

Foreign Press Office - Mostar

MEDIA REPORTS

Ulica Kneza Domagoja bb, 88000 Mostar, Bosnia and Herzegovina
Tel/Fax: +387 36 324 491 email: fpo@caausa.org



BiH Constitutional Court Press Release

July 23, 2005

On 23 July 2005 the Constitutional Court of Bosnia and Herzegovina ended its 26th plenary session.

In the case of the Request of Velimir Jukic, Chair of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, the Constitutional Court established that the declaration of the Croat caucus at the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina on the destructiveness of a vital interest of the Croat people of the Draft Law on the Public Broadcasting System of Bosnia and Herzegovina does not meet the requirements of procedural regularity, because the Draft Law on the Public Broadcasting System of Bosnia and Herzegovina is not destructive of a vital interest of the Croat people in Bosnia and Herzegovina. The Constitutional Court ordered that the procedure of Adoption of the Law on Public Broadcasting System of Bosnia and Herzegovina be conducted in accordance with procedure arising under Article IV. 3(d) of the Constitution of Bosnia and Herzegovina. It may be that existing practice which relates to the public broadcasting system in Bosnia and Herzegovina and in the Entities results in the unconstitutional discrimination between constituent peoples. It does not mean that, if the draft Law is passed, its incorrect implementation would not cause some sort of discrimination. If that is the case it would be possible to take the proceedings to the Constitutional Court in order to protect the guaranteed constitutional rights. However, in the context of request under article IV.3 (f) of the Constitution of BiH, the Constitutional Court is not competent to determine the constitutionality of possible implementation of the Laws not yet adopted.

In regards to the appeal of Ms. Seada Palavrić filed against the regular courts dismissing the appeal filed for the release from the civil liability due to the immunity, the Constitutional Court dismissed the appeal as ill-founded in terms of Article II/3.e) of the Constitution of Bosnia and Herzegovina and Article 6, paragraph 1 of the European Convention since violation of the rights guaranteed by these Articles does not exist in cases whereby the ordinary courts, while deliberating on the claim of immunity, establish that disputable statements of the holder of immunity, in abstracto, exceed the scope of activities based on which he/she was granted the immunity. In regards to the appeals of a number of citizens of BiH filed against Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina for realization of the foreign currency savings claim at Ljubljanska Bank d.d. Ljubljana, Main branch office Sarajevo and at Investbank Belgrade, Constitutional Court, the Constitutional Court decided that this case be postponed to the following plenary session.

The Constitutional Court also examined 8 requests for review of the decisions of the Constitutional Court of BiH. Constitutional Court granted 4 requests for review since the requirements under Article 71 of the Rules of Procedure of the Constitutional Court for granting the requests were met, i.e. the Constitutional Court established the existence of the facts which could have a decisive influence on the outcome of the dispute, and which when the decision was adopted, was unknown to the Constitutional Court and could not have been reasonably known to the party.

Foreign Press Office - Mostar

MEDIA REPORTS

Ulica Kneza Domagoja bb, 88000 Mostar, Bosnia and Herzegovina
Tel/Fax: +387 36 324 491 email: fpo@caausa.org



Constitutional Court adopted Amendments to the Rules of Procedure of the Constitutional Court of BiH. The Amanded text shall be published in the Official Gazette of BiH as well as at the web page of the Constitutional Court of Bosnia and Herzegovina. With these Amendments, the Rules of Procedure were changed into the Rules of the Constitutional Court of Bosnia and Herzegovina as established by the Constitution of Bosnia and Herzegovina.

Dusan Kalember
Secretary General
of the Constitutional Court of Bosnia and Herzegovina