

High Representative Highlights Need to Improve Transparency of Constitutional Court Appointments

The High Representative today said that the recent appointments of judges to the Constitutional Court highlighted the need to improve the transparency of and the standards applied during the appointment process of judges to the Court.

“The Constitutional Court has been extremely successful in implementing and protecting the fundamental values enshrined in BiH’s constitution. It has been instrumental in building up the State institutions. But there is a need to improve the transparency of the process of appointing judges in order to ensure political neutrality of the Court,” said the High Representative.

“An overly politicised appointment process runs the risk of politicising the entire judicial system in BiH. If the Constitutional Court lands into the hands of politicians, rather than legal experts, then this could reduce to dust the whole structure of rule of law,” he said.

He noted that the role of the Constitutional Court is of paramount importance in a country’s judicial system, as it acts as the highest court of the land. As such, it can review all decision – civil and criminal – rendered by any court of BiH.

The BiH Constitution requires judges of the Court to be distinguished jurists of high moral standing. But recently the High Representative said that the authorities that are

responsible for the appointment of judges – the RSNA and the Federation HoR – have not interpreted these criteria in a rigorous enough manner.

“The constitutional requirements for the appointment of judges should be further defined to ensure that the merit of the applicant is taken into consideration and the transparency of the process conducted by the appointing authorities should be increased,” he said.