Interview: Matthias Sonn, Senior Deputy High Representative:”At least one fourth of judges will lose their jobs”

BiH politicians should confirm their commitment to and support for the judicial reform process • Petritsch will declare the High Judicial Council established in the course of this month

Reform of the BiH judicial system is one of the main tasks of Matthias Sonn, German ambassador carrying out the duty of the Senior Deputy High Representative. Upon the decision by the Steering Board of the Peace Implementation Council dated February 28, he has been chairing the newly formed Task Force for the Rule of Law. That team is co-ordinating all activities regarding the reform of the judicial system in BiH.

Message to politicians

DA: At the session of the Consultative Partnership Forum held yesterday, you were discussing judicial reform with the BiH politicians. What did you say to them?

MS: BiH politicians should confirm their commitment to and support for the judicial reform. This pertains to the establishment of the High Judicial Council of BiH, which the High Representative will take care of in the course of this month. I expect him formally to announce the establishment of this body and provide it with certain instruments for its work. Once the Council is formed, as an independent body, it will take full care of the judiciary, from hiring employees to dismissals. It will represent a foundation for the

independence of the judiciary.

DA: And this model will be the same for the whole of BiH?

MS: Yes.

DA: Will it eliminate the state of a dual legal system in BiH, in which there is a scheme of American-European norms prevailing in the Federation, whereas in the RS, justice is administered in line with the legal provisions taken from two former Yugoslavias?

MS: This will not be changed, for according to the constitution, the judiciary falls within the competence of the Entities. The model of the High Judicial Council will not allow for the unification of the judicial system at the level of BiH. But, what it will allow for refers to the procedure of selection and appointment of judges.

Reduction of the number of employees

DA: PIC has recently called for the reduction of the number of employees in the judiciary. Do you know how many persons are in question?

MS: I think that in BiH at least 25% of those employed in this area, and perhaps even a whole third of them, represent a surplus. This process of adjustment will last until the end of next year. At that juncture we will have a new judicial structure in BiH in which, for instance, investigative judges will no longer exist, but rather the prosecutor will be the one who will take the material over from the police, carry out investigative activities and submit the case to the court.

Election of judges

It is a very well known fact that perhaps as many as 80% of judges were not elected in accordance with democratic procedures, but rather on the basis of party and political suitability or ethnic background. Professionalism was not an

important criterion. There are judges who have been in this office since pre-war times. This is also one of the reasons due to which it is clear to us that reforms in this area will be very difficult and complicated. But, the reforms will be carried out. A competition will be announced for the engagement of professional judges and anyone with qualifications may apply and be employed, regardless of whether he/she was already working at the court or not.

I expect the competition to be announced early next year. By that time we will have a new judicial system structure and we will know how may persons will be hired, and how many will have to look for a new job.