Council of Ministers' Decision Intended to Hamstring BiH Rule of Law Institutions

Acting High Representative Raffi Gregorian expressed his concern with last week's Council of Ministers decision not to extend the mandates of the international judges and prosecutors working on terrorism, organised crime, and corruption cases in the BiH Court and the BiH Prosecutors office.

"By its decision the BiH Council of Ministers succumbed to political pressure to limit the effectiveness of the BiH judicial system," said Gregorian. "The explanation that the cost of translation for people working on terrorism, organized crime, and corruption cases was too high was a mere contrivance, as such costs are borne by international donations; the public knows the real reason behind this decision," the acting High Representative observed.

Transparency International announced last week that corruption is a bigger problem in BiH than in any other country in the region. BiH must at least catch up with other countries in the region and adopt anti-corruption measures in order to be considered for visa liberalisation. "In this context the CoM response today is utterly illogical," said Gregorian.

BiH Court President Meddzida Kreso, BiH Prosecutor Milorad Barasin, and HJPC President Milorad Novkovic launched a joint appeal in 2007 calling for the mandates of international

officers in the BiH Court and Prosecutors Office to be extended beyond the end of 2009. The Ministry of Justice only reluctantly drafted these partial amendments this summer after repeated urgings by local officials, the High Representative, and various international stakeholders.

The Council of Ministers proposal terminates the role of international officials who help investigate, prosecute, and judge terrorism, organised crime, and corruption cases by the end of this year. The consequences of this decision will seriously degrade efforts to build the rule of law in BiH. There will be an inevitable backlog of pending cases, as the Council of Ministers failed last year to provide the necessary resources to train, screen, and hire national staff to replace departing any international officials, who are paid by international donors. This in turn could harm individuals' rights such as those related to due process and a speedy trial.

The EU's High Representative, Javier Solana wrote to the BiH Council of Ministers' Chair, Nikola Spiric, the day before the CoM's session to underline that the EU and the international community as a whole, were looking to the State institutions to support the views of the BiH judicial institutions.

At its June session the Peace Implementation Council Steering Board urged the Council of Ministers to adopt amendments to the Law on Court of BiH and to the Law on Prosecutor's Office of BiH to extend the mandates of international judges and of international prosecutors by taking into account the views of the local judicial institutions and by positively considering the recommendations of the President of the ICTY.

"BiH Parliamentarians now have the responsibility to support the BiH judicial system and protect it from political limitations on its functions", said Acting High Representative Gregorian. "The departure of international judges and prosecutors will weaken BiH's ability to respond to organised

crime and terrorism at exactly the wrong time; members of parliament can widen the scope of these amendments to extend the mandates of international judges and prosecutors working on organised crime and terrorism in the BiH Court and the BiH Prosecutors office and thereby show their commitment to the BiH judicial institutions and the rule of law”.