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STATUTE OF THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

With a view to contributing to the permanent and just peace in Bosnia and Herzegovina, respecting the national, religious and cultural identity of all people and the right of citizens to participate in the conduct of public affairs, on the basis of the General Framework Agreement for Peace, the Final Award of the Arbitration Tribunal for the Dispute over the Inter-Entity Boundary Line in Brcko Area, and the Constitution of Bosnia and Herzegovina, the following Statute of the Brcko District of Bosnia and Herzegovina is passed:

STATUTE OF THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

CHAPTER I

GENERAL PROVISIONS

Article 1 Fundamental Principle

(1) The Brcko District (hereinafter the "District") is a single administrative unit of local self-government existing under the sovereignty of Bosnia and Herzegovina.

(2) The District derives its powers of local self-government by virtue of each Entity having delegated all of its powers of governance as previously exercised by the two Entities and the three municipal governments within the pre-war Opstina, as defined in Article 5, to the District Government.

(3) The Entities shall exercise within the District only those functions and powers assigned to the Entities by this Statute as written at the time it enters into force. District authorities shall not assign or delegate to either Entity any governmental power or function not specifically assigned or delegated in this Statute as written at the time it enters into force.

(4) The Constitution of Bosnia and Herzegovina, as well as relevant laws and decisions of the institutions of Bosnia and Herzegovina, are directly applicable throughout the territory of the District. The laws and decisions of all District authorities must be in conformity with the relevant laws and decisions of the institutions of Bosnia and Herzegovina.

(5) This article shall not be subject to amendment.

Article 2

Name and Seat

(1) The name of the District is: "The Brcko District of Bosnia and Herzegovina".

(2) The seat of the District is the town of Brcko.

Article 3

Flag and Coat-of Arms

There shall be no flag and Coat-of-Arms for the District other than the flag and Coat-of-Arms of Bosnia and Herzegovina.

Article 4

Seal

The District shall have a round seal with the text "Bosnia and Herzegovina, The Brcko District of Bosnia and Herzegovina" in both the Cyrillic and Latinic alphabet.

Article 5

Territory of the Brcko District

The territory of the District encompasses the complete territory of the Brcko Municipality with the boundaries as of 1 January 1991.

Article 6

Legal Personality

(1) The District is a legal person and has such legal capacity as may be necessary to exercise its functions, including the capacity to make commitments and take on commitments; to charge and be charged in court.

(2) The District is represented by the Mayor in accordance with this Statute.

Article 7

Alphabets and Languages

(1) The Bosnian, Croatian and Serbian languages and the Latinic and Cyrillic alphabets shall be used on equal terms for all official purposes.

(2) Individual decisions of the District Government on rights and obligations of citizens shall be provided in any of the languages and alphabets referred to in paragraph (1) of this Article as required by the interested party.

Article 8 Demilitarization

(1) The District is demilitarized. Entity armed forces or supporting military facilities shall not be based within the District.

(2) The movement of Entity armed forces through the territory of the District shall be regulated in accordance with the laws of Bosnia and Herzegovina and the District.

Article 9 Functions and Powers of the Brcko District

The Functions and Powers of the District are:

- a) District Economy;
- b) District Finances;
- c) Customs Administration;
- d) Public Property;
- e) Public Services/Infrastructure;
- f) Culture;
- g) Education;
- h) Health Care;
- i) Environment;
- j) Social Welfare;
- k) Judicial and Legal Services
- l) Police Services
- m) Housing;
- n) Urban Development and Zoning;
- o) Other functions necessary for the functioning of the District as a single administrative unit of local self-government in accordance with Article 1.

Article 10 Cooperation with the Entities and Municipalities

(1) The District may enter into cooperative agreements with the Entities to facilitate the accomplishment of its functions and powers in accordance with this Statute and the law provided such agreements benefit all District residents equally.

(2) The District may join and enter into agreements with national and international associations of cities and municipalities and with cities and municipalities in order to meet common needs in accordance with this Statute and the law.

