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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

***PRELIMINARY DRAFT***  
**STATUTE**  
**OF THE BRCKO DISTRICT**  
**OF BOSNIA AND HERZEGOVINA**

***15 October 1999***

**COPY:** 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 Principles**

(1) This Statute sets forth the rights and obligations of the residents of the Brcko District of Bosnia and Herzegovina, the reflection of the multi-ethnic structure of Brcko within the bodies of the Brcko District of Bosnia and Herzegovina, the scope of the local self-government, the organization, the inner structure and competence of the Brcko District of Bosnia and Herzegovina, the participation of citizens in local self-government, the financing of the Brcko District of Bosnia and Herzegovina, as well as other important issues, rights, obligations and responsibilities referring to the Brcko District of Bosnia and Herzegovina.

(2) In performing its tasks, the Brcko District of Bosnia and Herzegovina shall respect the basic human rights of all people as well as their fundamental freedoms in accordance with Article II of the Constitution of Bosnia and Herzegovina.

#### **Article 2 Name and Seat**

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

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

#### **Article 3 Flag**

There shall be no flag for the Brcko District other than the flag of Bosnia and Herzegovina. The flags of both Entities may be flown within the Brcko District, but only together with the flag of Bosnia and Herzegovina. The flag of one Entity will not be flown without the other being flown on essentially equal terms.

#### **Article 4**

##### **Seal and Coat-of-Arms**

(1) The Brcko District has a seal and a Coat-of-Arms. Until the Brcko District Assembly decides otherwise in accordance with the Statute, a round seal with the text “Bosnia and Herzegovina, The Brcko District of Bosnia and Herzegovina” in both the Cyrillic and Latinic alphabet is used.

(2) The design of the Coat-of -Arms shall be decided by the Brcko District Assembly on the basis of a public competition and in accordance with the Statute.

#### **Article 5**

##### **Territory of the Brcko District**

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

#### **Article 6**

##### **Legal Personality**

(1) The Brcko District is a legal entity 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 Brcko District is represented by the Mayor in accordance with the Statute.

#### **Article 7**

##### **Demilitarization**

(1) The Brcko District is demilitarized. No Entity armed forces or supporting facilities may be based within the Brcko District boundaries.

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

#### **Article 8**

##### **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) All legal acts of the District Assembly shall be published in all languages and alphabets referred to in paragraph (1), of this Article.

(3) Individual decisions of the District Government deciding 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 9**

### **Self-government**

- (1) The Brcko District is an Institution of Bosnia and Herzegovina.
- (2) The Brcko District is subject to control by Bosnia and Herzegovina in those areas which are the responsibility of the Institutions of Bosnia and Herzegovina. All governmental functions and powers not expressly assigned, in the Constitution of Bosnia and Herzegovina to those Institutions, are those of the Brcko District.
- (3) The Brcko District is a single administrative unit operating on a self-governing basis.

## **Article 10**

### **Tasks of the Brcko District**

- (1) The Brcko District shall provide for the necessary public institutions and services for its residents.
- (2) The Brcko District is, in particular, competent for:
  - (a) District Economy;
  - (b) District Finances;
  - (c) Custom services including collection of duties;
  - (d) Public Property;
  - (e) Public services/Infrastructure (such as water, sewage, electricity, garbage collection, markets, public works, fire-brigade, graveyards, sports installations, communications);
  - (f) Culture;
  - (g) Education;
  - (h) Health Care;
  - (i) Environmental;
  - (j) Social Welfare;
  - (k) Law Enforcement;
  - (l) Housing;
  - (m) Urbanism/Land Use;
  - (n) Brcko Port.

## **Article 11**

### **Cooperation with the Entities**

The Brcko District may enter into cooperative agreements with the Entities to facilitate the accomplishment of its tasks in accordance with the Statute and the law.

## **Article 12**

### **Cooperation with other municipalities**

The Brcko District may join and enter into agreements with national and international associations of cities and municipalities, as well as with cities and municipalities in

Bosnia and Herzegovina in order to meet common needs in accordance with the Statute and the law.

