



INTERVENTION ON BEHALF OF THE NORWEGIAN HELSINKI COMMITTEE AND THE HELSINKI  
COMMITTEE FOR HUMAN RIGHTS IN REPUBLIKA SRPSKA, BOSNIA AND HERZEGOVINA

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We welcome this opportunity to address serious concerns with respect to the rule of law in Bosnia and Herzegovina.

Lack of political support and respect for the integrity and independent role of courts, prosecution offices and the High Judicial and Prosecutorial Council is severely undermining the judicial system in the country, up to a point where it is very difficult if not impossible, to prosecute major crime - be that past war crimes or more recent crimes involving influential figures.

We call for the full implementation of the Justice Sector Reform Strategy, War Crimes Prosecution Strategy and the adoption of the draft Transitional Justice Strategy. It is vital that the strategic goals of these reforms are kept, as there are no alternatives to an independent, responsible, efficient, professional and coordinated judiciary to ensure the rule of law.

Political commitment to the rule of law was demonstrated in principle by the passing of the War Crimes Processing Strategy by the Council of Ministers, in 2008. However we have noted with dismay that the implementation of the many concrete and operational steps identified in the Strategy are severely delayed, and that pressures against the justice systems has made the prosecution of war crimes cases more difficult.

For the rule of law to become a fact on the ground in Bosnia and Herzegovina, the judicial system has an important role to play in transitional justice and the fulfillment of the rights to truth and guarantees of non-recurrence. Therefore, the judicial system should not be judged only by the quality and efficiency of the judicial procedure, but also by its effects on social and societal level.

The recent decision of the State Court of Bosnia and Herzegovina to always withhold names and nationalities of the accused and victims in final judgments is regrettable in this context. It is now only possible to get information about the facts in a given war crimes case by being present to observe the proceedings. We encourage the Court to find more suitable solutions when balancing the Law on protection of personal data and the Law on free access to information of public interest. The court should also engage in outreach activities and actively communicate its findings of facts to concerned communities.

Bosnia and Herzegovina still has a long way to go towards reconciliation. Educating future leaders and professionals in the values and applications of transitional justice is therefore an important task. Hence, the Helsinki Committees of Human Rights in Republika Srpska (Bosnia and Herzegovina) and Norway have carried out a project for nearly 3 years providing extracurricular education in transitional justice to students of law, journalism, and political and social sciences. The methodology and contents that have been developed in co-operation with professors from five universities is ready for being systematically used in full scale by all universities within law, journalism and political and social sciences. However, Universities have to make decisions to do so as a part of the formal education and they need the support of education ministries. We are working with friends and partners at Universities to bring this about, but we call on international organizations, including the OSCE mission and all member states to strongly support this effort.

Thank you!