CHAPTER II

BRCKO DISTRICT RESIDENTS

Article 11 Definition

A Brcko District Resident is a citizen of Bosnia and Herzegovina who:

- a) Has his/her permanent residence in Brcko;
- b) Had his/her permanent residence in Brcko in accordance with the 1991 census and has not established a permanent residence in any other municipality of Bosnia and Herzegovina;
- c) Had changed his/her permanent residence to Brcko in accordance with the law after the 1991 census and subsequently acquired status as a displaced person, provided he/she has not established a permanent residence in any other Municipality of Bosnia and Herzegovina.

Article 12 Entity Citizenship

(1) District residents who are citizens of an Entity on the effective date of this Statute shall remain citizens of that Entity.

(2) The right of District residents to change their Entity citizenship and the right of future residents to choose their Entity citizenship shall be regulated by law.

Article 13 Rights and Obligations

(1) Everyone is entitled to the enjoyment of all rights and freedoms guaranteed under the Constitution and laws of Bosnia and Herzegovina and laws of the District without discrimination of any kind. In particular, everyone has the right to access all public institutions and facilities in the District; to move and determine freely his/her place of residence, business or work in the entire territory of the District; and purchase and sell movables and real estates in accordance with the law.

(2) All residents of the District may participate equally in the conduct of public affairs in accordance with the law.

(3) All residents of the District and all natural and legal persons who have their place of business or earn income derived from activity in the District, are obligated to participate in the financing of the functions and powers of the District through taxes, fees and contributions in accordance with the law.

Article 14

Military and Alternative Service

(1) District residents are not subject to compulsory military or other Entity service and shall not participate in voluntary Entity military service. District residents shall not serve in the Entities military reserve.

(2) An alternative service to Entity military service for District residents may be provided by law.

Article 15

Freedom of Association

(1) Everyone has the right to freedom of peaceful assembly and association, including the right to form political, social and other organizations.

(2) District Judges, Prosecutors, members of the Judicial Commission and police officers may form professional associations but shall not be members of political parties or endorse political candidates or political party platforms.

Article 16

Education

(1) Everyone in the District shall have an equal right to education without discrimination. Elementary education shall be obligatory and free of charge. Secondary education shall be free of charge.

(2) Private schools and academic institutions may be established in accordance with the law.

Article 17

Legal Representation

(1) Everyone charged with a criminal offense is entitled to the right to defend oneself in person or to be assigned legal assistance without payment if one does not have sufficient means to pay for legal representation.

(2) In civil matters as provided by law, legal assistance shall be available to District residents who have insufficient means to meet all or part of the legal costs.

Article 18 Public Information

(1) Within the District freedom of information is respected. District officials shall ensure public access to the District's activities, public documents, decisions and official meetings by providing information in a timely, accurate and thorough manner.

(2) Except as provided by law, the public shall have the right to examine all documents produced by the District Government, its officials, employees or contractors, without cost or requirement that the request be justified.

Article 19 Citizens Requests

The District shall respond to all natural and legal person's requests and take appropriate action in a timely manner as stipulated by law.

CHAPTER III

ORGANIZATION AND FUNCTIONS OF THE BRCKO DISTRICT

SECTION A: GENERAL PROVISIONS

Article 20 Division of Powers

The District is based on the division of powers. The legislative power is exercised by the District Assembly. The executive power is exercised by the District Government. The judicial power is exercised by the District Courts.

Article 21 District Employees

Public employment with the District shall be based on professional merit and open competition, and shall reflect the composition of the population.

Article 22 Financial Disclosure

(1) Councilors of the District Assembly (hereinafter the "Councilors"), the Mayor, the Heads of Governmental Departments, the Chief and Deputy Chiefs of Police, the Heads of Departments within the Police, the Head of the District Revenue Agency, the Heads of Departments within the District Revenue Agency, the District Judiciary and Prosecutor, and the Heads of Departments within the District Judiciary and the Office of the Prosecutor, shall submit to the Department of Public Records of the District Government an annual financial disclosure report on their total current income, sources, assets, and liabilities in accordance with the law.