## **CHAPTER II**

### **BRCKO DISTRICT RESIDENTS**

#### **Article 13**

##### **Definition**

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

- a) Currently lives in Brcko and has registered with the District authorities in accordance with District law, or
- b) Is registered to vote in District elections in accordance with the laws of Bosnia and Herzegovina.
- c) Minor dependents of persons referred to in paragraph (b) of this article

#### **Article 14**

##### **Entity Citizenship**

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

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

#### **Article 15**

##### **Rights and Obligations**

(1) All persons have, in accordance with Brcko District laws, the right to use all public Institutions and facilities in the Brcko District; to move and determine freely their place of residence, business or work in the entire territory of the Brcko District and purchase movables and real estates in accordance with the law. No one may be discriminated against because of one's race, sex, language, nationality, religion or national affiliation.

(2) All residents of the Brcko District shall equally participate in the conduct of public affairs by exercising the right to vote in Brcko District elections, in accordance with the law.

(3) All residents of the Brcko District are obliged to participate in the financing of tasks of the Brcko District through taxes, fees and contributions in accordance with the law.

(4) Paragraphs (1) and (3) of this Article shall also apply to the natural and legal persons which have their seat in the Brcko District.

**Article 16**  
**Military and alternative Service**

- (1) Brcko District residents are not subject to compulsory military or other entity service and they shall not participate in voluntary entity military service.
- (2) An alternative system to entity military service by Brcko District residents may be established in accordance with the provisions of the Statute and the law.

**Article 17**  
**Freedom to Associate**

- (1) Brcko District residents shall have freedom to associate. Residents may form political, social and other associations in accordance with the Statute and the law.
- (2) District Judges, Prosecutors, members of the Judicial Commission and police officers shall not be members of political parties.

**Article 18**  
**Health and Social Care**

All persons shall be given equal access to public health care and other social services without discrimination in accordance with the Statute and the law.

**Article 19**  
**Education**

- (1) All persons in the Brcko District shall have equal right to education without discrimination. Elementary education shall be obligatory and free of charge.
- (2) Private schools and academic institutions may be established in accordance with the law.

**Article 20**  
**Public Information and Citizens Requests**

- (1) The Brcko District shall respect freedom of information. Brcko District officials shall ensure public access to the Brcko District's activities, decisions and official meetings, providing information in a timely, accurate and thorough manner.
- (2) The Brcko District shall timely and appropriately respond to all natural and legal person's requests and take appropriate action in a manner stipulated by the law.

# **CHAPTER III ORGANIZATION AND FUNCTIONS OF THE BRCKO DISTRICT**

## **SECTION I: GENERAL PROVISIONS**

### **Article 21 Division of Powers**

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

### **Article 22 Representation**

- (1) The allocation of leading positions and responsibilities in the Brcko District shall be based on professional merit and reflect the composition of the population.
- (2) The Mayor, the President of the Brcko District Assembly and the President of the highest court of the Brcko District shall all be of different ethnic groups.
- (3) The overall composition of the Brcko District authorities shall be based on professional merit and take into consideration the composition of the population.

### **Article 23 Financial disclosure**

- (1) All public officials of the Brcko District shall submit to the District Assembly an annual financial disclosure report on their total current income, sources, assets and liabilities in accordance with the law.
- (2) The reports shall be published in the Brcko District Official Gazette.

## **SECTION II: THE BRCKO DISTRICT ASSEMBLY**

### **I. Competencies and Composition:**

#### **Article 24 Competencies of the Brcko District Assembly**

- (1) The Brcko District Assembly (hereafter: the Assembly) is the legislative body of authority in the Brcko District and determines the general policy for the Brcko District in accordance with Article 10.
- (2) The Assembly, in particular, shall:

- (a) Adopt the Brcko District Statute, budget and laws;
- (b) Upon the Mayor's proposal decide on public loans and indebtedness of the Brcko District;
- (c) Elect and dismiss the President and Vice-President of the Assembly, the Mayor of the Brcko District, and other officials in accordance with the Statute and the law;
- (d) Give consent for the appointments referred to in Articles 55 paragraph (4) (c), and 66 paragraph (2);
- (e) Supervise the Brcko District Government and the entire administration of the Brcko District, especially regarding the management of the Brcko District revenues and expenditures. For this purpose the Brcko District Assembly can, upon the request of at least 5 Councilors, form a special Committee from its members to examine the work of any administrative body of the Brcko District;
- (f) Review and approve the annual audits performed by the Brcko District Revenue Agency provided for in Article 48;
- (g) Perform other tasks in accordance with the Statute and the law.

