

The Comprehensive Review Process of Judges and Prosecutors

A Comprehensive Review of the suitability of all judges and prosecutors in the Federation and Republika Srpska started in July 2000 and is expected to be completed in 2002. Any person, regardless of residence, has the right to submit information concerning the unsuitability of a judge or prosecutor. The grounds for unsuitability are as follows:

1. The judge or prosecutor is incapable of performing his or her functions for lack of basic qualifications
2. The judge or prosecutor has not abided by principles of impartiality or independence
3. The judge or prosecutor is corrupt
4. The judge or prosecutor is incapable of performing official duties due to mental incapacity, alcoholism or drug addiction
5. The judge or prosecutor has failed to act in a professional or ethical manner, or has committed nonfeasance to a substantial degree
6. The judge or prosecutor has committed a serious breach of the law
7. The judge or prosecutor has provided false information regarding his or her finances on a Disclosure Form

If a national of BiH has information that a judge or prosecutor is unsuitable, he/she has the right to submit it to the competent body (please refer to the list below). If the information provided is credible and sufficient, the competent body will start an investigation of the judge or prosecutor.

Complainants should be aware that this procedure could lead to the removal of a judge or prosecutor from office. Providing false information may be punishable by law. No anonymous information will be accepted – complainants must provide their names. Names and information provided will be kept confidential, but it may be revealed to the judge or prosecutor involved in order to allow him or her to respond.

The best way to submit information is in writing. Complainants should clearly state the reason why they believe the judge or prosecutor is unsuitable. Without providing too much detail, complainants are expected to give concrete examples, including the name and file numbers of specific cases, if known.

If the information provided is credible, complainants may be called upon to provide further details, or to testify at a hearing of the competent body.

Information may be submitted at any time until the end of the Comprehensive Review Process using the [Complaint Form](#), which ought to be sent to the following competent bodies:

<p>The Federal Commission for Election and Appointment of Judges 15 Valtera Perica Sarajevo, Bosnia-Herzegovina Raif Kariæ, Executive Secretary - Tel. 033/664-752; Fax: 033/664-754</p>
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<p>The Federal Commission for the Election and Appointment of Prosecutors 15 Valtera Perica Sarajevo, Bosnia-Herzegovina Advija Hajdo, Executive Secretary – Tel. 033/212-529</p>
<p>The Higher Judicial Council of Republika Srpska Kralja Petra I Karadjordjevica 12 Banja Luka, Bosnia-Herzegovina Đurađ Kozomora, Executive Secretary of the Council – Tel. 051/211-690</p>
<p>The Higher Prosecutorial Council of Republika Srpska Kralja Petra I Karadjordjevica 12 Banja Luka, Bosnia-Herzegovina Obrenka Slijepčević, Executive Secretary of the Council – Tel./fax 051/218-827 or 218-834</p>

The role of the IJC in relation to the review process is one of monitoring and intervening as appropriate to make sure that the Commissions and Councils carry out their tasks professionally and properly. To perform this task the Finnish government funds an IJC programme through which national lawyers monitor the work of such bodies. The role of the Commissions and Councils is crucial in strengthening the judicial and prosecutorial functions in the country. They will primarily look to the IJC for guidance on all matters relating to the review of judges and prosecutors and relating to their role in making recommendations to appointing authorities for the appointment of judges and prosecutors.