

High Representative issues Decision on Judicial and Prosecutorial Appointments

The High Representative, Wolfgang Petritsch, today issued a Decision suspending all judicial and prosecutorial appointments in Bosnia and Herzegovina, pending the restructuring of the judicial system.

Under the terms of the Decision, any appointment processes now being dealt with by the domestic commissions/councils or pending before an appointing authority or other body are to cease. No appointment to a judicial or prosecutorial post is to be made until after the judicial and prosecutorial systems have been restructured. All relevant provisions governing the appointment of judges and prosecutors are hereby suspended.

All judges and prosecutors currently holding office, regardless of the expiration date of their present mandate, are to continue to perform their judicial or prosecutorial functions, which will remain unchanged until the relevant laws are altered as part of the restructuring process. However, judges and prosecutors will still be subject to mandatory retirement age requirements; they are permitted to resign voluntarily; and they remain subject to removal for cause in accordance with the law.

The Decision does not apply to appointments to the Constitutional Court of Bosnia and Herzegovina, the Federation and RS Constitutional Courts, or the BiH Human Rights Chamber. Nor does it apply to judicial and prosecutorial appointments in the Brcko District, or to the nomination process for appointments to the Court of Bosnia and Herzegovina.

The purpose of this Decision, which takes immediate effect, is to facilitate the reinvigorated strategy for judicial reform in 2002/2003, presented by the High Representative and endorsed by the Peace Implementation Council Steering Board in Brussels on 28 February. This strategy includes the initiation of a thorough restructuring of the court system and a consequent reduction in the number of judges, as well as the creation of a High Judicial Council for BiH and the reform of key procedural laws, all of which are expected to be well under way by the end of this year. As the strategy is implemented, it is necessary that the work of the commissions for appointment is suspended until the new system is put in place.