Amendments to the Republika Srpska Judicial Reform Laws

The High Representative, Wolfgang Petritsch, today issued a Decision amending Law on Courts and Court Services and the Law on Prosecutors of the Republika Srpska.

These Laws, adopted at the RS National Assembly's tenth session, were designed to remove the direct influence of the executive and legislative branches of the government from the judiciary. However, last-minute amendments passed by the National Assembly flawed the purpose of the Laws. Due to the importance of this legislation, the High Representative decided to correct the flaws.

A last-minute amendment to the Law on Courts and Court Services placed the RS Minister of Justice on the RS High Judicial Council, the governing body of the judiciary. The High Representative's Decision has changed this provision, preventing the Minister from holding a position on the Council and thereby removing the influence of the government from the judiciary. Under the Decision by the High Representative, the RS Supreme Court is now responsible for the administration of the High Judicial Council, as is the case in the Federation of BiH.

The Laws as passed by the RSNA also specified a period of twelve months during which the past performance of all the current judges and prosecutors will be reviewed. The High Representative has extended this period to eighteen months. During this period, those deemed unfit for office by the new High Judicial Council and the High Prosecutorial Council will be removed.

In any modern democracy, an independent judiciary serves as a required check and balance on the authority of the legislative

and executive and thereby ensures the functioning of the democratic system. At its meeting in May, the Peace Implementation Council emphasized the importance of an independent and impartial judiciary and demanded that all political influence be removed from the judiciary in Bosnia and Herzegovina. This is also one of the requirements for Bosnia and Herzegovina's accession to the Council of Europe. More specifically, the Council of Europe required Bosnia and Herzegovina to introduce a new, non-political system regulating the appointment, discipline and dismissal of judges and prosecutors.

With today's Amendments by the High Representative to the Law on Courts and Court Services and the Law on Prosecutors of the Republika Srpska, and the imposition by the High Representative of the Law on Judicial and Prosecutorial Service in the Federation, Bosnia and Herzegovina is one step closer to being a modern European state that is governed by the Rule of Law, and not by the rule of men.

The High Representative has made these Amendments according to his authority under Annex X of the Dayton Peace Agreement. They shall be published in the Official Gazette of the RS immediately.