



REPUBLIC OF SRPSKA  
PRESIDENT OF THE REPUBLIC

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His Excellency António Guterres  
Secretary-General  
The United Nations  
1 United Nations Plaza  
New York, New York, USA 10017-3515

Dear Mr. Secretary-General:

This marks the 20<sup>th</sup> report submitted semiannually by Republika Srpska (RS), one of Bosnia and Herzegovina's (BiH) two Entities, to the UN Security Council during the last ten years. This submission consists of two parts. The first part is the RS's 20<sup>th</sup> Report to the Security Council, which briefly examines the recent BiH elections and issues contemporaneous to the reporting period. The second and more important part is a special report to the Security Council entitled, *The Subversion of the Dayton System*. The sections of the two reports are summarized below.

**RS's 20<sup>th</sup> Report to the UN Security Council**

Section I of RS's 20<sup>th</sup> Report to the Security Council examines the results of BiH's eighth general elections since the Dayton Accords. RS voters have given the RS's current governing coalition an unmistakable mandate to govern based on the positions and goals it laid out during the campaign, including the full implementation of Annex 4 of the Dayton Accords, the BiH Constitution. The coalition's sweep, moreover, must be seen as a rejection of attempts at foreign meddling in BiH's elections. The election of Šefik Džaferović to be the Bosniak member of the BiH Presidency is highly disturbing to Serbs and an affront to the rule of law and reconciliation, because he has been credibly linked to war crimes by the El Mujahid Detachment. The regrettable result in the election for the Croat member of the BiH Presidency demonstrates why it

People, including the Croats, be allowed to choose its own representative in the BiH Presidency. Reforms are also necessary to implement the European Court of Human Rights' 2009 *Sejdić-Finci* decision. The RS governing coalition's clear victory at the BiH level means that Serb officials in Sarajevo will no longer frustrate RS interests.

Section II emphasizes the RS Government's willingness to work with all stakeholders in BiH for a better future on issues important to all peoples. Among these issues are EU integration, reintroduction of democratic elections in Mostar, judicial reform, fair and equitable investigation and prosecution of war crimes, and the fight against terrorism.

Section III expresses the RS Government's desire, as the new term approaches, for closer relations with all interested members of the international community. The RS, in particular, looks forward to working with the incoming U.S. ambassador to building a stronger relationship with the United States based on shared respect for the Dayton Accords and international law.

### **Special Report: The Subversion of the Dayton System.**

The RS's special report to the Security Council, *The Subversion of the Dayton System*, carefully examines the wisdom of BiH's Dayton structure, created through treaty more than 20 years ago, the relentless unlawful attacks it has sustained since its creation, and the legal and political need for its full implementation. With RS voters having resoundingly renewed the RS Government's mandate to pursue full implementation of the Dayton Accords, including the BiH Constitution, now is an excellent time to examine these issues carefully.

Section I explains the nature of the political and legal structure of the Dayton Accords. It sets forth how this structure was carefully created to take account of the reality of BiH and what was necessary for sustainable peace. The Dayton Accords provided, in the BiH Constitution, for a consociation model of government in which three Constituent Peoples share power. The BiH Constitution, which establishes various mechanisms to protect BiH's two Entities and three Constituent Peoples, is a delicate compromise that is necessary to ensure stability and democratic government.

Section II examines the systemic failure to implement the Dayton structure. The SDA and other Bosniak parties have refused to respect BiH's Dayton structure and sought, with the assistance of illegal actions by the international High Representative (HR), to steadily transform BiH into a centralized, unitary state. The unlawful centralization of power in Sarajevo creates dysfunction in BiH by maximizing the scope of contentious decisions required at the BiH level.

Section III outlines how the HR centralized BiH through fictitious "Bonn Powers." There is no legal basis for the dictatorial authorities through which the HR has imposed hundreds of laws and constitutional amendments and decreed hundreds of extrajudicial punishments. Please see Attachment 1 to the special report, which lists 461 laws and regulations decreed by the HR, Attachment 2, which provides the text of 111 constitutional amendments decreed by the HR, Attachment 3, which lists 249 extrajudicial punishments imposed by the OHR (some of which apply to multiple individuals), and Attachment 4, which lists 98 appointments decreed by the HR. The information in these attachments is derived solely from the OHR's own publicly available records. Extrajudicial punishments, which have been an important tool to help the HR

coerce public officials, flagrantly violate international human rights conventions. Using his dictatorial powers, the HR has systematically centralized power in Sarajevo in defiance of the BiH Constitution. Moreover, the HR prevented any curb against his lawlessness by dominating the BiH Constitutional Court and other courts in BiH. Now that the damage to BiH's Dayton structure has been done, the same constitutional safeguards that should have blocked centralization now enable Bosniak parties to block the Dayton structure's restoration.

Section IV examines how, even in the years since the HR lost the political ability to rule by decree, some states have continued to meddle BiH's domestic affairs, including its elections. The United States, for example, has supplied more than \$100 million in funds to the media without transparency in BiH—funding that the U.S. Government acknowledges affects local politics and elections.

Section V explains how the BiH-level government, as it has unconstitutionally accumulated greater powers, has performed poorly and engaged in unlawful actions. The new BiH agencies created by the HR have been plagued by waste, abuse, and inefficiency. The HR-created BiH Prosecutor's Office has served as a political weapon against the SDA party's opponents while protecting SDA politicians from war crimes investigations. Meanwhile, the HR-created BiH justice system has demonstrated a pattern of discrimination against Serb victims of war crimes. The BiH Agency for Statistics, under a threat of prosecution, adopted a unified processing program for the census that favored the Bosniaks in violation of the census law.

Section VI examines the need to replace the BiH Constitutional Court's foreign judges and reform BiH justice institutions. The presence of foreign judges on the Constitutional Court is incompatible with BiH's sovereignty and democracy. The court suffers from a deep legitimacy deficit because of its foreign judges and political nature. All Serb and Croat leaders in BiH support ending the foreign judges' role on the Constitutional Court, but the SDA has blocked this necessary reform. Reforms to BiH justice institutions, such as the Court of BiH, are also necessary, as EU experts have agreed.

Section VII outlines how centralization and SDA domination undermine BiH's security and stability. The SDA party's policies and actions during and since the 1990s war have turned BiH into a sanctuary for jihadists. The leaders of the SDA and other Bosniak parties, moreover, often threaten violence in response to political disputes. The SDA frequently attacks the RS's very legitimacy, as it did when it tried to prevent the RS's annual celebration of the date of its founding. In addition, the SDA has been obstructing the implementation of key decisions of the BiH Constitutional Court and European Court of Human Rights concerning elections. What's more, in a provocative move in a flagrant breach of the Constitution, the SDA's president attempted unilaterally to revive BiH's lawsuit against Serbia.

