

Mr Jakob Finci, presented on “Implementation of ECfHR Grand Chamber Judgment dated 22 December 2009 in Case Sejdic & Finci v Bosnia and Herzegovina” on Item V

Thank you Madam Chair.

I will use this 300 seconds on my disposal to inform about the fight for minorities in Bosnia and Herzegovina using another legal instrument, the European Convention on Human Rights.

Bosnia Herzegovina was almost a token of tolerance in Europe and our capital city Sarajevo got the nickname, small Jerusalem or European Jerusalem because only in Sarajevo and in Jerusalem in less than 200 meters you can find a the monuments or prayer places of four traditional religions in our country. Unfortunately, war between 1992 and 1995 changed the situation a little bit and I know that a lot of youngsters sitting here don't know there was war in Bosnia, but results have been awful with more than 100 thousand killed people, with a lot of war crimes, crimes against humanity and even a genocide in the first time in Europe after 1945.

War ended in 1995 with the Dayton Peace Accord, signed in Dayton, and three of the warring parts: Bosnians Muslims, Bosnian Serbs (who are Eastern Orthodox) and Bosnian Croats (who are Roman Catholic) signed the peace in which we have also Annex 4, which is constitution in Bosnia in which they declared that they will share power between themselves. There's no one word in our constitution mentioning minorities but all the other – people that don't belong to these constituent people – are called 'others'.

According to such constitution, people who belong to the minorities cannot even be a candidate to become members of seats: State Presidency or to be members of the House of People. That was the reason why my Roma friend, Dervo Sejdic, and myself started in 2005 – when Bosnia became part of the Protocol XII to the European Convention – a case against Bosnia Herzegovina in front of the Court of European Human Rights in Strasbourg.

This case finished pretty well because on the 22nd of December in 2009 the Chamber made the decision that all the citizens in Bosnia Herzegovina – regardless of ethnicity, religion or place of living – should be allowed to run for all these positions. This was the first decision in the European Court concerning the Protocol XII which is very important especially for the minorities. And after this decision was made we started to fight for implementation which is not so easy because it's strange that in the country in which we have – just in the last elections – 84 parties running for the seats, there is not even one political party opposing implementation of this decision but at the same time 10 parliamentary parties can't agree how to implement this.

We are waiting almost three years for implementation and that's the reason why our stabilization and association agreement with the European Union decision step into the force why we are not able even to send an application to become a member of the European Union.

Now we are in a position to explain that you cannot blame minorities for not implementing this decision because implementation is not in the hands of minorities but in the hands of the majority. And always, the position of minorities depend on the standpoints of the majority.

What we are doing these days in Bosnia, we are trying to pressure our political leaders that it's necessary to step forward and to give equal rights to all the citizens and that at the end of the day, we cannot blame minorities why we are so behind the rest of the neighbourhood, the rest of the region in our way towards the European Union.

Thank you Madam Chair for giving me this time and opportunity.