

Remarks by the High Representative, Paddy Ashdown, at the inaugural session of the BiH State Court

Ladies and Gentlemen,

Today's ceremony is not simply about appointing individuals to responsible and challenging positions. It is about a broader issue, an issue that cuts to the heart of everything we have, together, sought to do in Bosnia and Herzegovina since the end of the war.

It is about protecting the people of this country, protecting their rights and protecting their status as free citizens in a functioning democracy.

This court enshrines a simple truth – that everyone is equal before the law. Justice is the foundation on which every successful society is built. Everything else we want to do here, from jobs to refugee returns to establishing a democratic system, depends on the rule of law.

In May 2000 the Peace Implementation Council urged the BiH authorities to adopt – as a matter of urgency – the Law on the Court of Bosnia and Herzegovina and to make all necessary arrangements for establishing the Court.

This has been a matter of urgency because the Court is central to the overall strategy of peace implementation. It is here because citizens need it to be here. It serves as an example of how the state can serve the people.

As the various parts of the Court are brought on stream, citizens will gain access to legal remedies in a number of areas which fall within the jurisdiction of the State – namely passports, ID cards, illegal immigration, human trafficking and inter-Entity crime.

The Appeals Division, by providing for the secure, timely and efficient review of official decisions, will help rebuild people's confidence in their civil servants.

Honest and competent public officials need not shrink from the bright light of public scrutiny. This Court will enhance the authority of public officials, not diminish it.

The seven judges who will take their oath of office today will form the Division of the Court charged with protecting the electoral rights of BiH citizens.

This Division will hear appeals against Decisions of the Election Commission of Bosnia and Herzegovina and of the Election Complaints and Appeals Council.

The right to vote – freely and without administrative or legal impediment – is fundamental to democracy. Indeed, it is *the* fundamental right in any democracy.

And let me remind people, if, in two weeks from today, you have not registered to vote, you will lose that right. You will lose your vote.

The judges appointed today are all BiH citizens.

Slowly but surely, as the bitter legacy of the war recedes, Bosnia and Herzegovina is taking charge of its own institutions.

And the people are demanding that everyone in this country – whoever they are, wherever they are from – has access to an impartial judicial system.

Following today's inauguration of the Appeals Division, the other Divisions of the Court will be set up. I consider it a priority that the Criminal Division and Administrative Division of the Court are established by the end of this year.

A functioning judicial system is a key component of BiH's integration into European structures.

And it is a key component in the creation of a business environment that will attract – rather than repel – foreign direct investment.

Investors must be confident that they can take disputes to court and secure timely and impartial judgements. If they don't have that confidence, they won't invest their money, and if they don't invest their money, they won't create jobs.

Corruption is a scourge of the citizens of this country. It was so under the old regime; it was so during the war; and it is so today.

We are going to address this problem squarely. We are not going to pretend that it doesn't exist.

The Court of Bosnia and Herzegovina is a cornerstone in the effort to eradicate corruption. It is in this Court that those who abuse their public positions and political connections will be prosecuted.

So let me draw my remarks to a close by thanking the international donors who will help build the Court of Bosnia and Herzegovina. The European Commission, the American Embassy, USAID and the Spanish Embassy have committed funds to help the State authorities set up the Court and also to provide training and material assistance.

Establishing this Division is a major step forward in consolidating the Rule of Law in Bosnia and Herzegovina.

It is a significant part of a long-term process to protect

human rights and to secure for the people of this country a peace that lasts not because it is imposed by force but because it is, first and foremost, just.

I congratulate those who are taking up their appointments today. The way in which you carry out your duties will have a direct bearing on the success of efforts to move this country forward. You will have our full support in all your endeavours.

Thank you