Section VIII explains why it is proper for the RS to declare its position with respect to NATO membership and, potentially, to hold a referendum on the subject.

Finally, Section IX outlines how the RS is seeking to implement the Dayton Accords through legitimate political and legal means. The RS has no plans for secession, but it insists that the Dayton political structure be fully implemented. As EU officials have frequently made clear, BiH's decentralized constitutional structure is not a barrier to EU membership. The RS will

continue to seek necessary reforms through political dialogue, but it also has a right to a remedy for material breaches of the Dayton Accords.

The Dayton Constitution provided a structure for a sustainable political system in a polity with three cohesive and distinct peoples. Attacks on that structure, unfortunately, have resulted in endemic dysfunction, frequent political crises, and domination by a single ethnic group. The RS Government is committed to making BiH work by pursuing the full and faithful implementation of the Dayton Constitution.

I would ask that this letter and the report be distributed to the Security Council's members. Should you or any Security Council member require information beyond what is provided in the report or have any questions regarding its contents, I would be pleased to provide you with it.

Yours sincerely,



PRESIDENT  
Milorad Dodik

**Republika Srpska's 20th Report to the UN Security Council**

**October 2018**

# Republika Srpska's 20th Report to the UN Security Council

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## Introduction

This 20<sup>th</sup> RS Report to the Security Council focuses on BiH's recent elections and the RS's agenda as the formation of a new Government approaches. In BiH's general elections earlier this month, RS citizens gave the RS's current governing coalition a clear mandate to govern according to the positions and goals it laid out during the campaign, including the full implementation of the BiH Constitution. The RS stands ready to work with all stakeholders in BiH on issues important to everyone in the country. The RS is also eager to work with all interested members of the international community.

### I. 2018 Election Results

1. On 7 October 2018, voters in Republika Srpska (RS) and throughout BiH carried on an unbroken succession of free and fair elections in the more than 22 years since the Dayton Accords. The preliminary findings and conclusions of the Organization for Security and Co-operation in Europe's (OSCE) International Election Observation Mission characterized the elections as "genuinely competitive" and observed that "[v]oters were presented with a wide choice of candidates, who were able to campaign freely."<sup>1</sup> According to a statement on the elections by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn, "citizens exercised their democratic right in a calm and orderly manner."<sup>2</sup>

#### A. RS citizens have given the current governing coalition a mandate to pursue the policies on which it ran.

2. The RS Government is honored that RS voters chose the current governing coalition to lead the next RS National Assembly and form a new government while also choosing current RS Prime Minister Željka Cvijanović to serve as RS President. The RS governing coalition also was successful at the BiH level, with current RS President Milorad Dodik being elected as the Serb member of the Presidency and the coalition winning a majority of the RS seats in the BiH Parliamentary Assembly."<sup>3</sup>

3. The RS governing coalition's sweep of the 7 October elections gives it an emphatic mandate to pursue the policies on which it ran. The core of that mandate is to honor and protect the Dayton Accords and the political structure the Accords established. The RS's commitment to the Dayton Accords includes a commitment to BiH's integrity as well as to the constitutional competencies and safeguards the Accords provide to the Entities and Constituent Peoples.

4. BiH's Dayton Constitution, which has often been disregarded, must be implemented fully and faithfully. This will require reforms to restore constitutional order, the rule of law and governmental functionality and efficiency. This will also require the closure of the Office of the

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<sup>1</sup> International Election Observation Mission Bosnia And Herzegovina, Statement Of Preliminary Findings And Conclusions, 7 Oct. 2018.

<sup>2</sup> Joint Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the elections in Bosnia and Herzegovina, 8 Oct. 2018.

<sup>3</sup> Matthew Parish, *Land swaps and other conversations in the Balkans*, TRANSCONFLICT, 23 Oct. 2018.

High Representative (OHR), whose claim to legally fictitious “Bonn Powers” causes severe damage to the constitutional structure of BiH established by the Dayton Accords in serious violations of international law. The RS Government has prepared the attached Special Report explaining the wisdom of BiH’s Dayton structure, the voluminous attacks it has sustained, and the legal and political necessity for its full and good-faith implementation.

**B. RS citizens rejected foreign meddling in BiH’s elections.**

5. The 7 October elections, unfortunately, were the target of significant attempts at foreign interference through such means as substantial and biased media funding and politically motivated sanctions against elected officials from the leading coalition party, as discussed in more detail in the attached Special Report. The U.S. Embassy in Sarajevo vociferously denied supporting one candidate over another while, in the same press release, calling President Dodik one of the country’s “true enemies.”<sup>4</sup> The results of the RS elections are a clear rebuke to foreign meddling.

**C. The next Bosniak member of the BiH Presidency has been credibly linked to war crimes.**

6. In a result that is highly disturbing to Serbs in BiH, the election for Bosniak member of the BiH Presidency was won by Šefik Džaferović, a man who—as detailed in the Special Report—has been credibly linked to horrific war crimes committed against Serbs by the El Mujahid Detachment. The El Mujahid, which was made up largely of foreign jihadists, routinely tortured and beheaded Serb prisoners during the war. During the war, Džaferović was head of State Security Center (SSC) in Zenica, which was the El Mujahid’s headquarters. Evidence provided by former Federation Vice President and former SDA member Mirsad Kebo indicates that Džaferović was complicit in wartime atrocities committed by the El Mujahid.

7. The evidence submitted by Kebo, for example, indicates that Džaferović stood just ten meters away when El Mujahid members beheaded a Serb civilian in Vozuća.<sup>5</sup> Documents show that SSC Zenica, the agency Džaferović ran, was charged with monitoring the activities of the El Mujahid in the area. Džaferović was thus well informed about the El Mujahid’s war crimes in the area of his police responsibility, but instead of stopping them aided El Mujahid members. One SSC intelligence report noted “a large number of applications for [BiH] citizenship” by members of the El Mujahid and said, “authorities are concerned that they are using BiH citizenship to hide their true identities . . . .” Yet documentary evidence shows that Džaferović wrote letters on behalf of El Mujahid members requesting that they be given BiH citizenship.

**D. Each Constituent People should choose its representative in the Presidency.**

8. One of the Dayton Constitution’s key protections of BiH’s Constituent Peoples is its establishment of a three-member Presidency intended to ensure representation to each of BiH’s three Constituent Peoples: Bosniaks, Serbs, and Croats. This provision was designed to protect each of the Constituent Peoples against violation of its interests by one or both of the other

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<sup>4</sup> *U.S. Strongly Rejects Accusation of Election Interference*, U.S. Embassy in BiH, 27 Sept. 2018.

