

Speech of Mr. Boško Šiljegović, Parliamentary Military Commissioner

SECOND INTERNATIONAL CONFERENCE OF OMBUDSMAN INSTITUTIONS  
FOR ARMED FORCES

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Ladies and Gentlemen,

Participants of the Second International Conference of Ombudsman Institutions for Armed Forces,

I greet you on behalf of the Parliamentary Assembly of Bosnia and Herzegovina, and on my personal behalf. I am Boško Šiljegović – the first Parliamentary Military Commissioner of Bosnia and Herzegovina.

I specially greet our hosts – members of the Austrian Parliamentary Commission for the Federal Armed Forces and Mr. Reinhold Robbe, German Parliamentary Commissioner for the Armed Forces, who directly contributed with his associates to commencement of an initiative for establishment of Parliamentary Commissioner Institution in Bosnia and Herzegovina.

I also specially greet Ambassador Theodor Winkler, the Director of Geneva DCAF, with whom the Committee, that I had presided over, has had extremely good cooperation for six years.

I will speak as a representative of a country that established the Parliamentary Military Commissioner Institution in mid-September 2009.

I

I will briefly mention in introductory part of my speech the chronology of establishment of BiH Armed Forces and the General Inspectorate of BiH Ministry of Defence. We established single Armed Forces in Bosnia and Herzegovina at the beginning of 2006, after successful implementation of the first phase of Defence reform. That was at the same time, the most successfully implemented reform after Dayton Peace Agreement. That was what contributed to ending of the planned transitional process to the satisfaction of those who have established and reformed the Armed Forces of Bosnia and Herzegovina. Namely, you are aware that we had two Entity Armies until then, and that the process of transition and establishment of professional Army of 10 000 soldiers was quite demanding.

## II

As members of the Joint Committee for Defence and Security of BiH, we had opportunity to exchange experiences with parliamentary bodies from the region and further, and after the visit to the German Bundestag in 2006, we seriously started thinking about establishment of Parliamentary Military Commissioner Institution for Bosnia and Herzegovina.

Constitutional grounds for adoption of this Law have been stipulated by Article IV 4.a) of the Constitution of Bosnia and Herzegovina, whereby the Parliamentary Assembly of BiH is competent for the adoption of laws which are needed for the execution of its functions set out in the Constitution.

Reasons for drafting, proposal and adoption of this Law are included in following:

Good experiences aimed to promote the Rule of Law, protection of human rights and the freedom of military personnel and cadets in the Armed Forces of Bosnia and Herzegovina and the Ministry of Defence of BiH, as guaranteed by the Constitution of BiH and International Agreements in its Annex, which was perceived by the Joint Committee on Defence and Security of BiH during their working visit to the Bundestag, as well as during the working visit of Military Commissioner of the German Bundestag to this Committee, initiated the Law proponents to compose its text and to submit it into the parliamentary procedure.

## III

One of the key issues related to the establishment of BiH Parliamentary Military Commissioner is the cooperation with other existing institutions, especially the BiH Ombudsman Institution for Human Rights, with the Ministry of Defence and its General Inspectorate. On the one hand, with the Law on Parliamentary Military Commissioner we have ensured coordinated and unobstructed work of mentioned institutions within their legal competencies. On the other hand, through quality cooperation we have ensured effective protection of human rights of all Defence System members with efficient and adequate use of limited human and material resources in all institutions.

Proposed Law on Military Commissioner for BiH greatly uses the positive experiences of the Military Commissioner of the German Bundestag. We are convinced that this very model represents effective and efficient mechanism, which will in BiH as well, strongly contribute to further development of the Defence System. In order to ensure good quality establishment of the BiH Military Commissioner Office, a very successful and useful cooperation was agreed with Mr. Robbe's Office which has already started.

