

IJC Director recommends extension of the Comprehensive Review Process

The director of the Independent Judicial Commission, Judge Rakel Surlien, yesterday informed the Federation Judges' Commission, the Federation Prosecutors' Commission, the RS High Judicial Council, and the RS High Prosecutorial Council that the IJC is recommending to the Federation and RS assemblies that they extend the Comprehensive Review Process (CRP) for an additional year.

The CRP, which is set to expire in mid December in the Federation and in January/February 2002 in the RS, was established to identify and correct shortcomings in the conduct of judges and prosecutors.

In her letter to the Federation and RS judicial and prosecutorial bodies, Judge Surlien noted that, while an extension of the existing review process is necessary, the process itself will have to be significantly upgraded if it is to produce measurable improvement in the administration of justice in BiH. Under funding of the judicial system and overly complicated legal procedures are partly to blame for widespread problems, Judge Surlien acknowledged, though she added that instances of incompetence, weak administrative leadership and a poor work ethic must also be addressed.

Since those responsible for reviewing the performance of judges and prosecutors under the CRP are not engaged in this work full-time, the effectiveness of the program has been limited. The IJC has secured funding to provide three full-time legal professionals for each of the four review bodies, which, it is hoped, will result in greater efficiency.

Another criticism of the CRP is that it has been largely complaint driven. Ideally, the Commissions/Councils should systematically review the performance of every judge and prosecutor. In addition, since those responsible for taking disciplinary action are colleagues of those who face such action, a disproportionately small number of complaints have resulted in sanctions.

In her letter, Judge Surlien, called on the Federation and RS judicial and prosecutorial bodies to review thoroughly the work of all prosecutors and judges – regardless of complaints – by 1 August 2002.

As the measures taken so far have produced disappointing results, the International Community will consider more radical measures to ensure the highest standard of conduct and performance on the part of judges and prosecutors in BiH. An efficient and fair justice system is a central pillar of a viable democratic state.