

Article by Larry Butler, Principal Deputy High Representative: “Judicial Reform Means Jobs and Justice”

Judicial reform in Bosnia and Herzegovina has a clear purpose – to put criminals behind bars and by doing so to make life better and safer for decent, law-abiding citizens. In recent years there have been criticisms of the various programmes aimed at rooting out corruption and bias from the judiciary. Some of this criticism has been justified. Initial efforts to upgrade the pay and performance of judges and prosecutors delivered patchy results. Since 2002, the effort has been intensified, however, and now we are beginning to see results.

Some individuals who have been tried and sentenced in the past year were once assumed to be beyond the reach of the law, because of their political connections and financial resources.

They and their like aren't above the law any more – and that's something that decent citizens will applaud.

In fact, the greatest criticism that can be levelled against the judicial reform process in Bosnia and Herzegovina is that it hasn't been fast enough, deep enough, or vigorous enough – but that has changed.

Increasingly, thanks to the efforts of the High Judicial and Prosecutorial Council – as well as the commitment of a small number of courageous prosecutors, judges, politicians, journalists and citizens – the independence and integrity of the judiciary is being strengthened.

Who does this benefit?

It benefits every law-abiding citizen.

Who does it hurt?

It hurts every crooked businessman, corrupt politician and professional criminal.

The difficult task of rehabilitating the judiciary is not peculiar to post-war Bosnia and Herzegovina . In my own country, throughout the 20th century, there was a struggle between organised crime and those dedicated to maintaining the integrity of the judiciary. Many readers will be familiar with the circumstances surrounding the prosecution and sentencing of Al Capone, the Chicago gangster, in the early 1930s. Because of intimidation – and the unreliability of the Chicago police – it was impossible even to arrest, much less convict Capone of any of the murders carried out by his gang. However, the tax authorities were more effective than the police and, after the jury was rotated unexpectedly and at the last minute, the prosecution secured a guilty verdict on tax fraud that ended Capone's reign of terror.

The rule of law had been reasserted – not just in Chicago but throughout the United States.

The rule of law is straightforward – it serves and protects the law-abiding majority, and it is the scourge of the criminal minority.

Al Capone didn't like it and neither have successive generations of criminals and crooked politicians, in the United States and in every other country.

Let us be clear: Bosnia and Herzegovina is engaged in a desperate struggle against crime. That struggle will be lost if the integrity of the judiciary is not maintained. Judicial reform is all about maintaining that integrity.

Uncertainty concerning the rule of law here is helping drive away the investment that is needed to create jobs and end poverty – the kind of foreign investors you want will not put money in a country where they believe the courts can be undermined.

Judicial reform is about helping put criminals behind bars, thereby helping to make law-abiding citizens safe, attract investment and end poverty. Politicians can demonstrate their backing for this by supporting the work of the High Judicial and Prosecutorial Council (and not whining about the judiciary's work when one of their own gets caught and sentenced), and by maintaining the salaries of judges and prosecutors so as to diminish the potential influence of criminals and crooked politicians.

If politicians declare themselves to be against judicial reform and work to undermine the independence of the judiciary, they should explain why.

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