

Marking the 20th Anniversary of Criminal Justice Reform in Bosnia and Herzegovina: *Two Decades Back, Two Decades Forward*

Call for Papers

On 15 and 16 November 2023, in Sarajevo, the OSCE Mission to Bosnia and Herzegovina (Mission) will convene an international conference, *Marking the 20th Anniversary of Criminal Justice Reform in Bosnia and Herzegovina: Two Decades Back, Two Decades Forward* (Conference). The Conference will provide a forum for reflection through both scholarly and practical discussions of the reforms made to the criminal justice system in Bosnia and Herzegovina (BiH) in 2003, with a focus on contemporary challenges and ways forward.

To inform the scope and substance of the Conference, the Mission aims to solicit several papers on relevant topics, as outlined below.

Background

In the early 2000s, the BiH judicial system underwent significant reforms, in particular in relation to the criminal justice system, with many reforms instituted in 2003. These comprehensive and unprecedented reforms included the adoption of new legislation concerning substantive, procedural and enforcement aspects of the criminal justice system, complemented by new laws altering institutional and organizational aspects of the justice sector. This comprehensive legislative package, together with judicial reforms, aimed to protect the rule of law in BiH by ensuring that the justice sector could efficiently and effectively address complex crimes while respecting fundamental rights and freedoms, including the right to a fair trial. In that vein, these legislative and structural reforms introduced a new procedural model that redefined criminal procedure and the procedural roles of the prosecution, defence, and courts. The reform of substantive criminal legislation was designed to reflect trends in criminal justice policy, including specific needs emerging from the post-conflict context and other emerging challenges. This led to considerable changes to the catalogues of both crimes themselves and the attendant criminal sanctions. Wider institutional and structural changes to ensure the independence, impartiality, and professionalism of the judiciary included the establishment of the High Judicial and Prosecutorial Council of BiH, an autonomous body with an extensive mandate over the judicial institutions in all jurisdictions across BiH, which included internal structures such as the Secretariat and the Office of Disciplinary Prosecutor. Structurally, these reforms also included the establishment of the Court of BiH and the Prosecutor's Office of BiH as well as the restructuring of the network of courts and prosecutor's offices across BiH to improve accessibility and effective use of resources. These reforms also resulted in the establishment of the respective judicial and prosecutorial training centres at the entity-level, which provide continuing legal education for judicial office holders. Finally, the reappointment of judicial office holders was meant to contribute to a more independent and professional judiciary.

Two decades of the application of this substantive and procedural criminal legislation have led to the development of voluminous case law that has not only informed their interpretation but also served as the basis for scholarly analysis and critique. Over this period, some of these reforms have been reversed, while the efficacy of others have been questioned. The passage of twenty years since the institution of such comprehensive reforms creates space for informed, thoughtful and objective reflection.

Following these reforms, the Mission's extensive trial monitoring program has shed light on the implementation of the 2003 legislative reforms. The data gathered through the monitoring of more than 2,650 criminal cases following the confirmation of an indictment, including nearly 16,000 hearings, has informed Mission programming, including the release of [several public reports](#). Such reports have covered by the procedural and substantive aspects of the BiH criminal justice system, focusing on issues ranging from the criminal procedure codes to plea bargaining and covering proceedings related to war crimes, trafficking in human beings, domestic violence, hate crimes and corruption. The Mission's monitoring indicates that, despite extensive legislative reforms, the domestic criminal justice system

had not been able to process complex crimes, including war crimes, corruption, and organized crime – efficiently and within a reasonable time.

Further to the above, noting the need to internationalize and Europeanize criminal law in BiH, especially in light of BiH’s obligation to respect and implement certain international standards and as BiH looks toward potential membership in the European Union (EU), the country’s criminal justice system must be considered in a context broader than national boundaries. In addition to membership in the United Nations, the OSCE and the Council of Europe, in 2022, the EU granted BiH candidate status as a step in the EU accession process. This process will require further harmonization of BiH’s domestic laws, including its criminal law, with the EU *acquis communautaire*.

In light of the above, the Conference will leverage the opportunity of the 20th anniversary of these criminal justice reforms to reflect upon ongoing challenges and identify ways ahead. The Conference should provide a forum to consider the ways in which the BiH criminal justice system has been reformed to reach its current state as well as to identify areas requiring further improvement or reform, all with the aim of ensuring the efficient and effective processing of complex crimes, on one hand, and to protect fundamental rights and freedoms, on the other, while still respecting the essential standards of independence, impartiality, and professionalism.

Submission guidelines

Based on subject matter outlined above, the Mission welcomes interested authors to submit abstracts for consideration. Please note that efforts to examine wider reforms to the BiH judicial system should address their connections to and impact on criminal justice. The Mission welcomes abstracts that present diverse perspectives as well as those that examine these reforms through a gender lens. Based on these abstracts, the Mission will invite selected authors to draft full papers that will form the basis for panel discussions during the Conference, which will be attended by approximately 100 domestic and international legal practitioners, academics, members of civil society, and other experts and interested parties. The Mission will also facilitate the participation of selected authors in the discussion panels and the Conference as a whole. The selected abstracts will be provided to the Conference participants, and the full papers will be published as a compendium after the Conference.

Submitted abstracts, which should be no more than 500 words, should clearly outline the problem, hypothesis, methodology and paper structure. As the Conference proceedings will take place in one of the BiH official languages (Bosnian, Croatian, Serbian) and English, with simultaneous translation, abstracts and solicited papers can be drafted in either one of the BiH official languages (Bosnian, Croatian, Serbian) or English.

After their submission, an internal Mission board, supported by external anonymous peer reviewers, will review both the abstracts and the papers and will collaborate with authors to finalise their submissions. Please note this process will not interfere with the editorial autonomy of the respective authors.

The submission of an abstract should be accompanied by the author’s CV.

The Mission will cover all costs related to participation in the Conference for the selected authors.

Timeline for the submission of abstracts proposals and papers

17 March 2023	Deadline for submission of abstracts, up to 500 words
14 April 2023	Notification on selection of abstracts and invitation to submit full papers
16 June 2023	Deadline for submission of full papers, up to 10,000 words
June – August 2023	Peer review of full papers
9 August	Feedback provided to authors based on peer review process
23 August 2023	Deadline for submission of revised full papers
15-16 November 2023	Conference proceedings

Contact information

For additional information or with any questions, and to submit abstracts and CVs, contact the Mission at RuleofLaw-BA@osce.org.