(2) Financial disclosure statements are to be considered a public record in accordance with Article 18 and shall be published in the Brcko District Official Gazette.

SECTION B: THE BRCKO DISTRICT ASSEMBLY

1. Competencies and Composition:

Article 23

Competencies of the Brcko District Assembly

(1) The District Assembly (hereinafter: the "Assembly") is the legislative body of authority in the District and determines the general policy for the District in accordance with Article 9. The electoral term for the Assembly is four (4) years.

(2) The Assembly shall:

- (a) Adopt the Brcko District Statute and the Rules of Procedure of the Assembly;
- (b) Adopt the Brcko District Budget;
- (c) Adopt the Brcko District Laws;
- (d) Adopt Decisions and Resolutions in accordance with this Statute and the Rules of Procedure;
- (e) Decide, upon the Mayor's proposal, on public loans and indebtedness of the District subject to compliance with the rules and policies of the Central Bank of Bosnia and Herzegovina;
- (f) Elect and dismiss the President and Vice-President of the Assembly, the Mayor of the District, and other officials in accordance with this Statute, the Rules of Procedure and the law;
- (g) Monitor the District Government and the entire administration of the District, particularly regarding the management of the District revenues and expenditures. For this purpose the Assembly can, upon the request of at least five (5) Councilors, form a

special Committee from its members to examine the work of any administrative body of the District;

- (h) Evaluate formally the performance of the Mayor, Head of the District Revenue Agency and Chief of Police at least once a year during a regularly scheduled session;
- (i) Review the annual audits performed by the State Audit Authorities;
- (j) Perform other functions in accordance with this Statute and the law.

Article 24 **Composition of the Assembly**

- (1) The Assembly is composed of twenty-nine (29) Councilors.
- (2) Councilors are elected in general, free, fair, and direct elections by secret ballot in accordance with the laws of Bosnia and Herzegovina and the District.

Article 25 **Convening the Assembly**

- (1) The Assembly shall meet within two (2) weeks from the date of certification of the election results and upon being sworn in under oath or affirmation shall continuously be in session.
- (2) The Assembly shall convene at least twice a month at a regularly scheduled time and location. The Assembly may also be convened by the President of the Assembly on his initiative or at the written request of at least five (5) Councilors as often as necessary in order to perform its functions.

2. Breko District Councilors

Article 26 **Standards to Serve**

Councilors must conduct their public life in an exemplary, appropriate and ethical manner, performing their duties in accordance with their conscience and for the exclusive welfare of the District and Bosnia and Herzegovina.

Article 27 **Conflict of Interest**

- (1) Councilors shall not hold any other public office in either of the Entities or Bosnia and Herzegovina and shall not be Directors or members of the Board of Directors of an enterprise owned by the District or financed by the District budget.

(2) Councilors falling under any of the above categories shall, within eight (8) days from the date of certification of election results, declare their choice between the office of councilor and the above-mentioned functions. Failing such a declaration they shall be immediately considered ineligible for service as a Councilor.

(3) Councilors shall not participate in discussions, deliberations and decisions on matters in which they or their relatives in a direct line, their relatives in the indirect line up to third degree, spouse, and in-laws up to second degree, have an economic or other significant interest.

Article 28

Immunity

Councilors shall not be held criminally or civilly liable for any act carried out, opinion expressed or vote cast in performance of their duties.

3. Presidency of the Assembly

Article 29

President and Vice-President

The Assembly shall have a President and a Vice-President. The President and Vice-President shall be elected from among the Councilors at the first session of each new electoral term.

Article 30

Election of President and Vice-President

(1) Any Councilor may nominate a candidate for the position of President. The candidate who receives a three-fifths majority of the total number of Councilors shall become the President.

(2) If no candidate receives the required majority in the first election, a second election is held. The candidate who receives a majority vote of the total number of councilors shall become the President.

