Speech by the Brcko Supervisor Henry L. Clarke at the Brcko Symposium on the Law on Criminal Procedure of Brcko District

Distinguished presidents of several courts, distinguished deputy ministers, distinguished judges and prosecutors, distinguished professors, distinguished representatives of the State and Entity Governments, ladies and gentlemen, welcome to Brcko district and the Symposium on the Law on Criminal Procedure. I am really honored and pleased that so many of you have come this morning.

Over the past year we have introduced, and are now fully implementing, radical changes in the rule of law in Brcko District. By “we” I mean both the institutions of the District itself and the international community, working together. By “radical” I want to make clear that what we have been doing is not gradual, evolutionary change in the laws and institutions of Brcko District. We are replacing – and to a large extent have already replaced – the preexisting court systems and basic laws with completely new ones.

Some people have suggested that we have moved too fast, or that we have changed too much. They worry that what we have done is not sufficiently compatible with existing laws in the Entities. I want to take a minute of your time at the beginning of this symposium to suggest the opposite: fundamental reform of the whole fabric of the rule of law in Bosnia and Herzegovina – judiciary, the police, the criminal laws – is long overdue. We can not win the trust of ordinary

people in these institutions by incremental or superficial adjustments. We owe it to the people of this country to move as rapidly and thoroughly as possible.

I am convinced, from my studies long ago and from experience in other countries, that fundamental changes in political and economic systems do not occur evenly, all across a country, at the same time. Changes begin where there are favorable circumstances, and then spread as the new systems prove their worth. The Final Award of the Brcko Tribunal required us to make major changes – to combine three municipalities, multiple courts – into one District. This gave us the unique opportunity – and I would say the obligation – to make those changes in radical ways. We have had the nerve, and the determination, to try to change the whole relationship between the individual and public institutions.

The first Supervisor wanted a multiethnic police force. Now, all the public institutions of Brcko District, including the education system, are multiethnic. We expect, and increasingly the people of the District understand, that everyone will be treated equally regardless of nationality. And they will all have the same obligations to their institutions.

We have a new concept of public service in Brcko District. The entire civil service has been rehired on a competitive basis. We have codes of ethics for government officials and Assembly counselors. We have tried to make management responsibilities clearer – and balanced them with higher salaries. We have installed financial controls, and a new budget system. We expect integrity in the public service. And we want a criminal justice system that will deal swiftly and effectively with officials who betray their public trust.

Now we also have a truly independent judicial system. In December, at the recommendation of a distinguished panel, which reviewed their performance over the past year, I appointed the top four officials – the Presidents of the Basic

and Appellate Courts, the Chief Prosecutor, the Head of the Legal Aid Agency – to permanent, lifetime positions. Their jobs, and their budgets, are protected from possible political manipulation. Protected, yes – but now the full responsibility of managing the system of justice in this District, according to the highest professional standards, is now clearly on their shoulders. There will be no one else to blame if they do not have the best judicial system in the country.

Sir John Laws, of the London Court of Appeals, visited us last summer and met frequently with our judges. He stopped by for a word with me before he left. I asked him how the judges in Brcko were doing. He said, “they want to run the judicial system with integrity.” I could not have hoped for a better answer.

Integrity is precisely what we are seeking throughout the public institutions of Brcko District. Integrity for its own sake, for professional satisfaction. Yet even more, we need integrity to build trust with ordinary people. We need integrity, and professional standards, to attract investment and growth in businesses. I think it is working in Brcko District, and we are happy to have this opportunity to share our experiences with you.