

Raise The Bar For Constitutional Court Appointments



The FBiH House of Representatives Commission for Election and Appointment of judges to the BiH Constitutional Court will meet today to propose one out of thirteen possible candidates to the BiH Constitutional Court. The only constitutional requirements for candidates under the constitution are BiH citizenship and ‘high moral standing’.

“It is high time for the bar to be raised,” said the High Representative and EU Special Representative today. The Constitutional Court is of paramount importance to the country’s judicial system; it can review all decisions – civil and criminal – rendered by any court of BiH.

The role of the Constitutional Court is set to become even more important as “OHR’s transition to an EU lead office will mean that the Constitutional Court will be the only arbitrator in disputes between different levels of governments,” said the High Representative and EU Special Representative today.

Questions over appointments to this, the highest court in the country, have been raised in the past. There is a clear need to address these issues and improve the standards applied during the appointment process. A transparent appointment process will ensure the credibility of the Court.

Without greater transparency, the appointment process becomes politicized. This could undermine the entire judicial system and the rule of law in BiH.

The Constitutional Court has been successful in implementing and protecting the fundamental values enshrined in BiH's constitution. But there is a need to improve the transparency of the process of appointing judges in order to ensure that the integrity of the institution is beyond question.

The constitutional requirement of high moral standing for the appointment of judges should be further defined by the appointing authorities to ensure that the merit of the applicant is taken into consideration and the transparency of the process conducted by these authorities must be increased.