<sup>5</sup> *Kebo: Džaferović i Mahmuljin bili 10 metara od mjesta likvidacije srpskog civila*, DNEVNI AVAZ,

peoples. However, in the 2006 and 2010 elections, Bosniak political parties ran roughshod over this principle by encouraging Bosniak voters to vote for the Croat presidency member, thus, disenfranchising the Croats from electing their own member of the BiH Presidency. Because Bosniaks are much more populous than Croats in the Federation, Bosniak voters were able to elect not just the Bosniak member of the Presidency, but also Željko Komšić, a nominally Croat politician with little support among Croats.

9. In the months leading up to this year's election, Croat and Serb political leaders in BiH warned Bosniak political leaders not to attempt to disenfranchise the Croat people again. The Head of BiH's Islamic Community, Grand Mufti Husein Kavazović, also wisely said it would not be good if one people elected another people's representative.<sup>6</sup> Unfortunately, in this year's election, Bosniak politicians ignored these warnings and created a crisis by encouraging Bosniak voters again to vote for Željko Komšić. Bosniak voters were thus able to elect not just the Bosniak member of the Presidency, Šefik Džaferović, but also, once again, Željko Komšić. It is regrettable that the warnings against disenfranchising Croats were not heeded.

10. As former HR Miroslav Lajčák observed after the election, as a result of Komšić's election, the "Croats feel that they are not represented," Lajčák explained, "The Croat member of the presidency was elected by Bosniaks and, for [Croats] they have always felt marginalized, and now they will feel even more so. For them, it is two Bosniaks and one Serbian, but no Croat, in the presidency."

11. After a meeting with the current Croat member of the BiH Presidency, Dragan Čović, Croatia's president and prime minister said in a statement that amending BiH's Election Law in order to guarantee that Croats can elect their own representative is important to democratic stability.<sup>7</sup> The statement said amendments to the Election Law "must ensure an autonomous choice, equal and legitimate representation of Croats as constituent people." President Dodik said after the election that he would not allow the will of any ethnic group in BiH to be undermined, because it goes against the Dayton Accords.<sup>8</sup> Legal reforms are necessary to ensure that in future general elections, Croats, like the other Constituent Peoples, are able to choose a member of the Presidency to represent them.

#### **E. BiH must implement the European Court of Human Rights' *Sejdić-Finci* Decision**

12. The European Court of Human Rights' 2009 *Sejdić-Finci* decision invalidated provisions of the BiH Constitution that make individuals who are not members of BiH's three Constituent Peoples ineligible to serve in BiH's Presidency or House of Peoples. The RS has long advocated a simple solution for members of the BiH Presidency and House of Peoples representing the RS: to eliminate all ethnic qualifications. For office holders representing the Federation, the RS has for years made clear that it would accept whatever solution the Croat and Bosniak parties agreed to. Unfortunately, the SDA and other Bosniak parties have rejected any proposal designed to

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<sup>6</sup> *Bosnia's clerics call for free and transparent election*, N1, 3 Oct. 2018.

<sup>7</sup> *Croatia supports election law change in Bosnia*, N1, 13 Oct. 2018.

<sup>8</sup> *Dodik says he will oppose a lawsuit against Croatia*, N1, 13 Oct. 2018.

prevent the election of two members of the Presidency representing Bosniaks and none representing Croats. Because of the SDA's stubbornness on this issue, BiH has now failed to implement the *Sejdić-Finci* decision for more almost nine years.

**F. Election of the Federation and BiH House of Peoples**

13. The BiH Constitutional Court's 2017 nullification of a portion of the BiH Election Law means that without amendments to the law, there can be no formation of the Federation House of Peoples, BiH House of Peoples, Federation Presidency, or Federation Government. The largest Bosniak party, the SDA, is blocking the necessary amendments because it wants to retain the ability for Bosniaks to choose not only Bosniak but Croat representatives. These amendments are necessary to avoid a constitutional crisis. Contrary to some suggestions, it would be unlawful and unwise for the international High Representative to try to resolve the issue by decree.<sup>9</sup>

**G. RS representatives at the BiH level will be legitimate representatives of the Entity.**

14. After the last election four years ago, the Bosniak SDA party formed a collation with RS opposition parties, despite the SNSD-led coalition clearly winning the most votes from the RS at the BiH level. This was a serious departure from past practice taken in bad faith by the SDA. Previously, the parties from the three Constituent Peoples respected the decisions of each others' respective peoples by forming the BiH Council of Ministers among the winning parties. As a consequence, for the past four years, RS opposition parties have been the RS representatives in Sarajevo in coalition with the SDA without a mandate from the RS and, as such, worked against the policies of the RS Government and RS interests and undermined the Dayton structure. The international community largely failed to criticize these actions of the SDA and its illegitimate coalition. As a result, the past four years resulted in unnecessary political quagmire and conflict. The RS Government expects that after the election, this situation will be rectified because of the very strong performance of the SNSD and its winning coalition members at the BiH level. The elections demonstrate RS citizens' clear rejection of the SDA's efforts, along with the RS opposition, to thwart the principles set forth in the Dayton structure.

**II. The RS is ready to work with all stakeholders in BiH on issues important to everyone.**

15. The RS Government is ready and willing to work with all stakeholders in BiH for a better future. Bosniak parties should work in good faith with Serbs and Croats to move forward on issues important to all peoples, such as EU integration, reintroduction of democratic elections in Mostar, judicial reform, fair and equitable investigation and prosecution of war crimes, and counterterrorism.

**A. The RS is committed to advancing BiH's EU integration.**

16. In a statement about the 7 October election, the EU said, "This new mandate can be an

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<sup>9</sup> For an explanation of why such a decree would be unlawful and unwise, please see Section IV of Republika Srpska's 19<sup>th</sup> Report to the UN Security Council, May 2018.

opportunity for political leaders to demonstrate, both to their citizens and to the EU, a renewed commitment and determination to take forward all the reforms needed to advance on the EU path.”<sup>10</sup> The RS Government agrees. It has worked diligently to implement the EU-sponsored Reform Agenda, and it will continue to enact all reforms necessary for EU integration. The RS Government will also work cooperatively with the Federation Government and BiH Council of Ministers on EU integration issues, including through the Coordination Mechanism for EU Integration.

#### **B. Reintroduction of democratic elections in Mostar**

17. Another important decision to implement is the BiH Constitutional Court’s 2010 decision on Mostar. The court held that the law with respect to elections in the city of Mostar, which diluted the voting power of the Croats, violated anti-discrimination and voting rights provisions of the BiH Constitution and the International Covenant on Civil and Political Rights. Unfortunately, the SDA, the main Bosniak party in Mostar, has refused to compromise with the HDZ, the main Croat party, to find a solution. As a result, citizens of Mostar have been prevented from voting in local elections since 2008.