#### **Article 25** **Composition of the Brcko District Assembly**

- (1) The Assembly is composed of 29 members who have the title of "Brcko District Councilor".
- (2) The Brcko District Councilors are elected in general, free, fair, and direct elections by secret ballots by the residents of the Brcko District in accordance with the laws of Bosnia and Herzegovina and the Brcko District.

#### **Article 26** **Convening the Assembly**

- (1) The Assembly shall meet within two weeks from the date of certification of the election results, and thereupon shall be continuously in session.
- (2) The Assembly shall be convened, by the President on his initiative or at the written request of at least 5 Councilors. The written request to convene the Assembly shall be submitted to the President of the Assembly who must convene the requested Assembly without delay.



## **II. Brcko District Councilors**

### **Article 27**

#### **Standards to serve**

- (1) Brcko District Councilors should behave in their public and private life in an exemplary and appropriate to their duty way, performing their duty according to their free conventions, directed only to the welfare of the Brcko District and its inhabitants.
- (2) The Assembly may determine the amount of compensation to be paid to Councilors.

### **Article 28**

#### **Conflict of Interest**

- (1) Brcko District 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 Brcko District or financed by the Brcko District budget.
- (2) Councilors falling under any of the above categories shall within eight days from the date of certification of election results, declare their choice between the office of councilor and the above-mentioned functions. Failing such declaration they shall be immediately considered ineligible for service as a Councilor.
- (3) Councilors may not participate in discussion, deliberation and decisions on matters on 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 interest.

### **Article 29**

#### **Immunity**

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

### **Article 30**

#### **Participation of the Brcko District Executive**

- (1) The Brcko District Government shall inform the Assembly on all current issues.
- (2) The Brcko 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. After being requested by the Assembly, he is obliged to give to the Assembly information on all issues discussed.

### **III. Presidency of the Brcko District Assembly**

#### **Article 31 President and Vice-President**

- (1) The Assembly shall have a President and a Vice-President who shall be of different ethnic groups.
- (2) The President and Vice-President of the Brcko District Assembly shall be elected from among the councilors at the first session of each new legislative period for the duration of the mandate of the Assembly.

#### **Article 32 Election of President and Vice-President**

- (1) Each Councilor may nominate a candidate for the position of the President of the Assembly from among its members.
- (2) Subject to requirements from Article 22, the candidate who received the required majority shall become the President.
- (3) If none of the candidates received the required majority in the first election, a second election is carried out. The candidate who received the majority of the total number of councilors shall become the President of the Assembly.
- (4) If none of the candidates received the required majority a third election is carried out between the two candidates that received the largest number of votes. The candidate who received the highest number of votes shall become President and the candidate with the second number of votes, subject to requirement from Article 31, the Vice-President of the Brcko District Assembly.

#### **Article 33 Removal from Office**

The President and Vice-President may resign, or be removed from Office before the expiration of their term. A motion to remove the President and or Vice-President of the Brcko District Assembly may be submitted by at least 5 Councilors.

#### **Article 34 Vice-President**

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

#### **IV. Organization and Functioning of the Brcko District Assembly**

##### **Article 35 Quorum**

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

(2) Unless otherwise provided for by the Statute, decisions shall be adopted by open ballot and the majority of those present and voting. Abstentions are taken into account in establishing the quorum but not in establishing the majority.

##### **Article 36 Qualified Majority**

(1) The District Assembly shall make decisions by a two-thirds majority of the total number of Councilors when the decision in question concerns: adoption of Brcko District laws, Rules of Procedure of the Assembly, election and dismissal of all persons elected by the Assembly, and consent given under Articles 56 (4) (c), and 65 of the Statute.

