

HR On Points Raised During RSNA Special Session



High Representative, Valentin Inzko, has voiced grave concern over remarks made in today's session of the National Assembly of Republika Srpska (RSNA). The High Representative emphasizes the following points:

(1) Urging the RSNA to initiate a process against an essential part of the Dayton Peace Agreement is irresponsible. The mandate and executive powers of the High Representative are established by Annex 10 of the Dayton Peace Agreement (DPA) and have been endorsed repeatedly by the United Nations Security Council.

(2) While laws imposed by the High Representative and subsequently adopted by BiH legislative bodies may be changed, this can only be accomplished through the established legislative process at the appropriate level. Attempts at subverting a state level law by an Entity violate the DPA.

(3) The Laws on the BiH State Court in 2002 and on the Prosecutor's Office in 2003 were adopted by the BiH Parliamentary Assembly. All deputies from both Entities voted in favor of them in the State Parliament. Furthermore, the Constitutional Court, itself a Dayton institution, has ruled twice in favor of the State Court's constitutionality and has decided that the State has an obligation to establish the institutions necessary to carry out its responsibilities. The OHR would welcome strong support to these institutions, including the State judiciary.

(4) Only last week the European Union's most senior

representatives, among them the President of the European Commission, expressed their clear support for the State judiciary. The PIC Steering Board has also repeatedly expressed its support for the State's judicial institutions. Indeed, an independent and impartial judicial system is essential to ensure the rule of law, advance human rights and freedoms as well as reconciliation, and to guarantee a functioning market economy. It is the cornerstone of any democracy and one of the key political requirements for EU accession and Euro-Atlantic Integration.

(5) To make progress towards the EU – the stated goal of every parliamentary political party in BiH – the country must provide effective rule of law through an institutionalised judicial system. A key role is being played by the State Court and the Prosecutor's Office. Therefore, challenging these institutions harms the chances of BiH citizens for progress on the path to EU membership, and thus prosperity and stability.