#### **C. Judicial reform**

18. Judicial reforms, as explained in the attached Special Report, are necessary at the BiH level in order to meet European and other international standards. In 2011, the Structured Dialogue for Justice was created by agreement between the then-EU High Representative Catherine Ashton and President Dodik. Its purpose was to bring about much-needed judicial reforms at the BiH level. As part of the Structured Dialogue, the justice ministers of BiH, Republika Srpska, and the Federation have made good-faith efforts develop necessary reforms, such as properly defining the jurisdiction of the Court of BiH, establishing an independent court for appeals from the Court of BiH, and improving the accountability of the High Judicial and Prosecutorial Council. Unfortunately, there has been little progress because of inflexible opposition to reform by the SDA party and its allies.

19. One judicial reform that is essential for BiH to become an EU member is the replacement of the foreign judges on the BiH Constitutional Court with BiH citizens. Reserving seats on the country’s highest court for foreign nationals is incompatible with BiH sovereignty and democracy. Replacing the foreign members of the Constitutional Court has the support of all Serb and Croat leaders, but Bosniak leaders have blocked the reform because they see the Constitutional Court’s foreign members as allies. BiH President-elect Milorad Dodik has stated that ending the role of foreign judges is a priority of his mandate.

#### **D. Fair and equitable war crimes investigation and prosecution**

20. As demonstrated in the attached Special Report, the BiH justice system has, since its establishment by the High Representative, demonstrated a pattern of discrimination against Serb victims of war crimes. Only a handful of Bosniaks have been convicted for war crimes against

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<sup>10</sup> Joint Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the elections in Bosnia and Herzegovina, 8 Oct. 2018.

Serbs, and none have been convicted of crimes against humanity. This BiH justice system's discrimination is not surprising given that it includes many judges and prosecutors who have been implicated in wartime wrongs against Serbs. Those who committed war crimes must be brought to justice without regard to the ethnicity of their victims.

#### **E. Fighting terrorism**

21. The RS does everything it can to fight terrorism, but its efforts are undermined by BiH policies that have been enacted because of unlawful centralization. As outlined in the attached Special Report, the SDA party's policies and actions during and since the 1990s war have made BiH a sanctuary for jihadists. As Germany's *Der Spiegel* wrote, "German investigators believe there are around a dozen places in Bosnia where Salafists -- followers of a hardline Sunni interpretation of Islam -- have assembled radicals undisturbed by the authorities."<sup>11</sup> In addition, as a recent U.S. State Department report observed, ISIS fighters who are apprehended are given little or no prison time, and some have gone on to reoffend.<sup>12</sup> Moreover, SDA President and Bosniak member of the BiH Presidency Bakir Izetbegovic recently blocked a memorandum of understanding with the United States on information sharing in the fight against terrorism.<sup>13</sup> It is essential for the security of BiH and countries around the world that BiH stop serving as a European safe haven for jihadists and deal effectively with terrorists.

### **III. The RS would welcome improved relations with all interested members of the international community.**

22. As the SNSD-led coalition approaches formation of a new government, the RS looks forward to developing better relations with all interested parties in the international community. The RS appreciates the EU's support for BiH and, as explained above, remains committed to BiH's EU integration. The RS also enjoys good relations with Russia and other states outside the EU, and it seeks strong, positive relations with other members of the international community.

23. The RS, in particular, hopes that the next four years will lead to closer relations with the United States Administration and improved relations with U.S. officials in BiH. Such a relationship will require respect and support for the Dayton system, which the U.S. played such a crucial role in creating. The RS Government already enjoys close security cooperation with U.S. agencies. Unfortunately, the same has not been the case with the outgoing U.S. ambassador, who has interfered in BiH's domestic affairs in contradiction to the Trump Administration's commitment to state sovereignty. The RS stands ready to work with the incoming U.S. ambassador to forge a closer relationship based on mutual respect, joint commitment to the Dayton Accords, and observance of international law, including non-interference in BiH's domestic affairs.

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<sup>11</sup> Walter Mayr, *Sharia Villages: Bosnia's Islamic State Problem*, DER SPIEGEL, 5 Apr. 2016.

<sup>12</sup> *Id.*

<sup>13</sup> S. Degirmendžić, *Izetbegović odbio saradnju sa SAD u borbi protiv terorizma!*, DNEVNI AVAZ, 22 Oct. 2018.

# **The Subversion of the Dayton System**

**October 2018**

# The Subversion of the Dayton System

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## **Introduction**

This report examines how the highly decentralized constitutional structure of BiH has been unlawfully replaced by a dysfunctional centralized state that regularly violates the rule of law and threatens BiH's peace and security. This decentralized system of government was established by the BiH Constitution in Annex 4 of the 1995 Dayton Accords.

Through years of illegal decrees and coercion, the High Representative (HR) significantly altered the decentralized constitutional structure established under the Dayton Accords in violation of BiH's Constitution and the HR's own authority granted to him by the treaty parties under Annex 10 of the Accords. In effect, the HR's actions have given BiH's Bosniak parties—chiefly the SDA—precisely what the Dayton Accords were designed to prevent: a centralized state that Bosniaks—as the most populous of BiH's Constituent Peoples—could control to the detriment of BiH's other Constituent Peoples.

As the HR's unlawful abuse of power has been criticized and diminished in recent years, the SDA has used illegally-created BiH institutions such as the BiH Prosecutor's Office to undermine further the fundamental rights of the Serb and Croat Peoples and the autonomy of the two Entities guaranteed under the Dayton Accords to protect such rights.

The RS Government insists that the allocation of governmental competencies and protections for Constituent Peoples established by the Dayton Constitution be restored and the system of government wisely crafted and guaranteed by the Dayton Accords no longer be undermined but fully implemented. Those who have sought to illegally centralize BiH often blame the country's political dysfunction on the Dayton structure. But in reality, it is the failure to uphold and implement the Dayton structure that is the reason for such dysfunction.

### **I. The Nature of the Dayton System**

The Dayton Accords provided a long-term structure for a sustainable political system in BiH. Unfortunately, the political structure carefully established under Annex 4 of the Accords, which sets forth BiH's Constitution, has been under attack in an unlawful effort to change the mandated structure in dangerous ways.