(3) If no candidate receives the required majority in the second election, a third election will be held between the two candidates who received the higher number of votes. The candidate who receives the highest number of votes in the third election shall become the President. The candidate with the second number of votes shall become the Vice-President.

Article 31

Removal from Office

The President and Vice-President may resign, or be removed from Office before the expiration of their term in accordance with Article 34. A motion to remove the President and/or Vice-President must be submitted by at least five (5) Councilors.

Article 32 Vice-President

The Vice-President of the Assembly assists the President in exercising his/her duties and represents the President in his/her absence.

4. Organization and Function of the Assembly

Article 33 Quorum

(1) The Assembly may adopt a decision if a session is attended by more than half of the total number of Councilors.

(2) Unless this Statute provides otherwise, decisions shall be adopted by a simple majority of those Councilors present and voting and through an open ballot process. Abstentions shall not be taken into account in establishing the majority.

Article 34 Qualified Majority

(1) The Assembly shall make decisions by a three-fifths majority of the total number of Councilors when the decision in question concerns:

- a) adoption of the Rules of Procedure of the Assembly;
- b) the Brcko District Budget;
- c) Brcko District Laws;
- d) dismissal of all persons elected by the Assembly, and;
- e) consent given under Article 60 of this Statute.

(2) Decisions concerning adoption and amendment to this Statute, as well as decisions taken under Articles 10 and 71, require a three-fourths majority of the total number of Councilors.

Article 35 Committees

(1) The Assembly shall form Committees from among its members in order to prepare draft laws for the Assembly as well as perform other responsibilities according to this Statute. Participation in the Committees shall be proportional to the number of seats of

the political parties and independent Councilors. Apart from the Councilors, the Assembly may decide to appoint a number of experts as non-voting members of the Committees to assist in their work.

(2) A Legislative Committee shall be established with the purpose of giving its opinion on draft laws or amendments of existing laws so as to produce an appropriately uniform system of laws throughout the District.

(3) A Budget Committee shall be established for the purpose of giving its opinion on the merits of the proposed budget.

Article 36 Rules of Procedure

The Assembly shall adopt its own Rules of Procedure regulating the Assembly's internal affairs, the work of the Committees, the orderly course of the sessions, the election and voting procedures, the adoption of District laws, decisions and resolutions, and the general course of the Assembly's work.

5. Legislative Function of the Assembly

Article 37 Draft Laws

Any Councilor and the Mayor shall have the right to propose laws.

Article 38 Procedure

(1) Draft laws shall be submitted to the Assembly and referred to the relevant Committees. After the relevant Committees have submitted their reports on a draft law or have failed to reply within ten (10) working days after receiving a draft law, the draft law shall be introduced for discussion.

(2) A minimum of two (2) readings at regularly scheduled sessions of the Assembly shall be required before a draft law or an amendment to a District law is adopted.

Article 39 Publication of Laws

(1) District laws, decisions and resolutions of the Assembly shall be published in the Brecko District Official Gazette.

(2) District laws enter into force on the eighth day after their publication, unless, for specified reasons, they provide for an earlier entry.

Article 40 **Legal Effect**

- (1) District laws and regulations shall not have retroactive effect.
- (2) Criminal and other punishable acts shall be determined and sentences passed in accordance with the law or regulation effective at the time the act was committed, except if the new law or regulation is more beneficial for the offender.

Article 41 **Constitutionality and Legality**

This Statute and District laws must be consistent with controlling provisions of the Constitution and laws of Bosnia and Herzegovina. The Courts of the District shall have jurisdiction to decide whether any provision of District law is or is not consistent with controlling provisions of the Constitution and laws of Bosnia and Herzegovina. The Courts of the District shall also have jurisdiction to decide whether any provision of District law is or is not consistent with this Statute.

6. Breko District Budget

Article 42 **Breko District Revenue Agency**

A District Revenue Agency shall be established by law. The Agency shall be responsible for, but not limited to, the collection of all District revenues, investment of District funds, reporting to the Assembly on the availability of revenues for the District's annual budget, forecasting of District revenues and the financial condition of the District.