(2) Decisions concerning adoption and amendment to the Statute, as well as decisions taken under the Articles 4, 11 and 12 of the Statute require a two-thirds majority of the total number of Councilors, including the majority of Councilors of each ethnic group.

##### **Article 37 Vital National Interest**

(1) With the exception of adoption of laws, proposed decisions concerning *culture, education, religion, and housing affairs* maybe declared, by the majority of the Councilors of an ethnic group who are present and voting, to be destructive of a vital interest of that nationality.

(2) If the majority of the Councilors of an ethnic group who are present and voting objects to the invocation of the vital national interest, the President of the District assembly convenes a Joint Commission, to be elected at the beginning of each legislative period, composed of one representative of each ethnic group. If the Joint Commission fails to reach consensus within 72 hours, the President of the District Assembly shall take a binding decision on the matter.

##### **Article 38 Committees**

The Assembly shall form Committees out of its members in order to prepare draft laws for the Assembly as well as perform other responsibilities according to the Statute. Participation in the Committees shall be proportional to the number of seats of the political parties and independent Councilors.

**Article 39**  
**Rules of Procedure**

The Assembly shall adopt its own Rules of Procedures, which regulate its internal affairs, as well as the work of the Committees. The Rules of Procedure shall include provisions concerning invitations, the orderly course of the sessions, election and voting procedures, adoption of laws, minutes as well as the general course of the Assembly's work.

**V. Legislative Function of the Brcko District Assembly**

**Article 40**  
**Law Revision Commission**

The Law Revision Commission established by the Final Award shall propose to the Assembly draft laws or amendments of existing laws so as to produce an appropriately uniform system of laws throughout the Brcko District.

**Article 41**  
**Enactment**

Sub-laws shall not be issued by the Mayor or other administrative bodies of the Brcko District, unless the Law Revision Commission has given its opinion on their conformity with the law.

**Article 42**  
**Proposals by the Mayor and the Assembly**

- (1) Each Councilor, as well as the Mayor shall have the right to propose laws.
- (2) No draft laws or proposals shall be introduced for debate unless the Law Revision Commission has given its opinion on their conformity with the Constitution and laws of Bosnia and Herzegovina, as well as with the Statute and laws of the Brcko District.

**Article 43**  
**Budgetary burden**

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 provided for in Article 48 of the Statute, concerning the proposed legislation.

**Article 44**  
**Procedure**

- (1) Draft laws shall be submitted to the Assembly with the opinion of the Law Revision Commission and referred to the relevant Committee. After the Committee has submitted its report thereon or has failed to reply within five days after receiving the draft law, the draft law shall be introduced for discussion.

(2) Discussion of a draft law shall not exceed two sessions and shall be concluded within 30 days from its submission.

(3) Amendments to the District laws suggested by Councilors or the Mayor will not be introduced for discussion unless they have been submitted at least one day before the debate and the Law Revision Commission has given its opinion on their constitutionality and compliance with the Statute and laws of Bosnia and Herzegovina and the Brcko District.

(4) A member of the Law Revision Commission shall be designated to present to the Assembly the Commission's opinion on such draft laws or amendments as have been submitted to it.

#### **Article 45**

##### **Publication of Laws**

(1) Brcko District laws and Resolutions of the Assembly are published in the Brcko District Official Gazette.

(2) Brcko District laws enter into force on the eighth day of their publication, unless, it is provided, for particularly justified reasons, they enter into force earlier.

#### **Article 46**

##### **Legal Effect**

(1) Laws and regulations enacted by the Brcko District shall not have a 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 47**

##### **Constitutionality, Legality**

(1) Brcko District laws must be consistent with the Constitution and laws of Bosnia and Herzegovina and the Statute.

(2) Other regulations and sub-laws of the Brcko District Government must be consistent with the law.

(3) The Appellate Court has jurisdiction to decide whether any provision of a Brcko District law is consistent with the Statute. Any resident, as well as any natural and legal person which has its seat in the Brcko District may challenge before the Appellate Court the consistency of any provision of a Brcko District Law with the Statute.

