
Le Président
The President

Musala 9
71000 Sarajevo
Bosnia and Herzegovina

Mr. Marinko Čavara,
President of Federation of Bosnia and
Herzegovina

Mrs. Melika Mahmutbegović,
Vice-President of the Federation of
Bosnia and Herzegovina

Mr. Milan Dunović,
Vice-President of the Federation of
Bosnia and Herzegovina

Brussels, 29 March 2017

Dear President,
Dear Vice-presidents,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions.

The CCBE has received reports from the Management Board of the Bar Association of Federation of Bosnia and Herzegovina (hereinafter referred to as: Bar Association of FBiH) about challenges that the legal profession faces. The Bar Association of FBiH is especially concerned with the fact that the legal profession is not guaranteed by the constitution of the federation of Bosnia and Herzegovina. Admitting that the Constitution does recognize human rights related to a fair trial and deprivation of liberty, there is no mention of the right to defence and to legal counsel. The Bar Association of FBiH wishes to emphasize that this status quo allows administrative and judicial authorities to be disengaged from protecting the legal profession. The Bar also notes that the legal profession is enshrined in the Constitutions of neighboring countries (Croatia, Serbia), which makes the profession gain in importance and safer to practice.

At the same time, we were informed that the Bar Association of Federation of Bosnia and Herzegovina submitted, in 2010, a proposal for amendments to the Constitution of the Federation of Bosnia and Herzegovina, as follows:

"The legal profession, as an autonomous and independent service, shall provide everyone with defense and representation, and other forms of legal assistance in compliance with the law."

The same proposal for amendments to the Constitution of Federation of Bosnia and Herzegovina was also submitted to the Parliament of Federation of Bosnia and Herzegovina. Despite the urgent reminder letters to act upon the proposal, submitted in 2011 and 2015, to date, no reply has been received from the Constitutional Court of the Federation of Bosnia and Herzegovina. Likewise, the Bar Association of FBiH has received no reply from the Parliament of the Federation of Bosnia and Herzegovina.

The CCBE wishes to emphasise that international and European standards recommend that the legal profession should be freely practiced, without improper interference, hindrance and harassment.¹ It is the CCBE opinion that including the legal profession in Constitutional norms of a state creates a better environment for a proper administration of justice and a strengthened rule of law.

The CCBE therefore urges you to take into account the comments in this letter. We would appreciate to be informed about any further developments concerning the practice of law in the federation of Bosnia and Herzegovina. The CCBE is committed to supporting law reform in the region of Western Balkans and, as an international association for lawyers, we are always available for consultation and for providing expertise.

Yours sincerely,

A handwritten signature in black ink, reading "Ruthven Gemmell". The signature is written in a cursive style and is positioned above the typed name of the signatory.

CCBE President,
Ruthven Gemmell WS

¹ [Recommendation Rec\(2000\)21 of the Committee of Ministers to Member States on the freedom of exercise of the profession of lawyer](#) (Council of Europe) and [Basic Principles on the Role of Lawyers](#) , adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990