



SUCCESS STORY

Revised Law Speeds Justice

New provisions speed case processing and slash court backlogs



Photo: USAID/Samir Hadzibajric

Supreme Court President Amir Jaganjac is thankful his backlog has been reduced from 12,000 to 3,000 cases.

Because of recent revisions to the Law on Administrative Disputes, a retiree's legal challenge was filed in the divisional court and will be heard before the end of the year.

Telling Our Story
U.S. Agency for International Development
Washington, DC 20523-1000
<http://stories.usaid.gov>

When the Pension Bureau rejected benefits for a 68-year-old retiree in the Federation of Bosnia-Herzegovina, a semi-autonomous entity of Bosnia-Herzegovina, she feared the legal battle would drag on for years. Normally, her case would proceed to the Federation Supreme Court, where it would languish for more than five years before being heard. However, because of USAID-supported revisions to the Law on Administrative Disputes, her legal challenge was filed in a divisional court, where it will be heard before the year's end.

Administrative disputes — from tax appeals to insurance coverage — affect huge segments of the country's population and dwarf the number of criminal and civil claims combined. In 2002, work began on new provisions to the Federation's Law on Administrative Disputes that sought to reduce the waiting time for dispute resolution and slash the 12,000-case backlog on the shelves of its Supreme Court. USAID joined the working group in 2003, proposing several revisions to the draft that would speed up the process. Changes included reducing the number of judges per case from three to one, extracting costs from the losing party to deter spurious cases, and forming an administrative body to screen out cases that do not require judicial review.

USAID contributed significantly to developing the draft law, ensuring transparency and ownership from key drafters of the law. Two roundtables were organized for other parties to provide their input on the draft. Advance copies of the law were distributed to the divisional courts that would assume jurisdiction over the cases, and training was offered to inform parties about the proposed law and the requirements of the European Convention on Human Rights. USAID also assisted the Supreme Court in developing a lobbying strategy when the new provisions stalled in 2004.

Parliament adopted the law in January 2005, and it took full effect on March 27, 2005. Bosnia-Herzegovina's other regional entity, the Republika Srpska, is now in the process of adopting its own revised Law on Administrative Disputes that is modeled on the provisions USAID helped develop with the Federation.