

IJC Issues Report on Canton 1 Judiciary

Yesterday, the Independent Judicial Commission (IJC) sent a report on judicial behaviour in the Una-Sana Canton (Canton 1) to the Federation Judges Commission (FJC) and the Una Sana Canton Judges Commission.

The IJC report assesses numerous cases handled by the Cantonal and Municipal courts in the Una-Sana Canton involving adjudication on unpaid salaries from 1992-1995 owed to justice sector employees by the Canton government. The IJC report is based upon an extensive review of court files, which began in the summer of 2001.

The IJC report finds that some Canton and Municipal judges who presided over the claims for unpaid salaries failed to ensure that the adjudication of these claims was conducted in an impartial manner in such a way as to avoid any appearance of impropriety or unfairness. Thirteen judges adjudicated the claims of their colleagues. This is contrary to legal ethics and domestic legal provisions concerning conflict of interest. Furthermore, eight of these judges participated in the direct adjudication of each other's cases. Although these judges, under the law, did have the right to file claims for the recovery of past wages, they should have declined to hear their colleagues' cases and should have sought a change of venue for the adjudication of such cases.

The report concludes that the current code of legal ethics in the Federation of Bosnia and Herzegovina is inadequate, and calls for the enactment of a new comprehensive code of ethics for Judges in the Federation.

The IJC report makes specific recommendations for follow-up action. The IJC recommends that the FJC conduct a thorough examination of the eight judges who heard their colleagues cases. Appropriate sanction – whether to discipline or possibly remove these judges – should then be determined. Such an examination would include a thorough performance evaluation of the cases handled by these judges during the past three years. In addition, the FJC should also examine the behaviour of the remaining five judges who heard the claims of their colleagues.

The IJC wishes to emphasise that, if the public is to have confidence in the judiciary, judges must decide cases impartially and must handle cases in a manner that does not call into question their impartiality. The development of a comprehensive code of ethics will provide judges with guidance on performing judicial functions fairly and impartially.

The IJC report '[THE ADJUDICATION OF "WAR SALARIES" OF JUSTICE SECTOR EMPLOYEES IN UNA SANA CANTON](#)' is available from IJC Head Office, Emerika Bluma 8, Sarajevo. (tel. ++ 387 (33) 445 216), or on the IJC web site: www.ohr.int/ijc .