

pravosudnih funkcija dopušten pravni lijek, pravo na žalbu, čime bi se odredbe o imenovanju sudaca u pogledu dopuštenosti djelotvornog pravnog lijeka uskladile s odredbama čl. II/1 Ustava BiH i čl. 13. EKLJP.

## THE RIGHT TO AN INDEPENDENT AND IMPARTIAL COURT UNDER ARTICLE 6 OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND IN THE LEGISLATION OF BOSNIA AND HERZEGOVINA

*The independence and impartiality of the courts is one of the most important conditions for due process. The constitution, laws, and even state policy itself must insure the existence of such a judicial power that will be truly independent from other branches of government. Article 6, paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that everyone has the right to an independent and impartial tribunal established by law. By incorporating the European Convention for the Protection of Human Rights and Fundamental Freedoms into its constitutional order, Bosnia and Herzegovina made a commitment to adapt its legislation to the protection of rights under that convention.*

*This paper will analyze the praxis of the European Court of Human Rights in relation to the right to an independent and impartial tribunal established by law. This praxis has established a number of criteria that guarantee the realization and implementation of this fundamental legal principle. The second part of this paper will consider the right to an independent and impartial tribunal established by law in the legislation of Bosnia and Herzegovina. Afterwards it will try to answer the questions of whether and to what extent Bosnia and Herzegovina has aligned its legislation with the requirements of the right to a fair trial under Article 6, paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in relation to a fundamental legal principle - an independent and impartial tribunal established by law.*

**Keywords:** *independence, impartiality, court, European Conventions for the Protection of Human Rights and Fundamental Freedoms.*