Article 43 **Budget Law**

- (1) The Mayor shall prepare and submit to the Assembly the proposed annual budget at least ninety (90) days before the end of each fiscal year.
- (2) The Assembly shall adopt the District budget at least thirty (30) days before the end of each fiscal year. The Assembly shall debate the proposed budget at each of its regularly scheduled sessions during the two months prior to the approval of the budget.
- (3) Following its submission and in advance of the first debate at the Assembly, the proposed budget shall be made available to the public and distributed to local associations of citizens.
- (4) The proposed budget shall include:

- (a) expenditures and receipts of the District Government during the last fiscal year;
 - (b) estimates of the expenditures and receipts of the District Government during the fiscal year in progress;
 - (c) the amount of all District reserves or unexpended funds;
 - (d) estimates of the expenditures and appropriations necessary for the support of the required work programs of the District Government during the coming fiscal year;
 - (c) detailed estimates of the revenues of the District during the coming fiscal year;
 - (f) statements of:
 - i) the condition of the District treasury at the end of the last completed fiscal year;
 - ii) the estimated condition of the District treasury at the end of the fiscal year in progress;
 - iii) the estimated condition of the District treasury at the end of the coming fiscal year in case the financial proposals contained in the budget are adopted.
 - (g) all essential facts regarding the financial obligations of the District;
 - (h) other financial statements and data necessary or desirable in order to make known in all practical detail the financial condition of the District Government;
- (5) The budget shall be debated and acted upon in accordance with this Statute and the Rules of Procedure.
- (6) Following the adoption of the budget, the Mayor shall submit to the Assembly monthly reports on its execution, as well as an annual report at the end of each fiscal year.
- (7) No District funds may be expended or committed except in accordance with the adopted budget or its amendments thereto.

Article 44

Increase of Budgetary Expenditure

Draft laws involving an increase of budgetary expenditure shall not be introduced for debate unless accompanied by a report of the Brcko District Revenue Agency. Neither the

District Government nor any part of any agency thereof may exceed spending allowances approved in the District's annual budget without an amendment to the budget.

Article 45
Amendments to the Budget

The Mayor may propose to the Assembly an amendment to the budget in case of a serious or unforeseen shortfall in District revenues. The proposal must be accompanied by a report by the Brcko District Revenue Agency determining the amount of shortfall. The amendments shall be debated and acted upon in accordance with Article 43.

SECTION C: THE BRCKO DISTRICT GOVERNMENT

1. Constitution and composition of the Brcko District Government

Article 46
Brcko District Government

The District Government consists of the Mayor and the Heads of Departments.

Article 47
Mayor

(1) The Mayor shall be elected by the Assembly and may be reelected. The Mayor shall serve during the term of the Assembly that elected him/her and shall remain in office until a new Mayor is elected.

(2) The Mayor shall organize the District Government as economically and efficiently as the District revenues permit. The Mayor shall issue an organizational plan dividing the Government in Departments covering all functions and powers of the Brcko District in accordance with Article 9. The following Departments shall be foreseen in the organizational plan:

- (a) Administrative Support;
- (b) Budget and Finance;
- (c) Public Works;
- (d) Utilities;
- (e) Urbanism, Real Estate Affairs and Economic Development;
- (f) Health, Public Safety and Community Services;
- (g) Education;
- (h) Agriculture and Forestry;
- (i) Public Records.

Article 48

Heads of Departments

- (1) The Heads of Departments shall be selected or dismissed by the Mayor based on professional criteria. The Heads of Departments shall reflect the composition of the population. The Assembly may veto the Mayor's selection or dismissal of a Head of Department by a three-fifths majority vote.
- (2) The Head of the Administrative Support Department shall also hold the position of Vice Mayor to assist the Mayor in exercising his/her duties and represent the Mayor in his/her absence.

