

High Representative Issues Crime and Corruption Fighting Decisions

As part of his plan to implement his priorities of justice and jobs through reform the High Representative, Paddy Ashdown, yesterday issued three Decisions to strengthen the criminal justice system in BiH. These decisions establish a Bosnia and Herzegovina level Prosecutor's Office, amend the Law on the Court of BiH to include special panels for organised crime, economic crime and corruption and give the BiH level High Judicial and Prosecutorial Council the authority to select, appoint and discipline Prosecutors of the Prosecutor's Office of BiH

The Law on Court of BiH has been effective since December 2000, yet legislation introducing the Prosecutor's Office of BiH has been the subject of fruitless debate in the BiH Parliament for over a year. The law imposed by the High Representative includes those legislative proposals forwarded by the High Representative to the BiH Parliament in June this year introducing a special department within the BiH Prosecutor's Office to tackle organised crime, economic crime and corruption. The Prosecutor's Office will include a Chief Prosecutor and two Deputy Chief Prosecutors, together with approximately ten Prosecutors. The Prosecutor's Office of BiH will be responsible for investigating and prosecuting all criminal acts that fall under the jurisdiction of the Criminal Division of the Court of BiH.

The High Representative's amendments to the Law on the Court of BiH set up the Special Panels in the Criminal and Appellate Divisions of the Court of BiH that he proposed on June 19th of this year. These Panels will focus on fighting organised crime, economic crime, and corruption. The High Representative

had sent these proposals to the Council of Ministers, calling for the adoption of these essential tools for the fight against crime and corruption by the BiH Parliament before the summer recess as a precondition for the establishment of the rule of law in BiH.

The imposed Law on Amendments to the Law on High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina brings procedures for the selection, appointment, training and disciplining of State level prosecutors under the BiH level HJPC so reflecting the HJPC's role in both BiH Entities. The High Representative, in a separate decision issued yesterday, appointed BiH Citizens and International Representatives to both Entity and State Level HJPCs.

Financial crime and corruption pose a real threat to the economic and social position of all BiH Citizens and are a real deterrent to developing domestic and international investment in BiH. Delays in defining the legal framework for the Court of BiH and the Prosecutors Office of BiH would also hinder the work of the newly formed BiH High Judicial and Prosecutorial Councils, which are to start advertising vacancies at the BiH level shortly.

In accordance with the judicial reform Decisions issued by the previous High Representative on 23 May this year, the court and prosecutorial systems are being restructured in order to ensure that only the appropriate number of courts and prosecutor's offices are maintained. This restructuring process will also determine the required number of judges and prosecutors. It is likely that there will be substantial reductions in the current numbers of courts and prosecutors' offices at the lowest level.

All posts in the restructured courts and prosecutors' offices will be announced and judges and prosecutors chosen through open competition. The first round of announcements will be made shortly. Applications will be evaluated and appointments will be made after the High Judicial and Prosecutorial

Councils begin work in September. Posts in the Court of BiH, the Office of the Prosecutor of BiH, the RS Constitutional Court and the Entity Supreme Courts and Prosecutors' Offices, as well as a number of urgent disciplinary matters, are expected to be included in this first round of announcements.