#### **A. The Dayton Accords were a realistic response to historical facts and ethnic-social realities.**

The Dayton Accords were built upon several earlier proposals by various international intermediaries that shared a common feature: each provided for a decentralized, consociational structure for BiH. Such a structure was understood to be necessary for a sustainable peace and a functioning union of three peoples with great distrust of each other, based upon their historical experiences. As the late Richard Holbrooke, the key architect of the Dayton Accords, said in 2007, "Bosnia is a federal state. It has to be structured as a federal state. You cannot have a unitary government, because then the country would go back into fighting. And that's the reason

that the Dayton agreement has been probably the most successful peace agreement in the world in the last generation, because it recognized the reality.”<sup>1</sup>

**B. The Dayton Accords created a union of states with a consociation model of government.**

In their book *Courts and Consociations*, University of Pennsylvania professors Christopher McCrudden and Brendan O’Leary include an extensive study of the BiH governmental structure and its origins. In the chapter entitled, “Bosnia is a consociation,” they write:

Consociational arrangements were part of the price for the recognition of Bosnia. Peter W. Galbraith, former US ambassador to Croatia when the Dayton Agreement was made, emphasized that “absent explicitly ethnic power-sharing assurances to the three main groups the negotiations would neither have begun nor concluded.”

Differently put, not only were these institutional aspects of the Agreement necessary to the making of the Dayton settlement, but they were also already a compromise for Bosnian Croats and Serbs.<sup>2</sup>

To make these complicated compromises function, it was obvious that a great deal of autonomy would have to be granted to each of the two Entities, Republika Srpska and the Federation, and to the cantons in the Federation. Such autonomy required that the competencies of joint institutions at the BiH level be strictly limited.

**C. BiH’s constitutional structure, mandated by the Dayton Accords, is essential to stability.**

The BiH Constitution (Annex 4 of the Dayton Accords) maintains stability and democratic government in BiH by establishing a federal, two-entity structure and various mechanisms carefully designed to protect the Entities and BiH’s three Constituent Peoples. The Constitution reserves most governmental functions to the Entities and establishes other important mechanisms, such as the ability of two-thirds of the BiH House of Representatives members from an Entity to veto a piece of legislation. Among the Constitution’s other protections for each of the three Constituent Peoples are the tripartite presidency of BiH and the ability of representatives of a Constituent People to declare legislation to be destructive of a vital national interest.

The delicacy, specificity and importance of the Dayton political compromise were vividly described in Judge Giovanni Bonello’s dissenting opinion in the European Court of Human

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<sup>1</sup> *Holbrooke: Kosovo Independence Declaration Could Spark Crisis*, Council on Foreign Relations, 5 Dec. 2007 (available at [cfr.org/kosovo/holbrooke-kosovo-independence-declaration-could-spark-crisis/p14968](http://cfr.org/kosovo/holbrooke-kosovo-independence-declaration-could-spark-crisis/p14968)).

<sup>2</sup> CHRISTOPHER MCCRUDDEN AND BRENDAN O’LEARY, *COURTS AND CONSOCIATIONS* 24 (2013).

Rights’ decision in *Sejdić and Finci v. BiH*. The Dayton architecture, Bonello wrote, “was based on a distribution of powers, tinkered to its finest details, regulating how the three ethnicities were to exercise power-sharing in the various representative organs of the State. The Dayton Agreement dosed with a chemist’s fastidiousness the exact ethnic proportions of the peace recipe.”<sup>3</sup>

## **II. The Failure to Implement the Dayton System**

### **A. BiH’s Bosniak parties have refused to respect BiH’s Dayton structure.**

The SDA and other major Bosniak political parties have always been dissatisfied with the Dayton Accords because they desired a centralized unitary state in which Bosniaks, as the largest of the three Constituent Peoples, would be able to exert authority over the two others. The failure of Bosniak political parties to accept the Dayton Accords continues to be the most serious obstacle faced by BiH in building a prosperous and successful home here for all its citizens. Since shortly after the Dayton Accords, the SDA and other Bosniak parties, assisted by illegal actions of the HR, have attacked the constitutional allocation of most governmental authorities to the Entities. They have made it their goal to abolish the RS entirely and adopt a unitary political system. The SDA’s 2018 candidate for the BiH Presidency—who has since been elected—acknowledged that this is his party’s goal.<sup>4</sup> The RS Government insists that the allocation of governmental competencies established by the Accords, particularly the BiH Constitution, must be restored.

### **B. The structure established by Dayton promotes functional governance by minimizing political conflict; unfortunately, it has not been respected.**

Even leaving aside the essential requirement of rule of law, BiH’s post-Dayton experience makes clear that the BiH level must return to the Entities the competencies provided for in the Dayton Constitution for purely practical reasons of efficient and effective governance. Problems in achieving state-level consensus are inherent in a multinational polity like BiH. Under the BiH Constitution, however, this was to be a manageable problem. That is because the Constitution established a (con)federal system that strictly limited the BiH level’s competencies, thus minimizing the scope of contentious decisions required at the BiH level. Unfortunately, the Dayton constitutional system, designed to minimize the occasions for political conflict, has been turned upside down by unlawful centralization efforts so as to maximize them. Unconstitutional centralization has resulted in the frequent deadlocks and crises that mark BiH-level governance.

## **III. The High Representative centralized BiH in support of the Bosniak agenda through his legally specious “Bonn Powers” and gross violations of human rights.**

### **A. The patent illegality of the Bonn Powers**

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<sup>3</sup> *Sejdić and Finci v. BiH* [GC], nos. 27996/06 and 34836/06), ECHR 2009, Diss. Op. of Judge Bonello, at p. 53

<sup>4</sup> “*The SDA wants an integral, democratic Bosnia*,” N1 TV, 15 Jul. 2018.

Since the Dayton Accords, the High Representative has given the SDA and other Bosniak parties what they demanded by steadily consolidating powers at the BiH level in defiance of the Constitution. First the HR bestowed on himself a series of legally preposterous powers to rule and punish by decree, superseding the democratic system established by the Dayton Constitution. Then the HR used those dictatorial powers—sometimes formally and sometimes informally—to centralize authority at the BiH level. Using these so-called “Bonn Powers,” the HR has imposed scores of BiH, RS, and Federation laws by decree and even decreed more than 100 amendments to the constitutions of the RS and the Federation. The HR has also imposed extrajudicial punishments on hundreds of BiH citizens, nullified a BiH Constitutional Court decision, and banned any proceeding that takes issue in any way with his decisions.

Please see Attachment 1 to this report, which lists 461 laws and regulations decreed by the HR, Attachment 2, which provides the text of 111 constitutional amendments decreed by the HR, Attachment 3, which lists 249 extrajudicial punishments imposed by the OHR (some of which apply to multiple individuals), and Attachment 4, which lists 98 appointments decreed by the HR. The information in these attachments is derived solely from the OHR’s own publicly available records.

