

High Representative Extends Mandate of IJC and HJPC's

The High Representative, Paddy Ashdown, last week extended the mandate of the Independent Judicial Commission (IJC), and the transitional period of the High Judicial and Prosecutorial Councils (Councils). These will now run until 31 March 2004. By this date the IJC and Councils will finish the process of reappointment of all judges and prosecutors in BiH, merge the three Councils that exist currently into a single BiH HJPC and appoint a permanent secretariat as the IJC winds down.

The principal task of the three High Judicial and Prosecutorial Councils (Councils) during their transitional mandates has been to re-appoint approximately 1,000 judges and prosecutors to office exclusively on the basis of merit. The Councils will complete the current reappointment process by 31 March 2004. The Councils will continue to be responsible for hearing disciplinary procedures against Judges and Prosecutors and will make appointments as judicial vacancies arise.

The Entity Prime Ministers and the BiH MoJ are to sign an agreement which will transfer authority over the judiciary to a single Council, at the state level, in line with the BiH Constitution. This agreement will mean that the HJPC will be a fully functional BiH institution independent of political influence.

The BiH and Entity Ministries of Justice are preparing draft legislation for the establishment of the single HJPC, with the advice of the OHR and the IJC. This legislation will then go into parliamentary procedure for adoption. On 1 April 2004 the HJPC BiH will take over the activities of the existing three councils. In practice the establishment of the HJPC BiH will be a merger of the three current HJPCs.

Sections of the IJCs current structured will be merged into the secretariate of the permanent HJPC in order to ensure a smooth transition to a national institution which will become operational on 1 April 2004.