## **VI. Brcko District Budget**

### **Article 48 Brcko District Revenue Agency**

A District Revenue Agency shall be established by law. The Agency shall be responsible, among other, for the collection of District revenues, investment of Brcko District funds, auditing of all governmental expenditure and revenues, reporting to the Assembly on the availability of revenues for Brcko District's annual budget, and the financial condition of the Brcko District.

### **Article 49 Budget Law**

- (1) The Mayor shall prepare and submit to the Assembly the budget at least one month before the end of each fiscal year.
- (2) All Brcko District revenues and expenditures shall be shown on the budget. The Budget shall not be introduced for debate unless accompanied by a report from the Brcko District Revenue Agency on the availability of funds.
- (3) The budget shall be debated and acted upon in accordance with the Statute and the Rules of Procedure.
- (4) 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.
- (5) No new tax shall be imposed after the adoption of the budget.

### **Article 50 Amendments to the Budget**

The Mayor may propose to the Assembly an amendment to the budget in case of a serious or unpredicted shortfall or increase in Brcko District revenues. The proposal must be accompanied by a report by the Brcko District Revenue Agency determining the amount of shortfall or increase. The amendments shall be debated and acted upon in accordance with Article 49.

## **SECTION III: THE BRCKO DISTRICT GOVERNMENT**

### **I. Constitution and composition of the Brcko District Government**

#### **Article 51 Brcko District Government**

The Brcko District Government consists of the Mayor and the Brcko District Executive.

#### **Article 52 Organization of the Administration**

The Mayor shall administer the Brcko District as economically and efficiently as the Brcko District revenues provide for and divide the Government in Departments in accordance with Article 10. For this purpose, he must issue an organizational plan and general instructions on duty. The following Departments shall be foreseen in the organizational plan:

- (a) Budget and Finance;
- (b) Urbanism;
- (c) Housing;
- (d) Economy;
- (e) Judicial;
- (f) Education;
- (g) Infrastructure and Public Utilities;
- (h) Public property;
- (i) Health and social care.

#### **Article 53 Mayor**

The Mayor shall be elected by the Assembly for the term of the Assembly and may be reelected. The Brcko District Executive is an auxiliary organ of the Mayor.

#### **Article 54 Brcko District Executive**

(1) The Brcko District Executive consists of Heads of Departments appointed and dismissed by the Mayor, in accordance with Article 22. When appointing the Heads of Departments, the Mayor must ensure that they are professionally qualified for their positions.

(2) The Mayor shall appoint one of the Heads of Departments as his Deputy to support him in exercising his functions and represent him in case of absence.

## **Article 55**

### **Secretary of the City**

The Mayor shall have a Secretariat, which coordinates all preparatory and executive activities of the Brcko District Government and assists the Mayor and other members of the Government. The Secretary of the Brcko District, who is an employee of the Brcko District, shall manage the Secretariat.

## **II. Competencies of the Brcko District Government**

### **Article 56**

#### **Tasks of the Mayor**

(1) The Mayor is responsible for the implementation of the laws of Bosnia and Herzegovina and the Brcko District.

(2) The Mayor is responsible to the Assembly for the orderly function of the Brcko District within the limits of the financial means earmarked in the Brcko District Budget. He manages and administers the Brcko District and ensures that the administration and its staff have appropriate working conditions in order to carry their duties.

(3) The Mayor is superior to all employees of the District. He appoints, promotes and dismisses them in accordance with Article 22 and the law.

(4) The Mayor shall in particular:

- (a) submit draft laws and make recommendations to the Assembly;
- (b) produce the budget of the Brcko District and its financial reports and implement them according to the resolutions of the Assembly;
- (c) appoint and dismiss with the consent of the Assembly, the managers of public institutions, utilities and Brcko District-owned enterprises based on professional merit and a public competition;
- (d) administer public property in accordance with the law;
- (e) perform other tasks which are incumbent on him according to the Statute and the law;
- (f) ensure the respect of the rights of the Brcko District residents as provided for in the Articles 1 and 15.