With the establishment of BiH Military Commissioner, Parliamentary Assembly of BiH has primarily shown its willingness to strengthen the protection of human rights of all BiH Defence System personnel. That is necessary because of the increased engagement of BiH Armed Forces personnel in the International Peace Operations, and because of the continuation of intense transformation processes within the restructuration of BiH Armed Forces.

#### IV

I will now answer questions that the organizers of Conference have defined for this panel. All that I am about to say is directly related to what was previously said.

1. What is the role of your institution in safeguarding the rights of armed forces personnel, and what instruments and powers do you have at your disposal?

**Military Commissioner is an independent Commissioner of the Parliamentary Assembly of Bosnia and Herzegovina whose objective is to strengthen the rule of law, protection of human rights and freedom of military persons and cadets in BiH Armed Forces and the Ministry of Defence of BiH, as guaranteed by the Constitution of BiH and international agreements in their Annexes.**

**Military Commissioner acts exclusively on professional grounds and does not represent, protect or subvert interests of any political party, registered organization or association, or any nation in BiH.**

**The purpose of establishment of a Military Commissioner is to increase the trust into Military Sector through creation of greater transparency of entire administrative process which is being implemented in the BiH Ministry of Defence and Armed Forces of BiH, without prejudices related to the military hierarchy, the authority of military chain command or military preparedness.**

**Institution of Military Commissioner was established with an aim to eliminate risks that misuses and abuses of members and employees of the BiH Armed Forces will go unpunished, due to the lack of trust into internal discipline procedures and due to the fear from retaliation by military commanders, which might jeopardize protection of human rights of members of the BiH Armed Forces.**

2. What challenges do you face in working to promote and protect human rights of armed forces personnel?

**Those are primarily the enforcement of following conventions and laws:**

**European Convention for the Protection of Human Rights and Fundamental Freedoms,**

**Law on Parliamentary Military Commissioner of BiH (“BiH Official Gazette” No. 51/09),**

**Rulebook on the Work of the BiH Military Commissioner (“BiH Official Gazette” No. 8/10),**

**Rulebook on Cooperation of BiH Parliamentary Military Commissioner with the BiH Ministry of Defence, General Inspectorate of BiH Ministry of Defence and BiH Armed Forces (entered into force on 5<sup>th</sup> January 2010),**

**Code of Conduct on Politico-Military Aspects of Security – OSCE,**

**Guidelines for Cooperation Grounds between the Parliamentary Military Commissioner of BiH and BiH Ombudsman Institutions for Human Rights,**

**Instruction from the BiH Ministry of Defence on Application of the Law on Parliamentary Military Commissioner of BiH and Cooperation with the Parliamentary Military Commissioner of BiH**

3. How do you assess the impact of your work on the protection of human rights of armed forces personnel?

**After six months I personally believe, and that is the evaluation of all relevant parliamentary bodies, that the role of the Military Commissioner is crucially important and that his presence is perceived in all structures of the Armed Forces.**

- In performing his duties, Military Commissioner has the power and responsibility to visit the units or commands of BiH Armed Forces and organizational units of the Ministry of Defence of BiH.
- These visits can be with or without a prior notice
- Military Commissioner has the right to access all premises and records kept in the unit that is subject to the visit
- Commanding Officer of a unit is obligated to provide to the Military Commissioner all required information,
- In case that Military Commissioner is denied the right to visit a certain unit of the Armed Forces of BiH, Military Commissioner will immediately inform responsible persons about that in the BiH Ministry of Defence and the Armed Forces of BiH, and submit relevant report to the Joint Committee.

4. How can your role be strengthened?

**Freedom of communication with the Parliamentary Military Commissioner of BiH is a precondition for my work and activities.**

**I visit units and commands of the Armed Forces every week. I have excellent communication with all relevant representatives of the Ministry of Defence and the Armed Forces, and I can achieve my mission only through that type of activity and constant presence amongst soldiers and officers.**

For the time being, my activities are oriented in that direction. If you have any questions, suggestions or similar I am open to discuss details from my practice.