

Oslobođenje: Op-ed by HR Valentin Inzko



HJPC: Time to change

By Valentin Inzko

I often speak with people from all parts of Bosnia and Herzegovina. These people, who are not involved in the politics of Sarajevo, or Banja Luka or Mostar often see more clearly the biggest problems facing BiH and the root causes of these problems.

One thing that is clear from these conversations is the existence of not only a general worry about the political situation in the country, but above all the rule of law.

Indeed, the citizens of Bosnia and Herzegovina and foreign investors share the opinion that this country must improve the rule of law and the fight against corruption dramatically and urgently. It is mostly due to the lack of the rule of law, the lack of legal certainty and justice that the people of BiH increasingly decide to leave their homes and move to countries where the rule of law is firmly entrenched.

The International Community has been encouraging political leaders and assisting the judicial institutions to improve the rule of law and the fight against corruption over the years. We are not alone in this demand for change. The citizens in Banja Luka and Sarajevo organized protests, demanded justice for David and Dzenan for months. However, instead of

delivering justice, the authorities in Banja Luka focused on suppressing the protests and drafting legislation that would make peaceful protest in the future much more difficult or impossible. In Sarajevo, Dzenan's parents also wait for justice to be delivered. The entire BiH society does. Equally, ordinary citizens ask themselves what to do and how to react, when after such a long time even the murder of two policemen cannot be resolved.

Over the past few days, the citizens of BiH have again raised their voices demanding an accountable justice system; they are critical of the work of the High Judicial and Prosecutorial Council (HJPC) and the BiH Prosecutor's office, and rightfully so.

The HJPC was created with the assistance of the International Community, including by my office and with the help of international legal experts, as an independent body. Unfortunately, as time passes, instead of bringing the standard of justice in BiH to a higher level, the integrity of the judicial system has increasingly come into question with one scandal after the other.

I am glad that the letter sent to the HJPC by the U.S. Embassy, the EU and the OSCE received so much public attention. It points, based on facts, to current problems in the functioning of this body, which need to be tackled. The HJPC as an institution, and its individual members, must address them expeditiously.

Foremost, the Council has to perform its primary role to appoint professionally competent judges and prosecutors in a reasonable amount of time, and not let other outside forces influence this process. Specifically, it must take the necessary steps for the appointment of Constitutional Court judges at the entity level. When the HJPC does not perform these responsibilities in a timely manner nor ensure that standards of ethic are maintained in the judicial system, the

consequences for the rule of law are serious and detrimental and affects the whole country.

The HJPC members must be fully aware of the consequences of their actions, that the HJPC and the justice sector run the risk of becoming a major impediment to a better future for BiH. and citizens are fully aware where the responsibility lies.