### **Article 57**

#### **Tasks of the Heads of Departments**

(1) The Brcko District Government shall meet at least once a week at a session convened by the Mayor with an agenda enclosed. The members of the Brcko District Government discuss all the tasks incumbent on the Brcko District Government and



give recommendations concerning preparation and implementation of the Assembly's resolutions to the Mayor for him to decide upon. Minutes shall be taken at the sessions. Details are specified in the Rules of Procedure produced by the Mayor.

(2) On the basis of the discussions and in accordance with the previous paragraph, the Heads of Departments manage their departments independently within the framework of the Mayor's policy-making powers.

### **Article 58**

#### **Compensation**

(1) Members of the Brcko District Government shall be paid an appropriate monthly compensation. The office in the Brcko District Government is a full-time engagement. The Assembly decides on the amount of the compensation which shall be representative of the responsibilities in office.

(2) Members of the Brcko District Government shall not hold any other position in the public or private sector for the duration of their appointment.

### **III. Relations between the Brcko District Executive and Assembly**

#### **Article 59**

#### **Ethnic Groups**

The Brcko District Mayor, the President and Vice-President of the Assembly shall all be of different ethnic groups.

#### **Article 60**

#### **Nominations**

(1) Each Councilor may nominate candidates for the position of the Mayor from among the Assembly members in accordance with Articles 22 paragraph (2), 31 paragraph (1), and 59.

(2) The election should be carried out at the first session of the Brcko District Assembly at the beginning of each new legislative period for the duration of the mandate of the Assembly.

(3) Before the election the nominees are obliged to declare in writing that they are available as candidates.

#### **Article 61**

#### **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 in accordance with Articles 22, 59 and 36.

(3) If none of the candidates received the required majority in the first election, a second election is carried out. The candidate who received the majority of the total number of Councilors shall become the Mayor. If none of the candidates received the required majority, a third election is carried out between the two candidates that received the largest number of votes. The candidate who received the highest number of votes shall become Mayor.

(4) Following his/her election, the Mayor's term as a Councilor shall be ended and he/she shall be replaced in accordance with the Laws of Bosnia and Herzegovina and the Brcko District.

#### **Article 62**

#### **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, as well as the Government's program of work for the next year.

#### **Article 63**

#### **Resignation, Removal from Office**

(1) The Mayor may resign or be removed from office by the Assembly before the end of his/her term.

(2) A motion for the removal of office of the Mayor may be submitted by at least 5 Councilors.

(3) A resignation or removal from office of the Mayor shall have as a consequence the dismissal of the entire Brcko District Government. Until a new Mayor is elected, the Brcko District Government under the Vice-Mayor shall continue to perform its duties as a care-taker.

## **CHAPTER VI**

## **LAW ENFORCEMENT**

#### **Article 64**

#### **Brcko District Police Service**

(1) The Brcko District shall have its own Police Service (hereafter: District Police).

(2) The District police shall perform all police and administrative functions, including the uniformed, border and financial police.

## **Article 65**

### **Responsibility**

- (1) The District Police shall provide a safe and secure environment for all persons within the Brcko District, operating in accordance with fully democratic policing standards and with respect for internationally recognized human rights and fundamental freedoms.
- (2) The District Police shall ensure unrestricted freedom of movement of all persons, vehicles and goods throughout the Brcko District and in particular between the Eastern and Western portions of the Republika Srpska and between the Federation of Bosnia and Herzegovina and the Republic of Croatia.
- (3) All employees of the District Police shall be public servants accountable for their conduct.

## **Article 66**

### **Chief of Police**

- (1) The District Police shall have a Chief and two Deputies, all of which shall be of different ethnic groups. The Chief of Police shall be of a different ethnic group than both the Mayor and the President of the Assembly.
- (2) The Chief of Police and his Deputies shall be appointed and dismissed by the Mayor with the consent of the Assembly in accordance with Articles 22 and 36 and the law.