It is important to remember that the HR was not imposed on BiH, but was created by an international agreement, known as Annex 10 of the Dayton Accords, entered by the RS, the Federation, and other signatories to the Dayton Accords, and the HR derives its authority from that agreement. Annex 10 does not include any words or phrases that would suggest the authority to make decisions binding on BiH, the Entities, or their citizens. Instead, in defining the HR’s legal authority, Annex 10 uses such verbs and phrases as “monitor,” “promote,” “coordinate,” “facilitate,” “participate in meetings,” “report,” and “provide guidance.”

Former UK Ambassador to BiH Charles Crawford, who helped invent the “Bonn Powers,” has written, “[A]s far as I could see the Bonn Powers had *no real legal basis at all*. They amounted to an international political power-play bluff which successive HRs wrapped up in legal language to make the whole thing look imposing and inevitable.”<sup>5</sup> Similarly, former OHR attorney Matthew Parish has written that the statement announcing the Bonn Powers “was legally quite indefensible.”<sup>6</sup> In a thorough legal analysis of the Bonn Powers appearing in the *Goettingen Journal of International Law*, Tim Banning reached a similar conclusion, finding, “[The Bonn Powers] do not qualify as a legal power. Their existence is a powerful, but delusive legal fiction.”<sup>7</sup>

Apart from their lack of a legal basis, the dictatorial authorities claimed by the HR are obviously incompatible with the human rights of BiH citizens, such as the right to a fair trial under Article 6 of the European Convention on Human Rights and the right to free elections under Article 3, Protocol No. 1 of the European Convention. The HR’s interpretation of Annex 10, moreover, is

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<sup>5</sup> Charles Crawford, *Bosnia: the Bonn Powers Crawl Away to Die*, (emphasis added).

<sup>6</sup> Matthew T. Parish, *The Demise of the Dayton Protectorate*, 1 J. INTERVENTION AND STATEBUILDING, Special Supp. 2007, p. 14.

<sup>7</sup> Tim Banning, *The ‘Bonn Powers’ of the High Representative in Bosnia Herzegovina: Tracing a Legal Figment*, GOETTINGEN JOURNAL OF INTERNATIONAL LAW 6 (2014) 2, 259-302, at 302.

inconsistent with other sources of law, including the BiH Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which BiH is a party. By interpreting Annex 10 give him powers of rule by decree, extrajudicial punishment, and other autocratic authorities, the HR breached the obligation of good faith interpretation under the Vienna Convention on the Law of Treaties. At times, the HR has asserted, falsely, that the HR has two separate sources of authority: Annex 10 and UN Security Council resolutions. In reality, however, the Security Council has never agreed to supplement the HR's authority under Annex 10, and any actions by the HR in excess of Annex 10 are *ultra vires*.

## **B. Extrajudicial punishments**

An important tool for the HR's centralization of BiH has been his imposition of extrajudicial punishments on many individuals. These punishments purged public officials who declined to do his bidding and intimidated other officials into obedience. The HR, acting without any form of due process or right of appeal, has removed and banned from public employment nearly 200 BiH citizens. When imposing these punishments, the HR allowed the victims no notice of the specific charges or evidence against them, no right to confront their accusers, no opportunity to contest the charges, and no opportunity to appeal.

Extrajudicial punishments such as these, as many observers have concluded, violate the European Convention on Human Rights and the International Convention on Civil and Political Rights, both of which are binding international law and domestic law in BiH. The HR's practice of imposing extrajudicial punishments against BiH citizens without any form of due process earned sharp international condemnation, including from the Council of Europe's Parliamentary Assembly and Venice Commission. After a 2006 BiH Constitutional Court verdict held that individuals must have an opportunity to appeal extrajudicial punishments decreed by the HR, the HR responded by handing down a decree nullifying the court's verdict.

## **C. Centralization of BiH through decree and duress**

The HR used the "Bonn Powers," sometimes directly and other times indirectly, to give the SDA and other Bosniak parties what they wanted, systematically centralizing governmental authority in Sarajevo in defiance of the BiH Constitution. As the International Crisis Group has written, "High Representative Paddy Ashdown imposed laws creating vast new powers of the state, sometimes at Entity expense."<sup>8</sup>

The HR often centralized functions through simple decrees, such as when he created the Court of BiH and the Prosecutor's Office of BiH or decreed amendments to the constitutions of both Entities in order to clear the way for centralized appointment of judges and prosecutors. High Representatives created many other BiH agencies through decree, such as the Communications Regulatory Agency, the Public Broadcasting Service of BiH, and the High Judicial and Prosecutorial Council, as well as transferring key competencies from the Entities to the BiH level. Recently, the RS Government carefully assessed the number of BiH agencies that have been created contrary to the structure and competencies set forth in the BiH Constitution. The number was, astoundingly, about 70.

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<sup>8</sup> International Crisis Group, *Bosnia's Future*, 10 July 2014 ("2014 ICG Report"), at 27.

When the HR did not outright decree centralizing changes, he brought them about through threats and other coercion against elected officials, such as when he directly presented the BiH Parliamentary Assembly with legislation creating the Intelligence and Security Agency and ordered its enactment into law.<sup>9</sup> A 2003 report by the International Crisis Group said that HR gave “the parties no alternative” but to support his legislation “if they want to enjoy such pleasures of office as will remain to them.”<sup>10</sup> As former High Representative Paddy Ashdown recently admitted in testimony to the UK Parliament, it took “a great deal of cracking of arms” in order for BiH politicians to accept measures going “beyond Dayton.”<sup>11</sup> Referring to European Commissioner for External Relations Chris Patten and NATO Secretary General George Robertson, Ashdown said, “We used those pretty brutally.”<sup>12</sup>

The High Representative created the Indirect Taxation Authority (ITA) using similar methods. Under the BiH Constitution the Entities, and not the BiH-level institutions, have authority over indirect taxation. However, the ITA was created to give the BiH level the ability to exercise authority over indirect taxation in order to allocate funds first to the BiH level and then distribute whatever remains to the Entities. In this way, the ITA has since been used by the Bosniaks to unfairly redistribute funds from the citizens and institutions of the RS (and Croats in the Federation), to the salaries of unneeded BiH-level officials, who are mostly Bosniak, and the coffers of the BiH-level institutions they run.

The Crisis Group wrote in 2014 that a “pattern of internationally-sponsored state building without local buy-in has recurred repeatedly. It produced a ‘flood’ of new agencies, many of which set up offices and hired staff but lacked clear tasks, so did little or nothing.”<sup>13</sup> To illustrate BiH’s runaway centralization, the number of employees of BiH institutions grew from fewer than 3,000 in 2000 to more than 22,000 in 2015.

