

OHR Welcomes Move to Develop Pardon Law in the FBiH



OHR welcomes the start of a new process that after three years seeks to introduce modern legislation on Pardon in the Federation of Bosnia and Herzegovina.

Tomorrow a new FBiH Parliamentary working group will meet for the first time to start work on a new Law on Pardon in the FBiH.

The executive right to Pardon was suspended across BiH by Decision of the High Representative in September 2005 over the controversy surrounding the decision by the then FBiH President to grant a Pardon to a former party colleague. That pardon was granted against the very firm advice of a judge and the then FBiH Justice Minister, and based on reasoning unsupported by any evidence. Had it not been for the active role of the media the whole process would have remained completely secret – it would not have even been published in the official gazette.

The High Representative's decision of 2005 states that all right to pardon is suspended "until the law on pardon at each particular level of government, which duly respects Bosnia and Herzegovina's jurisdiction in criminal matters, and which ensures transparency, publicity and public scrutiny over such extraordinary decisions of executive clemency enters into force."

The FBiH has been without a Law on Pardon since 2005 as consecutive proposals have tried to give the FBiH Presidency the right to pardon individuals sentenced by the state judiciary. By comparison the Republika Srpska, which has

adopted legislation that recognize the State's competence, has lifted the freeze in that Entity.

To meet the requirements for lifting the current freeze the F BiH Law on Pardons must respect BiH's jurisdiction in criminal matters and ensure transparency and public scrutiny over such extraordinary decisions of executive clemency.

OHR will meet tomorrow with representatives of the F BiH Parliament and will give assistance in the hope that the freeze on pardon in the F BiH will finally be lifted.