

High Representative Closes Loopholes in Criminal Procedure Code



The High Representative, Christian Schwarz-Schilling, today amended various provisions of the Criminal Procedure Code to close a series of loopholes in relation to cases involving individuals transferred to Bosnia and Herzegovina from the International Criminal Tribunal for the former Yugoslavia in The Hague.

The High Representative made this move following requests from the Presidents of the Court of Bosnia and Herzegovina, the Supreme Court of the Federation of Bosnia and Herzegovina, the Supreme Court of Republika Srpska and the Appellate Council of Brcko District urging him to enact certain amendments to the criminal procedure codes in Bosnia and Herzegovina.

The High Representative's amendments achieve three objectives.

Firstly, they eliminate at all levels the risk that a convicted criminal escapes after sentencing by closing the loophole releasing them from detention between pronouncement of sentence and issuance of the order incarcerating them (during which the written verdict is prepared).

Secondly, again at all levels, they extend the detention period between the pronouncement of the first and second instance verdicts from six to nine months.

Thirdly, at entity and Brcko District levels, they harmonise provisions with the state-level amendments previously imposed by the High Representative's Decision of June 2006 regarding the length of pre-trial detention. In June 2006, the High Representative extended the maximum duration of post-indictment detention from one year to three years for the most serious cases, including war crimes cases.

The Court Presidents asked the High Representative to intervene immediately because parliaments at various levels were not in a position to enact amendments in time to prevent certain flight risks.