

House of Representatives' Amendments on Minor Offences Must Be Rejected

The Principal Deputy High Representative, Larry Butler, called on the FBiH House of Peoples (HoP) to support legislation at their session tomorrow that will modernise the way in which BiH deals with minor offences.

"Reforming the minor offence courts is a key element in consolidating the Rule of Law in BiH," Ambassador Butler said. "Asking the FBiH taxpayer to maintain 71 minor offence courts as a separate structure to the existing court system is unacceptable."

Ambassador Butler noted that, "some of these courts barely have enough cases to keep their employees occupied, and yet the court system throughout the FBiH desperately needs investment in infrastructure and technology that will speed up the application of justice."

Ambassador Butler emphasised that the Law on Courts originally proposed by the FBiH Government was absolutely sound. "It located the Minor Offence Courts with the regular courts, which meant savings could be used to improve the court system as a whole," he said. However, last week the FBiH House of Representatives (HoR) altered the Government's version. "The version adopted by the HoR doesn't create the savings envisaged in the FBiH Government's version. It is therefore crucial that the House of Peoples accepts the Government's version – that way, through harmonisation, taxpayers' money can still be saved," he said.

Reform of the minor offence system consists of four elements;

- Restructuring the court system (merger with regular

courts)

- Reappointing judges
- Introducing simplified and more efficient court procedures for handling minor offences; and
- Introducing a new simplified system for enforcing minor offence fines.

Amendments to the Law on the High Judicial and Prosecutorial Council (HJPC) – adopted by the BiH Parliament in December 2005 – require the HJPC to begin the reappointment of judges to the minor offence courts. However, the HJPC cannot begin this process until the FBiH Parliament has adopted amendments to the Law on Courts defining the new, more cost-effective court structure.

At their session last week the FBiH HoR also adopted several amendments the draft Law on Minor Offences that, as well as maintaining a separate minor offence structure, introduce imprisonment as a sanction for a minor offence – though this is incompatible with the European Convention on Human Rights – and that make court procedures longer and more complex. “These amendments have to be rejected if this reform is to succeed,” Ambassador Burtler said.