**D. The High Representative has prevented any and all forms of review and accountability.**

As he pursued the Bosniak parties’ agenda of centralizing authority at the BiH level, the HR prevented all review and accountability of his actions by dominating the BiH Constitutional Court and other courts in BiH.

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<sup>9</sup> See Marina Caparini, *Security Sector Reconstruction: Western Balkans* in ALAN BRYDEN AND HEINER HEINER HÄNGGI, EDS., *REFORM AND RECONSTRUCTION OF THE SECURITY SECTOR*, 143, 153 (2004).

<sup>10</sup> International Crisis Group, *Bosnia's Nationalist Governments: Paddy Ashdown and the Paradoxes Of State Building*, 22 July 2003, at 38.

<sup>11</sup> The testimony is available at <http://www.parliamentlive.tv/Event/Index/a4551237-3e0f-4c02-afbe-8c0cfa94948>.

<sup>12</sup> *Id.*

<sup>13</sup> 2014 ICG Report at 28.

## 1. The politicized BiH Constitutional Court reliably upholds unconstitutional centralization.

The BiH Constitutional Court lacks independence from the HR; this has made it impossible to successfully challenge his office's unconstitutional centralization of BiH. The example of the HR's creation of the Court of BiH is instructive. The BiH Constitution, as the International Crisis Group has observed, "allotted judicial matters to the Entities, apart from a state Constitutional Court."<sup>14</sup> Disregarding this, the HR decreed a law to create the Court of BiH in 2000. Despite the law's obvious unconstitutionality, the Constitutional Court upheld the law in a 5-4 decision because the three foreign judges voted as a bloc, along with the two Bosniak judges, to protect the HR's creation. One of those foreign judges later admitted that there was a "tacit consensus between the Court and the High Representative that the Court . . . *will always confirm the merits of his legislation . . .*"<sup>15</sup>

In 2010, Nedim Ademović, former chief of staff of the BiH Constitutional Court's president, said, "[C]onstitutional-law development has been exclusively a consequence of international interventionism."<sup>16</sup> He boasted, "The BiH Constitutional Court is one of the most successful institutions and projects in BiH. The BiH Constitutional Court has granted legitimacy to a host of imposed laws and introduced a balance between BiH sovereignty and international governance."<sup>17</sup> According to Ademovic, "The constitutional-law organization does not reflect the formal text of the Constitution. It has extensively evolved and changed since Dayton to date, and the text of the Constitution has not reflected the changes."<sup>18</sup>

The HR once issued a decree unilaterally ousting two RS appointees to the Constitutional Court. But perhaps the clearest example of the HR's pervasive interference with the Constitutional Court is the HR's 2006 order—still in effect—that banned any proceeding before the Constitutional Court or any other court that "takes issue in any way whatsoever with one or more decisions of the High Representative."<sup>19</sup>

A recent decision upholding unconstitutional centralization came in July 2017 when the Constitutional Court upheld an unlawful order by the Court of BiH to transfer ownership of property from the RS to the BiH level. The decision was contrary to the 2011 Succession Agreement and the practice of the parties in implementing it. The decision also defied the Constitutional Court's own 2012 decision that the allocation of state property "has not been resolved yet," that the BiH Parliamentary Assembly has the exclusive authority to allocate state

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<sup>14</sup> 2014 ICG Report at 27 (footnotes omitted).

<sup>15</sup> JOSEPH MARKO, FIVE YEARS OF CONSTITUTIONAL JURISPRUDENCE IN BOSNIA AND HERZEGOVINA, European Diversity and Autonomy Papers (July 2004) at 17 and 18 (emphasis added).

<sup>16</sup> Oslobodjenje interview with Nadim Ademović, 24 Apr. 2010.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> OHR, Order on the Implementation of the Decision of the Constitutional Court of Bosnia and Herzegovina in the Appeal of Milorad Bilbija et al, No. AP-953/05, March 23, 2007 ("Bilbija Order") (emphasis added).

property, and that in making such allocation, the Parliamentary Assembly must “take into consideration the interests and needs of the Entities.”<sup>20</sup>

## 2. The HR’s domination of other courts

The HR has severely undermined the independence of courts throughout BiH. In so doing, he has subverted the rule of law in BiH and diminished the legitimacy of its courts. The Sarajevo-based Helsinki Committee for Human Rights in BiH condemned the judicial “reforms” carried out by the HR and the international community, which—far from ensuring judicial independence—made the judiciary beholden to foreign officials. The Committee concluded, “It is with regret that we presume that judiciary will continue to be dependent on the international community, which will supervise the work of each and every individual judge and prosecutor in the forthcoming period.”<sup>21</sup> In a 2005 report, the Institute for War and Peace Reporting, a London based NGO, wrote, “[I]nternational officials, lawyers and legal experts have . . . complained to [Balkan Crisis Report] about the extent of the involvement of the OHR in the everyday functioning of the courts, urging the High Representative to loosen his iron grip on Bosnia’s judiciary.”<sup>22</sup>

The HR has ordered courts throughout BiH to issue decisions according to his preferences. As noted above, the HR banned any proceeding that “takes issue in any way whatsoever with one or more decisions of the High Representative.”<sup>23</sup>

Another example of the HR’s interference in the decisions of lower courts arose when the UN Mission in Bosnia and Herzegovina declared 793 police officers unfit to exercise police powers and banned them for life—without even a hearing—from police service.<sup>24</sup> When decertified officers challenged the bans, some courts initially declared them unlawful, in part because BiH laws did not allow for an international decertification to serve as the basis for termination of an employment contract.<sup>25</sup> The OHR, however, refused to let the courts decide these cases. HR Paddy Ashdown distributed instructions that courts were to let the decertifications stand, despite their clear illegality. In its 2003 annual report on human rights, the BiH Helsinki Committee condemned this assault on judicial independence, calling it just one of many examples of the courts’ “obvious dependence” on the decisions and opinions of the international community in BiH.<sup>26</sup>

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<sup>20</sup> BiH Constitutional Court, Case No. U 1/11, Decision on Admissibility and Merits, 13 July 2012, para. 84.

<sup>21</sup> Helsinki Committee for Human Rights in Bosnia and Herzegovina, Report on the State of Human Rights in Bosnia and Herzegovina - Analysis for period from January to December 2003 (“2003 Helsinki Committee Report”).

<sup>22</sup> Aida Sunje, *Courting Controversy in Bosnia*, Institute for War and Peace Reporting, BCR Issue 562, 2 Aug. 2005.

