

PROTOCOL

On the outcome of the Ministerial Meeting in the framework of the EU-BiH Structured Dialogue On Justice

(Brussels, 10 September 2015)

Having in mind the importance and the role of the Structured Dialogue on Justice in Bosnia and Herzegovina, which provided a framework to engage with the European Commission on institutional and legislative issues relevant to the functioning of the judiciary;

Committed to the basic idea and goals of the Structured Dialogue and with the intention to reach consensus amongst participants in the dialogue, to find suitable solutions based on joint efforts;

Appreciating facilitation and great contribution by the European Commission and with the intention to recalibrate activities within the Structured Dialogue with a view to enhance its efficiency and functionality;

We, the undersigned Ministries of Justice and President of the Judicial Commission of Brcko District of Bosnia and Herzegovina, under the auspices of the Commissioner for Neighbourhood Policy and Enlargement Negotiations, Mr Johannes Hahn, agree on the following:

1. To develop reform on the basis of the draft text of the Law on Courts of Bosnia and Herzegovina, in the version circulated upon initiative by the Ministry of Justice of Republika Srpska, as presented today in Brussels. This text as well as the draft Law on BiH Courts from 2013 will be discussed in the context of the upcoming TAIEX seminar on 1-2 October in Sarajevo. In accordance with the conclusions of the TAIEX seminar, a draft Law will then be submitted to the adoption procedure.

2. To adjust, accordingly, the relevant provisions of the Law on Prosecutor's Office of Bosnia and Herzegovina, of BiH Criminal Code and the Law on Criminal Proceedings of Bosnia and Herzegovina with the harmonised text of the new Law on Courts at the level of Bosnia and Herzegovina;

3. Reform of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina shall be based on three following principles:

a) To maintain a single High Judicial and Prosecutorial Council (for the whole territory of Bosnia and Herzegovina)

b) To establish, within the High Judicial and Prosecutorial Council, two sub-councils – sub-council of judges and sub-council of prosecutors, which will, separately, in accordance with clearly defined jurisdictions, appoint judges, i.e., appoint/select prosecutors.

c) Defining of criteria for the composition of the High Judicial and Prosecutorial Council shall necessarily follow the constitutional and legal structure of Bosnia and Herzegovina and shall ensure proportional representation of different instances and parts of the judicial systems of entities, Brcko District of Bosnia and Herzegovina and institutions of Bosnia and Herzegovina.

4. Following legislative and institutional reform of the judiciary at the level of Bosnia and Herzegovina, the National War Crimes Strategy shall be revised, in order, first of all, to identify new feasible deadlines for its implementation, enhancing the role of the Supervisory Body to monitor implementation and assess performances based on clear and objective parameters.

Appreciating that within the mandate and goals of the Structured Dialogue, the above mentioned issues deserve absolute priority in terms of their resolution, we are sure that constructive engagement and achieved consensus in resolution of identified problems represent a step forward in the process of implementation of the Structural Dialogue recommendations and great contribution to the consolidation of the judiciary in Bosnia and Herzegovina, based on reforms aiming at strengthening professionalism, independence, accountability and efficiency of the system overall.

Brussels, 10 September 2015

Minister of Justice of Bosnia and Herzegovina

H.E. Dr Josip Grubeša

Minister of Justice of Federation of Bosnia and Herzegovina

Mr Mato Jozić

Minister of Justice of Republika Srpska

Mr Anton Kasipović

President of the Judiciary Commission of Brcko District of Bosnia and Herzegovina

Mr Safet Pizović
