

OHR urges Swift Adoption of Law on State Court

The Office of the High Representative urges the Ministry of Civil Affairs and Communications, the Council of Ministers and the BiH Parliamentary Assembly to move quickly and adopt a law creating a state court before the November 11 elections.

At present, citizens of Bosnia and Herzegovina have no judicial redress in areas within the competence of the State of Bosnia and Herzegovina under the Constitution, such as passports and ID cards, illegal immigration, human trafficking or inter-Entity crime. A state court would also greatly improve business confidence and is essential to attracting urgently needed foreign investment, which is another matter regulated at the State level. Foreign investors will only do business in BiH when they have means of legal protection and the rule of law prevails.

Last week, a working group comprising representatives from the Ministry of Civil Affairs and Communication, the Entity Justice Ministries and the OHR, agreed on a final draft. It is based on a proposal originally put forward in June by the Venice Commission, an independent legal expert body of the Council of Europe. The draft law corresponds fully to BiH's legal traditions while retaining the essence of the Venice Commission's proposal. The Venice Commission has ensured that the state court envisaged will not interfere with matters within the competence of the Entities.

The new court would have jurisdiction on criminal and administrative law at the State level and act both as a first-instance and an appeals court. The establishment of a state court is a precondition for BiH's membership of the Council of Europe and was a requirement laid down at both the Madrid and Brussels meetings of the Peace Implementation Council in 1998

and May 2000, respectively.

Given the troubled state of Bosnia and Herzegovina's economy, any further delay to the creation of the court would have severe consequences for the country.