

## Attachment 1

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina.

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include<sup>1</sup>:

- a) The right to life.
- b) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
- c) The right not to be held in slavery or servitude or to perform forced or compulsory labour.
- d) The right to liberty and security of person.
- e) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
- f) The right to private and family life, home, and correspondence.
- g) Freedom of thought, conscience and religion.
- h) Freedom of expression.
- i) Freedom of peaceful assembly and freedom of association with others.
- j) The right to marry and to establish a family.
- k) The right to property.
- l) The right to education.
- m) The right to freedom of movement and residence.

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be guaranteed to all persons in Bosnia and Herzegovina **without discrimination** on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.<sup>2</sup>

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<sup>1</sup> Article II(3) of the Constitution of Bosnia and Herzegovina

<sup>2</sup> Article II(4) of the Constitution of Bosnia and Herzegovina

## **Attachment 2**

### **The Constitutional Court may examine an appeal only**

If all effective remedies available under the law against a judgment or a decision challenged by the appeal have been exhausted and if the appeal is lodged within a time limit of 60 days as from the date on which the appellant received the decision on the last effective remedy he/she used.

### **When to apply to the Constitutional Court?**

The Constitutional Court *shall also have appellate jurisdiction over issues... arising out of a judgment of any other court in Bosnia and Herzegovina.*

### **Who may lodge an appeal?**

Pursuant to the Constitution of Bosnia and Herzegovina, the appellant may be private individual or legal entity. The appellant does not necessarily have to be a national of Bosnia and Herzegovina.

### **How to lodge an appeal?**

An appeal to the Constitutional Court shall be sent by mail or delivered directly to the Constitutional Court. The appeal shall be made on the special form available at the premises of the Constitutional Court or online from the website of the Constitutional Court. The form shall make an integral part of the Rules. It shall be mandatory to submit the appeal by typing the text either on a computer or a typewriter.

The appellant may present his/her case before the Constitutional Court or he/she may designate a person to represent him/her. In the latter case, the appellant is advised to appoint a lawyer to present the case. A representative shall be obligated to present a power of attorney.

Electronic mail, written mail sent by fax and telegrams sent to the Constitutional Court shall not be regarded as submissions instituting constitutional proceedings or such submissions proposing the institution of constitutional proceedings, unless submitted at the request of the Constitutional Court or where approved by the Constitutional Court.

### **When should an appeal not be lodged?**

An appeal should be lodged with the Constitutional Court within 60 days as from the date of service of the last judgment or decision. It is also required that the appellant exhausts all legal remedies at his/her disposal prior to applying to the Constitutional Court. This implies that if there is still a possibility to apply to a body or a court at the state or entity level, one should do so. However, it is required that addressing the body or the court is *effective*. If the appellant considers that it would not be effective, it may still be useful for the appellant to apply to the Constitutional Court regardless of the fact that all legal remedies have not been exhausted.

### **What is the procedure before the Court?**

The Constitutional Court decides the cases in a chronological order, except for cases as established by Article 25 of the Rules of the Constitutional Court when acting in urgent procedures.

In the event that the Constitutional Court finds the appeal admissible, it will request the respondent party to submit a reply or the supporting documents. Failure on the part of the respondent party to reply will not interrupt the running of the proceedings before the Constitutional Court.

**What are the Constitutional Court's powers?**

If the Constitutional Court finds the appeal admissible, it annuls the challenged judgment and remits the case to the court that rendered the judgment for employment of new proceedings, except in cases when consequences of violation of constitutional rights may be removed otherwise. A regular court is then obligated to adopt a new decision and to observe the Constitutional Court's decision regarding a violation of the human rights and fundamental freedoms of the appellant.