

High Representative Extends HJPC Mandate at Prime Minister Terzic's request

In a letter to the High Representative yesterday, BiH Prime Minister Adnan Terzic called for an extension of the temporary legislative provisions of the three current High Judicial and Prosecutorial Councils (HJPCs) in order to avoid "a vacuum which could have damaging consequences for the judicial reform process." In response, the High Representative, Paddy Ashdown, today inserted technical amendments in the HJPC laws, extending the life of the Councils in their current transitional form to 31 May 2004.

The principal task of the three HJPCs during their transitional mandates has been to re-appoint approximately 1,000 judges and prosecutors to office on the basis of merit and in line with ethnic representation proportionate to the 1992 census. The reappointment process is near completion but the legislation which will create a permanent, independent, BiH-wide High Judicial and Prosecutorial Council, though adopted by the Entity legislatures and the BiH Council of Ministers, is yet to complete its passage through the BiH Parliament. In practice the establishment of the HJPC BiH will be a merger of the three current HJPCs

The High Representative acted since the Councils will continue to be responsible for hearing disciplinary procedures against Judges and Prosecutors, and for making appointments as judicial vacancies arise. Furthermore, international financial assistance is dependent on the continued work of the Councils.

"Strengthening the judiciary by adopting legislation establishing a single HJPC is one of the 16 conditions that BiH must fulfil before the European Commission will enter into

negotiations with BiH for a Stability and Association Agreement,” the High Representative said today. “So simply imposing these changes is not an option”. He added that “it is important that BiH’s Parliament takes this opportunity to demonstrate its Commitment to Europe and to the Rule of Law in BiH. The recent campaign against the independent judicial appointment process and the HJPCs in particular undermined international confidence that BiH genuinely supported the fundamental principle of an independent judiciary. It will be up to Parliament to demonstrate that this is not so.”

The mandate of the Independent Judicial Commission ends today. From tomorrow, 1 April 2004, sections of its current structure will serve as the secretariat for the three HJPCs until a single HJPC is established. This secretariat will continue to serve as the secretariat for the single BiH HJPC, which will take over the activities of the existing three councils, in order to ensure a smooth transition.

Paying tribute to the Director of the Independent Judicial Commission, Rakel Surlen, and the IJC’s staff the High Representative said today, “The IJC began work on 14 March 2001 and has been the lead agency for judicial reform in Bosnia and Herzegovina. It supported the work of the High Judicial and Prosecutorial Councils in the reselection of all judges and prosecutors and the restructuring of the court system. The IJC has been pivotal in many aspects of judicial reform, including reform of the key procedural laws in force in BiH and its Entities”.