

High Representative forwards Draft Criminal Code to Council of Ministers

The High Representative at the end of last week delivered to the Council of Ministers a draft of the Criminal Code of Bosnia and Herzegovina. In June the High Representative promised the Council of Ministers that they would receive the draft before the end of the first week of July. This is a central part of reforms necessary to strengthen the criminal justice system in this country so that it can more effectively tackle organised crime and corruption.

The Draft, which was produced by domestic experts working with the Ministry of Civil Affairs and Communications and has been reviewed by the OHR, restricts itself to State level competencies including crimes against the State, crimes against humanity, terrorism, customs crimes and corruption. Crimes that are currently dealt with by the Entity-level Criminal Codes, including serious crimes such as murder, rape and assault, will remain at this level. Entity-level Criminal Codes will need to be harmonised with the BiH Criminal Code to ensure there are no inconsistencies between State and Entity-level legislation.

If the State Court is to function properly, protect the rights and property of its citizens and give confidence to investors, there must be a criminal code that ensures that crimes committed in the context of in State-level competencies can be prosecuted properly. Ensuring that the judiciary has the necessary tools to tackle crime and corruption and fight the abuse of power that is impeding the development of the economy is essential for BiH, its citizens, and both its Entities. An effective and professional judiciary is the first

step in establishing the rule of law fully in BiH.

The BiH Criminal Code is part of a package of legislation developed by Ministry of Civil Affairs and Communications working groups in conjunction with the OHR's Rule of Law pillar lead by Prof. Zoran Pajic. The legislation includes both the draft Criminal Code and a draft Criminal Procedure Code. OHR experts are currently reviewing legislation introducing a BiH level Criminal Procedure Code – a final draft is expected in September. In June of this year draft legislation was provided to the Council of Ministers by the High Representative to establish a special chamber in the Court of BiH and a special department in the BiH Prosecutor's Office that will tackle economic crime, serious financial crime and corruption.

In an accompanying letter, sent with the draft Criminal Code legislation to CoM Chairman Dragan Mikerevic and Minister for Civil Affairs and Communications Svetozar Mihajlovic, the High Representative emphasises the fact that this law is part of a package that will fight crime and corruption at the highest levels. The High Representative said that he expects this law to be adopted by urgent procedure before the BiH Parliament goes into summer recess.