

Remarks by HR Valentin Inzko on the occasion of the 10th anniversary of the establishment of the BiH HJPC



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BiH Parliamentary Assembly, 29 May 2014

HJPC Defends the Rights of BiH Citizens

Ladies and Gentlemen,

Today we can look back on a productive, decade-long effort by the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina to raise standards of professionalism, transparency and efficiency in the legal profession throughout the country.

Yet the urgency of the HJPC's work remains – because, after years of progress, we are witnessing renewed hostility among some interest groups to the basic concept of judicial impartiality and the rule of law.

- we have seen efforts to re-establish political control over the courts;
- we have seen efforts to circumvent constitutional provisions;
- we have seen glaring instances of lax sentencing or

- sentences that were not carried out; and
- we have seen the court system's capacity to serve the public diminished as a result of overstretched resources and inadequate training.

These developments threaten to compromise the protection that each citizen is entitled to under the law.

The capacity of the HJPC to address and overcome this threat is a crucial element in consolidating democracy in this country.

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The fact is that the rule of law is taking hold in Bosnia and Herzegovina – but it has not yet taken hold in a way that is comprehensive and beyond challenge.

This is a core Dayton issue because constitutional and legal provisions are meaningless if they cannot be implemented through the rule of law.

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Today I would like to express appreciation to all the members of the HJPC and to BiH political representatives and those in the international community who have worked to support the HJPC.

It is precisely because the HJPC has made a real and positive impact on the BiH justice system that it has met with opposition from those who would be much more comfortable with a pliable judiciary – and this is why it is absolutely essential that the HJPC receives the unqualified support that it needs in order to exercise its mandate.

It is also essential that the members of the HJPC acknowledge that what has been achieved so far is just the beginning of a monumental task. Prosecutors and judges are paid out of the public purse but the BiH public are still not well served by

their judicial system.

All of us are familiar with the scandal of trials that drag on for years (even in some cases for decades!) – and when a citizen is dissatisfied with the slowness or the absence of justice, a citizen has a feeling the grievance is not sufficiently taken to work by the only point of contact, which is the HJPC.

I should tell you that the OHR receives a huge number of complaints about the judicial system – and, I will be frank, these complaints are for the most part reasonable and justified.

The frequency with which repeat offenders receive extraordinarily lenient prison sentences is alarming. Public scepticism about the integrity of the system is fuelled when, for example, someone found guilty of murder is given a three-year sentence.

The HJPC must address the shortcomings in the system aggressively because it is the institution through which the members of the judiciary can put their own house in order. If this is not seen to be done, there will be pressure from outside the profession for a more robust disciplinary system.

It's not simply a matter of resources. It's also a matter of culture and self-awareness. This is not the time for complacency. Rather, it is the time for a renewed drive to raise standards in the BiH legal profession.

We in the international community will continue to work proactively with our BiH partners to help the HJPC exercise its mandate and thus maintain the basis for a truly independent judiciary as the third branch of democratic government.

And we will continue to support the Structured Dialogue on the rule of law between the European Union and the authorities in

Bosnia and Herzegovina as a key means of enhancing legal protections for BiH citizens.

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The HJPC has the crucial role of helping to maintain a secure operating space in which judges and prosecutors can work.

Elsewhere in the region, prosecuting magistrates have led the charge against corrupt politicians, against organised crime, against legal loopholes that benefit the powerful, the wealthy and the well-connected.

When this happens, the whole of society receives a message: the law can prevail; criminals – even powerful ones – can be punished.

This is a message that I hope will be sent out with growing clarity and confidence in Bosnia and Herzegovina as the HJPC embarks on the second decade of its efforts to maintain an independent and efficient judicial system.

Thank you