Article 49

Performance of the District Government

Every District Office and Department, and every District official and employee is expected to perform their functions with diligence and dedication on behalf of all people of the District. In the delivery of District services and performance of its tasks, the Government shall endeavor to perform at the highest levels of achievement, including efficiency, accessibility, accountability, quality of work, use of technologically advanced methods and responsiveness to public concerns within budgetary limitations.

2. Responsibilities of the Brcko District Government

Article 50

Responsibilities of the Mayor

- (1) The Mayor is responsible for implementing the laws of Bosnia and Herzegovina and the District.
- (2) The Mayor is responsible to the Assembly for the orderly management and administration of the District.
- (3) The Mayor appoints, promotes and dismisses all public employees of the District in accordance with the law, and insures that they are subject to a comprehensive set of personnel regulations including standards for recruitment, rules of conduct and routine performance evaluations.
- (4) The Mayor shall:
- a) submit draft laws and make recommendations to the Assembly;
 - b) propose the budget of the District and produce the financial reports of the District;
 - c) administer public property;

- d) perform other duties in accordance with this Statute and the law.

Article 51

Responsibilities of the Heads of Departments

- (1) The District Government shall meet at least once a week at a regularly scheduled session. The members of the District Government shall discuss all the responsibilities of the District Government and make recommendations to the Mayor.
- (2) The Heads of Departments manage their Departments within the framework of the Mayor's policy-making powers.

Article 52

Conflict of Interest

Members of the District Government and the Chief and Deputies Chiefs of Police shall not hold any other position in the public or private sector for the duration of their election or appointment.

3. Relations between the Brcko District Government and the Assembly

Article 53

Participation of the Brcko District Government

- (1) The District Government shall inform the Assembly on all current issues.
- (2) The District Government may participate in the sessions of the Assembly but is not eligible to vote. The Mayor has the right to speak at any time on any point of the Agenda. The Mayor shall without delay provide the Assembly with any information requested pertaining to the governance of the District.

Article 54

Nominations

- (1) Only a Councilor may nominate a candidate for the position of Mayor from among the Assembly members.
- (2) The nomination and election shall be held during the first session of the Assembly at the beginning of each new electoral term.

Article 55

Election of the Mayor

- (1) The nominees for the position of the Mayor shall present their program to the Assembly.
- (2) After consideration of the program of the nominees, the Mayor shall be elected by a three-fifths majority of the total number of Councilors.
- (3) If no candidate receives the required majority in the first election, a second election will be held. The candidate who receives a majority vote of the total number of Councilors shall become the Mayor.
- (4) If no candidate receives the required majority in the second election, a third election will be held between the two (2) candidates that received the higher number of votes. The candidate who receives the highest number of votes in the third election shall become the Mayor.
- (5) Following his/her election, the Mayor's position as a Councilor shall end and he/she shall be replaced in accordance with the Laws of Bosnia and Herzegovina and the District.

Article 56 **Report and Program of Work**

The Mayor shall submit to the Assembly at the end of each calendar year an annual report on the performance of the District Government and the Government's program of work for the next year.

Article 57 **Term of Office, Resignation, and Removal from Office**

- (1) The Mayor may resign or be removed from Office by the Assembly before the end of his/her term. Until a new Mayor is elected, the District Government shall continue to perform its duties under the Vice-Mayor.
- (2) A motion for the removal of the Mayor from Office must be submitted by at least five (5) Councilors.

CHAPTER IV

DISTRICT POLICE

Article 58 **Brcko District Police Service**

- (1) The District shall have its own Police Service. (hereinafter: "District Police")
- (2) The District Police shall perform all police functions as stipulated by law.

Article 59

Responsibility

- (1) The District Police shall provide a safe and secure environment for all persons within the District, and shall operate with respect for internationally recognized human rights and fundamental freedoms as provided for in the Constitution of Bosnia and Herzegovina.
- (2) The District Police shall ensure unrestricted freedom of movement of all persons, vehicles and goods throughout the District.
- (3) All employees of the District Police shall be public servants accountable for their conduct.

