

Independent Commission takes on development of Judiciary in BiH

The High Representative, Wolfgang Petritsch, has established the Independent Judicial Commission (IJC), which will take over from the Judicial Systems Assessment Program (JSAP), currently run by UNMiBH, the task of implementing the program of judicial reform in BiH. The mandate of JSAP ends today and the ICJ has been set up according to the requirement of the conference of the Peace Implementation Council in Brussels in May of this year.

The IJC will consist of approximately 18 international and 11 national qualified lawyers and judges and is scheduled to start working in December. It will operate independently, but will report to the High Representative who will ensure the means to effectively execute the IJC's authorities and responsibilities.

The IJC shall monitor, and may intervene in the work of the Entity and Canton commissions that have been conducting the 18-month process of judicial review since May of this year. Under this process, the qualifications and work of all existing judges and prosecutors are being examined. These commissions are also responsible for selecting and disciplining judges and prosecutors.

It will be a focal point for international assistance to judicial reform initiatives, assist in the identification and design of specific NGO development programs, and support domestic training organizations

The IJC will also continue to monitor and assess the courts

and prosecutors' offices in line with the mandate of UNMiBH/JSAP. Additionally, it shall provide assistance in the drafting of laws required for the proper development of judicial bodies, which should cut the long delays in court proceedings in BiH, and has been endorsed by UNMiBH and OSCE, and the Council of Europe has expressed its support for this initiative.

The High Representative expresses his appreciation for their dedicated work of the JSAP staff who have for the last two years provided a valuable service to the judicial system of Bosnia and Herzegovina through their persistent and accurate reporting of the state of the judicial system in BiH. It was JSAP that conducted a thorough review of the justice system in Canton 10, where political influence and discrimination in the judicial system was found to be rife. This review led to the High Representative removing both the Canton Prime Minister and Governor in May of this year and brought about far-reaching changes for the judges and prosecutors of that Canton.

One of the key features of any democracy is court system that is truly independent of political and concerned only with fair enforcement of the law. The IJC will help develop a system where cases are heard without months or years of delay, and by people who are really qualified for the job. This type of development work requires a coherent, consolidated approach to the issues of judicial reform and the promotion of the Rule of Law.