

Agreement pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina

Pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina of 14 December 1995, and the subsequent Agreement concluded pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina of November 10, 2000, the Parties agree as follows.

- (1) The mandate of the Human Rights Chamber for Bosnia and Herzegovina (hereinafter the Chamber) as provided for in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina of 14 December 1995, and the subsequent Agreement pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina, dated 10 November 2000, shall end on 31 December 2003.
- (2) The Chamber shall continue to operate with its current jurisdiction until 31 December 2003 in order to expedite and resolve cases which are pending before it until 1 October 2003. Cases received after 1 October 2003 will be registered under provisional numbers and shall be decided by the Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina, established as provided under Article 4 of this Agreement. Exceptionally, all requests for application of an interim measure received in the above period will be registered and decided by the Chamber.
- (3) The Chamber shall, immediately upon the signing of this Agreement, amend its Rules of Procedure in order to provide, *inter alia*, for two additional panels of three national members each during the period between 1 October 2003 until 31 December 2003. These panels shall have the power to decide on admissibility of cases or to strike out cases of the Chamber's list of cases by unanimous vote of the members of the panels. Such decision will be final and binding. In case of failure to take a unanimous vote on a decision, a final decision will be taken in a panel of seven members as provided for in Article X, 2 of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina.
- (4) Having in mind the provisions of Article XIV of Annex 6 of GFAP, and relating to Article II, 1 of the Constitution of Bosnia and Herzegovina, a HUMAN RIGHTS COMMISSION shall operate within the Constitutional Court of Bosnia Herzegovina as of 1st January 2004, on an interim basis and until no later than 31st December 2004.
- (5) The Human Rights Commission within the Constitutional Court shall have jurisdiction to decide on cases received by the Chamber until 31st December 2003. New cases regarding protection of human rights received by the Constitutional Court after 1 January 2004 shall be decided by the Constitutional Court in accordance with its jurisdiction pursuant to Annex 4.
- (6) The Human Rights Commission within the Constitutional Court shall comprise five members of which three shall be national and two international members. The five

members of the Human Rights Commission will be appointed by the President of the Constitutional Court from amongst the members of the Human Rights Chamber, both on the basis of their previous experience in matters of human rights and their availability to work in Sarajevo to the greatest extent possible.

- (7) The Human Rights Commission shall have two panels.
- (8) The first panel will be composed of the three national judges appointed in accordance with Article 6 of the Agreement and shall decide on the admissibility and striking out of cases, as provided under Article VIII, paragraph 2 a, b, c, d and paragraph 3 of Annex 6. Such decision will be final and binding. In case of failure to reach a unanimous decision, the panel of five members provided for in Article 6 of this Agreement will take a final decision on the case.
- (9) The Plenary Commission shall consist of all five members appointed under Article 6 herein, and shall decide, by majority vote of all its members, on the admissibility and merits of cases and on all other issues that do not fall under the competence of the first panel. Decisions of the Plenary Commission shall be final and binding.
- (10) All cases, including the archives, all material and technical asset and financial means will be transferred from the Chamber the Constitutional Court by 31 December 2003.

All personnel of the Secretariat in the Chamber, as from 1 January 2004, will support the work of the Commission for Human Rights until 31 December 2004. In the course of 2004 and not later than 31 December 2004, the Constitutional Court will hire, as required members of the local staff of the Secretariat in accordance with the real needs and possibilities of financing.

- (11) The Human Rights Chamber and the Constitutional Court of Bosnia and Herzegovina shall closely cooperate in order to carry out this Agreement.
- (12) The Parties will take all necessary measures to ensure that domestic courts can adequately in all instances address human rights complaints by way of training for judges, prosecutors and lawyers.
- (13) The Parties will provide all necessary financial means in order to enable the Constitutional Court to operate in accordance with this Agreement.
- (14) The relevant national authorities will, during the period commencing on 1 October 2003 and ending on 31 December 2004, make possible the evolution of the current transition system into a sustainable system of protection of the human rights. In collaboration with the Constitutional Court, the BiH Ministry of Justice shall by 1st November 2003 devise an action plan allowing for an effective strengthening of the procedural and administrative capacity of the Constitutional Court as of 1st January 2004.
- (15) The present Agreement shall in no way affect the Human Rights Ombudsman as provided for in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina of 14 December 1995, and the subsequent Agreement concluded pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina dated November 10, 2000.

(16) This Agreement shall enter into force on the date of the final signature.

Done in the official languages of Bosnia and Herzegovina and in English, each text being equally authentic.

For Bosnia and Herzegovina

Witnessed

Date

For the Federation of Bosnia and Herzegovina

Witnessed

Date

For Republika Srpska
Date

Witnessed