Article 60

Chief of Police

The District Police shall have a Chief and two (2) Deputies. The Chief of Police and Deputies shall be appointed and dismissed by the Mayor with the consent of the Assembly in accordance with Article 34.

Article 61

Hot Pursuit

Cooperative Law Enforcement Arrangements shall be established between the District Police and Entity Police Authorities regarding the hot pursuit of criminal suspects.

CHAPTER V

COURTS AND PROSECUTOR'S OFFICE

SECTION A: DISTRICT COURTS

Article 62

District Courts

- (1) The District shall have an independent Judiciary consisting of the Basic Court and the Appellate Court.

(2) The Courts shall render justice impartially in accordance with the Constitution and laws of Bosnia and Herzegovina, this Statute and District laws.

(3) The Courts shall have general jurisdiction. The establishment, organization and jurisdiction of the Courts shall be provided by law.

(4) The District Government is obligated to assist the courts in their functions and to execute without delay all decisions and orders issued by the courts.

SECTION B: PROSECUTOR'S OFFICE

Article 63 Prosecutor's Office

(1) The Prosecutor's Office shall be independent from the Judiciary and the District Police.

(2) The Prosecutor's Office shall prosecute offenders in criminal proceedings and perform other functions impartially in accordance with the Constitution and laws of Bosnia and Herzegovina, this Statute and District laws.

(3) The establishment, organization and competence of the Prosecutor's Office shall be provided by law.

SECTION C: APPOINTMENT AND INDEPENDENCE

Article 64 Judicial Commission

(1) An independent Judicial Commission shall be established by law with responsibility for appointment and dismissal of District Judges and Prosecutors.

(2) The Commission shall, in particular, be responsible for:

- (a) ensuring the independence of the District Judiciary and Prosecutor's Office;
- (b) providing the Judges and Prosecutors with the training required to carry out their tasks;
- (c) preparing and implementing the Code of Ethics of the District Judiciary and Prosecutor's Office;
- (d) taking disciplinary measures against Judges and Prosecutors in accordance with the law.

Article 65 Judges and Prosecutors

Judges and Prosecutors shall be jurists of high professional and moral standing and shall have such other qualifications as may be provided by law.

Article 66 Tenure

(1) Judges and Prosecutors receive lifetime appointment and can be dismissed only under the conditions provided by law. Judges and Prosecutors shall retire from service upon attaining the age of seventy (70).

(2) Judges and Prosecutors shall not hold any other public office or conduct any business.

Article 67 Composition of Courts

(1) District residents shall participate in trial proceedings before the Basic Court in the capacity of lay-judges in accordance with the law.

(2) Only Judges shall sit on the Appellate Court.

Article 68 Immunity

Judges, lay-judges and Prosecutors shall not be held criminally or civilly liable for any acts carried out or opinions expressed in the performance of their official duties.

Article 69 Financing

The District is obligated to provide the necessary financial and other support to ensure the appropriate functioning of the Judiciary, the Office of the Prosecutor and their administration.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 70 Continuation of Laws

All Entity laws and regulations in effect within the territory of the District at the time this Statute enters into force shall remain in effect to the extent consistent with this Statute, until otherwise determined by the Assembly in accordance with this Statute.

Article 71

Legal Succession

(1) All municipal administrations existing within the territory of the District shall cease to exist at the time this Statute enters into force. Municipal offices and legal persons founded or financed by the existing municipal administrations shall continue to provide services in accordance with applicable law under the direction of the District Government and until otherwise determined by the District Government or superseded by District Law.

(2) The Brcko District of Bosnia and Herzegovina is the legal successor to the Republika Srpska Brcko Municipality as well as to the administrative arrangements of Brka and Ravne - Brcko.

(3) All contracts and agreements entered into by the municipal governments referred to in paragraph (2) of this Article shall be disclosed to the Mayor by the parties involved within thirty (30) days of the Mayor's assuming office. Any such contract or agreement not disclosed shall be deemed repudiated. The Mayor shall immediately present the referred contracts and agreements to the Assembly. Upon the recommendation of the Mayor or at the initiative of five (5) councilors the Assembly may repudiate any of these contracts or agreements.

