Bosnia and Herzegovina

Article 1

(Amendment to Article 21)

In the **Law on Travel Documents of** Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 4/97, 1/99, 9/99, 27/00, 32/00, 19/01 and 47/04; hereinafter: the Law), Article 21, paragraph (1), sub-paragraph 2 shall be amended to read: "in accordance with a criminal procedure code". Sub-paragraph 3 shall be deleted and the current sub-paragraph 4 shall become sub-paragraph 3.

Article 2

(Amendment to Article 23)

In Article 23 of the Law, paragraph (1), sub-paragraph d) shall be amended to read: "if a reason referred to in Article 21, paragraph (1), sub-paragraphs 2 and 3 and paragraph (2) of this Law exists."

Article 3

(New Article 24a and 24b)

After Article 24 of the Law, new Articles 24a and 24b shall be added to read:

“Article 24a

(1) The bearer of a travel document may have the travel document seized in order to prevent the activities which are, or which threaten to be obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina.

(2) An order for the bearer of a travel document to have the travel document seized shall also entail the prohibition of issuance of a new travel document, pursuant to which an application for issuing a travel document shall be dismissed.

(3) A person for whom there is an order for the seizure of a travel document may not cross the State border to leave Bosnia and Herzegovina.

Article 24b

When the issuance of a travel document is prohibited to a certain person, exceptionally such a person may be issued a Travel Certificate, valid for only one-way journey to Bosnia and Herzegovina, if he/she is outside of Bosnia and Herzegovina and needs a document to return to Bosnia and Herzegovina.”

Article 4

(Amendment to Article 25a)

(1) In Article 25a of the Law, in paragraph (1), after sub-paragraph 3 a new sub-paragraph 4 shall be added to read:

“4. a citizen of Bosnia and Herzegovina, who crosses the State border of Bosnia and Herzegovina with travel documents other than those regulated by this Law or with the identity card other than the identity card of the citizens of Bosnia and Herzegovina.

(2) In paragraph (2) of Article 25a of the Law, the text “sub-paragraphs 1), 2) and 3)” shall be amended to read: “sub-paragraphs 1), 2), 3) and 4)”.

Article 5

(Limiting Provision in Respect of Time)

After Article 33 of the Law, a new Article 33a shall be added to read:

“Article 33a

Article 24a of this Law shall cease to be in force on 30 June 2008.”

Article 6

(Entry into Force of this Law and Publication)

This Law shall enter into force upon publication on the official website of the Office of the High Representative and shall be published in the “Official Gazette of Bosnia and Herzegovina” without delay.