



Plenary sitting

B9-0238/2020

31.8.2020

MOTION FOR A RESOLUTION

pursuant to Rule 143 of the Rules of Procedure

on the reform of Bosnia and Herzegovina's constitutional court

Julie Lechanteux

Motion for a European Parliament resolution on the reform of Bosnia and Herzegovina's constitutional court

The European Parliament,

- having regard to Rule 143 of its Rules of Procedure,
- A. whereas Bosnia and Herzegovina's constitution, established with the 1995 Dayton Accords, provides for a constitutional court composed of nine members, four of whom are chosen by the Federation of Bosnia and Herzegovina (two Croats and two Bosniaks), two nominated by the Republika Srpska and three foreigners appointed by the President of the European Court of Human Rights;
- B. whereas all too often these international judges have breached the principle of impartiality by taking the side of the Bosniak judges, outvoted Serbian and Croatian judges and taken decisions on the basis of political rather than legal criteria, to the detriment, in particular, of the Republika Srpska and its autonomy;
- C. whereas the latest ruling on the ownership of agricultural land in the Republika Srpska is in breach of the constitution since, de facto, it confiscates 3.5% of its territory;
- 1. Proposes, given the international judges' lack of impartiality, reforming the constitutional court by replacing them with judges from Bosnia and Herzegovina;
- 2. Instructs its President to forward this resolution to the Presidency of Bosnia and Herzegovina, the Office of the High Representative for Bosnia and Herzegovina, the Council and the Commission.