## **Article 67**

### **Hot Pursuit**

- (1) Entity Police Officers shall not act within the Brcko District with the exception of hot pursuit of a person suspected of committing a serious criminal offense and in accordance with this Article.
- (2) Police authorities of the entities shall immediately, but in no later than one hour after their entry into the Brcko District while engaged in a hot pursuit, notify the nearest District Police officials that the pursuit has crossed into the Brcko District. Once notification has been made, further pursuit and apprehension shall be coordinated with the District Police. Following apprehension, suspects shall be placed into the custody of the authorities originating the pursuit. If the suspect has not been apprehended within four hours, the original pursuing authorities shall cease their pursuit and immediately depart the Brcko District unless invited to continue by the District Police.
- (3) In the event the pursuit is of such short duration as to preclude notification, the District Police shall be notified that an apprehension has been made and shall be given access to the detainee prior to his removal from the Brcko District.

(4) Personnel engaged in hot pursuit under this Article may only be civilian police and may only travel in officially marked police vehicles.

(5) Paragraphs (1)-(5) of this Article shall also apply to the District police acting outside the Brcko District.

## **CHAPTER VII**

### **BRCKO DISTRICT JUDICIARY**

#### **SECTION I: ORGANIZATION**

##### **Article 68 Brcko District Judiciary**

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

(2) The Presidents of the Basic District and Appellate Court shall be of different ethnic groups.

##### **Article 69 Brcko District Court**

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

(2) The Courts shall have general jurisdiction including over administrative matters. The establishment, organization and jurisdiction of the Courts shall be provided by law.

(3) The Brcko District government is obliged to assist the courts in their functions and to execute without delay all decisions and orders issued by the courts.

#### **SECTION II: PROSECUTOR'S OFFICE**

##### **Article 70 Prosecutor's Office**

(1) 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, the Statute and District laws, as representative of the public interest.

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

(3) The Brcko District Prosecutor shall be of a different ethnic group than the President of the Basic District Court and President of the Appellate Court.

### **SECTION III: APPOINTMENT AND INDEPENDENCE**

#### **Article 71 Judicial Commission**

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

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

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

#### **Article 72 Judges and Prosecutors**

Only a prominent jurist of high professional and moral standing can be appointed judge, prosecutor or deputy prosecutor in accordance with the law.

#### **Article 73 Tenure**

(1) Judges and Prosecutors receive lifetime appointment and can be dismissed only under the conditions provided by law.

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

#### **Article 74 Composition of Courts**

(1) Brcko District residents shall participate in trial proceedings before the Basic Court in the capacity of lay-judges, in a way determined by the law.

(2) Only judges shall compose the Appellate Court.

#### **Article 75 Immunity**

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

**Article 76**  
**Financing**

(1) The Brcko District is obliged to provide all the means necessary for the appropriate functioning of the judiciary and its administration. A Brcko District Judicial Department shall be established to this purpose within the Brko District Executive.

(2) Remuneration of Judges and Prosecutors shall be proportional of the responsibilities in office.

**CHAPTER VI**  
**TRANSITIONAL PROVISIONS**

**Article 77**  
**Continuation of Laws**

All entity laws and regulations in effect within the territory of the Brcko District when the Statute becomes effective shall remain in effect to the extent consistent with the Statute, until otherwise determined by the Assembly in accordance with the Statute.

**Article 78**  
**Legal Succession**

(1) When the Statute becomes effective all municipal administrations and legal persons founded by them, existing within the territory of the Brcko District shall cease to exist.

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

(3) All entity functions exercised within the Brcko District shall continue to be exercised until otherwise determined in accordance with the Statute.

(4) All contacts and agreements entered into by former municipal governments shall be disclosed to the Mayor within 30 days of his/her assuming office and the Mayor shall subsequently, within 60 days, refer those contracts and agreements to the Brcko District Assembly for certification and repudiation. All contracts repudiated by the District assembly shall cease to be valid.

**Article 79**  
**Judicial and Administrative Proceedings**

(1) All proceedings where the final and binding decision has not been reached in courts functioning within the territory of the Brcko District when the Statute enters into force shall be completed in accordance with entity laws. All decisions which are

effective when the Statute enters into force or which shall become effective afterwards, shall be enforced by the Brcko District Judiciary.

(2) All administrative proceedings in administrative organs when the Statute enters into force shall be referred to and completed by the Brcko District.

## **FINAL CHAPTER**

### **Article 80**

#### **Entry into force**

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