

# Ten Questions For Sulejman Tihic

The leader of the SDA recently asked the OHR and others to answer ten questions about the constitutionality of the process of re-appointing judges and prosecutors.

It would be inappropriate for the OHR to comment on the question of constitutionality. That is rightly a matter for the relevant constitutional courts, and the OHR advises Mr Tihic to address his concerns to them.

The objective of this ongoing reappointment process is to ensure that BiH's judiciary meets European standards of independence and professionalism, and restores the multi-ethnic balance destroyed by the war.

Mr Tihic's questions suggest a possible lack of understanding both of the principles of an independent European judiciary and of the process itself. To clarify whether this is the case, we ask Mr Tihic to answer ten questions:

1. Does Mr Tihic know that Bosnia and Herzegovina cannot get into the European Union without a professional and independent judiciary, free of all taint of political interference?
2. Does Mr Tihic know that making the judicial appointment process a political issue in the media has the effect of politicizing this process?
3. Does Mr Tihic know that the whole international community is increasingly concerned about his campaign on this issue?
4. Does Mr Tihic know that the continuation of this campaign is already making it harder to justify the handover of this process to fully domestic institutions, and is threatening this country's path to Europe?

5. Does Mr Tihic know that the reason Bosnjaks are not being appointed in larger numbers in the RS is because they are not applying?
6. Does Mr Tihic know that his campaign is probably discouraging Bosnjaks from applying and therefore making the situation worse?
7. Does Mr Tihic know that all the previous attempts to address the under-representation of Bosnjaks in the RS judiciary since the war have failed to make a significant difference?
8. Does Mr Tihic know that the HJPC process therefore offers the best chance of ensuring that more Bosnjaks are appointed judges and prosecutors in the RS, and that if he really wanted to help he would work with his coalition partners, particularly the SDS, to give this process their full support?
9. Does Mr Tihic know that his claims about constitutional representation would be much stronger if he had accepted the constitutional changes that protect multi-ethnicity in this country?
10. Does Mr Tihic know that 49.5% of all policemen in BiH are Bosnjaks; and that while the HJPC is less than halfway through the process, 49% of all the prosecutors so far appointed are Bosnjaks; and that 49% of all the judges so far appointed are Bosnjaks?