Article 72

Judicial and Administrative Proceedings

(1) All proceedings in which a final decision has not been reached in courts functioning within the territory of the District at the time this Statute enters into force shall be completed in accordance with Entity laws. All decisions which take final effect at the time this Statute enters into force or which shall take final effect thereafter, shall be enforced by the District Judiciary.

(2) All administrative proceedings pending at the time this Statute enters into force shall be referred to the District Government.

Article 73

Military Service

District residents who are members of the Entities active duty military component at the time this Statute enters into force may continue to serve provided that their uniforms, weapons and other military equipment remain at the location of their military unit and they register with the District authorities.

FINAL CHAPTER

Article 74 Entry into force

This Statute shall enter into force upon its publication in the Official Gazette of the Brcko District.



Document

**Supervisory Order On the Establishment of
the Brcko District of Bosnia and Herzegovina**

8 March 2000

In accordance with Paragraph 9, of the Brcko Final Arbitral Award dated March 5, 1999, and in consultation with the High Representative, I hereby declare the Statute of the Brcko District of Bosnia and Herzegovina to be in force.

This Order shall have immediate effect.

Robert W. Farrand
Deputy High Representative
Supervisor of Brcko

Office of the High Representative



Document

**The High Representative's Decision on the
Establishment of the Brcko District of Bosnia
and Herzegovina**

8 March 2000

n.20/00

Having in mind the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), and in particular Annexes 2 and 10 thereof;

Taking into consideration the arbitration proceedings for the Brcko area which have occurred under Article V of Annex 2 of the GFAP and have now been concluded through the issuance of the Final Award by the Presiding Arbitrator;

Noting that the Final Award requires that a special governmental regime must be established for the Brcko area, as a unit of local self-government existing under the sovereignty of Bosnia and Herzegovina;

Desiring to act in furtherance of my powers as High Representative, as expressed in Annex 10 of the GFAP and elaborated in Declarations and Conclusions of the Peace Implementation Council;

I issue the following

Decision

1. The Brcko District of Bosnia and Herzegovina shall be created, as further specified in the Order of the Supervisor and Deputy High Representative for Brcko dated March 8, 2000 and the Statute of the Brcko District of Bosnia and Herzegovina (hereinafter "the Statute").

2. The Statute shall forthwith be published in the Official Gazette of Bosnia and Herzegovina and the

Official Gazettes of the Entities. Upon the establishment of the Official Gazette of the Brcko District, the Statute shall also be published in that medium.

3. Bosnia and Herzegovina and the Entities, shall take all necessary measures to effectuate the establishment of the Brcko District of Bosnia and Herzegovina and to enable full development of the governmental functions of the District, including the fulfillment of their financial obligations, as specified in the Final Award.

Done at Sarajevo, on the 8th day of March 2000.

Wolfgang Petritsch
High Representative

Office of the High Representative



Press

OHR Brcko Press Release

Establishment of the Brcko District

Brcko, 08 March 2000

The High Representative, Wolfgang Petritsch, has issued today a decision on the establishment of the Brcko District of Bosnia and Herzegovina, instructing the authorities of Bosnia and Herzegovina and the Entities to take all necessary measures to enable the full development of the District.

At the same time, the Supervisor of Brcko, Robert W. Farrand, has issued two Supervisory Orders. The first Order declares the Statute of the Brcko District of Bosnia and Herzegovina to be in force. With the second Order, the Supervisor has appointed the new interim District Government and the Head of the District Revenue Agency.

The High Representative's Decision and the Supervisory Orders have been sent to the relevant authorities of Bosnia and Herzegovina, the Republika Sprska, the Federation of Bosnia and Herzegovina and the Brcko District of Bosnia and Herzegovina. Please, find attached the text of the Decision and the Orders.

OHR Brcko Press Release, 08 March 2000