<sup>23</sup> Bilbija Order, 2007.

<sup>24</sup> European Stability Initiative, *On Mount Olympus*, 10 Feb. 2007 (“*On Mount Olympus*”), 1.

<sup>25</sup> *Id.* at 16.

<sup>26</sup> 2003 Helsinki Committee Report.

As the BiH Helsinki Committee explained, “*It would be difficult to imagine any judge in Bosnia and Herzegovina, whose appointment depends on a body such as High Judicial and Prosecutorial Council, established by the international community, to pass a decision that would differ from the one recommended in the letter of the High Representative.*”<sup>27</sup>

Another way in which the HR has asserted control of the judiciary and undermined its independence has been through the summary dismissal of hundreds of judges. In 2002, the HR decreed that all judges and prosecutors of the Entities—including judges given life tenure after passing a comprehensive review in 2000—were required to resign and then reapply for their positions. In effect, the HR had summarily fired hundreds of judges—including judges with life tenure—without so much as a hearing. The HR disregarded the Council of Europe’s firm opposition to his wholesale purge of the judiciary. An obvious and clearly intended result of the wholesale dismissal of judges and prosecutors was to make the newly appointed judges and prosecutors compliant with the wishes of the HR upon whose satisfaction their continued careers would depend.

### **3. The High Representative created the High Judicial and Prosecutorial Council to in order to establish control over judicial appointments.**

Also in 2002, in order to solidify control over the judiciary throughout BiH, the HR imposed a system of appointing and disciplining judges and prosecutors that gave the HR overwhelming influence over this process, further weakening judicial independence. The HR illegally seized control of the judicial appointment process for both the newly created BiH Court and Entity courts through a series of decrees that created the High Judicial and Prosecutorial Council (HJPC) system. As originally created by the HR, the system consisted of one HJPC for each Entity and one for the BiH level. The HR appointed all of the original members of all three HJPCs<sup>28</sup> and continued to make all appointments to the HJPCs until the end of a “transitional period,” which lasted until 31 May 2004.<sup>29</sup> The HJPCs during this “transitional period” were extraordinarily important because they selected all of the judges of the Entities during the process in which all judges were dismissed and forced to reapply for their positions. Since the “transitional period,” the High Representative has continued to manipulate the appointment of judges and prosecutors.

Even the two HJPCs created and dominated by the HR at the Entity level were transformed—at the orders of the HR—into a single HJPC at the BiH level such that there is now only one HJPC. Contrary to the BiH Constitution and the practice of federal democracies throughout the world, the HJPC system imposed by the HR gives RS institutions no role whatsoever in the appointment of the RS’s own judges and prosecutors. The HR’s domination of the selection of judges and prosecutors—both through his own appointments and through the HJPC system he created—severely compromises the independence of courts throughout BiH.

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<sup>27</sup> *Id* (emphasis added).

<sup>28</sup> OHR, Decision on Appointment of Members of the High Judicial and Prosecutorial Councils, 6 Aug. 2002.

<sup>29</sup> Alexander Mayer-Rieckh, *Vetting to Prevent Future Abuses*, in ALEXANDER MAYER-RIECKH AND PABLO DE GREIFF, EDS., JUSTICE AS PREVENTION (2007) 180, 197.

#### **4. Unlawful extension of criminal jurisdiction**

Having created a judicial system over which the HR could exert control, the HR used the judiciary to further weaken the constitutional authority and autonomy of the Entities. Shortly after their creation, the BiH Court and Prosecutor's Office began to expand their jurisdiction illegally into Entity criminal law implementation and have continued this practice up to today. They do this by exploiting the vague terms of Article 7(2) of the Law on Court of BiH—a law created and imposed by decree of the HR—or applying an indefensible interpretation of Article 23(2) of the BiH Criminal Procedure Code (also imposed by the HR). EU officials and experts have agreed with the RS Government that the Court's jurisdictional practices violate European standards on legal certainty and the principle of the natural judge. The Bosniaks have prevented so far all efforts to reform the Law on Court of BiH, even though it is clear that the Law must be reformed to ensure that these European standards are upheld.

The High Representative has undermined separation of powers, enabling the Bosniak-controlled BiH Court and Prosecutor's Office to undertake unwarranted investigations and prosecutions of Serb and Croat officials as a political weapon. Among the near-universal provisions of European domestic law to protect separation of powers and prevent abuse of authority are laws that provide to senior elected and appointed public officials appropriate and conditional immunity and inviolability from criminal and civil prosecution. Unfortunately, decrees by the HR drastically diminished such immunities in BiH and the Entities, including by mandating changes to the constitutions of the Entities that had provided for immunities similar to those found in constitutions of most democratic states. By so doing, the HR removed a key safeguard against politically motivated investigations and prosecutions that seriously harm fundamental government institutions of the Entities, diminishing constitutional powers, inhibiting functional governance, and overall weakening the Entities. As a result, the HR made it significantly easier for the BiH Prosecutor's Office to abuse prosecutorial powers for political reasons, which remains a serious problem today. Examples of prosecutorial abuses are discussed in Section V.B, below.

#### **E. The same Dayton constitutional safeguards that should have blocked BiH's centralization now enable the Bosniaks to block necessary reforms to restore the Dayton structure.**

In recent years, support for the Bonn Powers on the PIC Steering Board has declined because of widespread recognition of their illegitimacy. Consequently, the HR has stopped issuing decrees using this pretended authority. Unfortunately, the serious damage to democracy, rule of law and the carefully constructed Dayton structure is done. The HR's years of centralizing BiH through decree and coercion have left a legacy that is extremely difficult to undo through normal reform efforts. One provision of the BiH Constitution requires that all legislation receive the votes of at least one-third of the members of the House of Representatives from each Entity. Another provision allows a majority of the Bosniak, Serb, or Croat members to declare a piece of legislation destructive of a vital interest of their people. These protections were intended to prevent the type of destructive changes the High Representative caused to the constitutional and political structure of BiH. Now, however, these protections essentially give Bosniak parties veto power over any legislation intended to restore the Dayton structure. The very Dayton protections that the HR circumvented to impose centralization now make it exceedingly difficult to reverse

that centralization because the Bosniak political structure considers the centralization of competencies irreversible, irrespective of their lack of constitutional grounds.

#### **IV. BiH's elections must be conducted free from foreign interference.**

Though the High Representative no longer has the political ability to govern BiH by decree, some countries have continued to interfere in BiH's domestic affairs, including through meddling in elections. BiH citizens, like citizens of democratic states around the world, must be able to choose their own leaders without interference from foreign powers. Foreign interference in a state's electoral politics threatens the free and fair elections on which representative democracy depends. Such interference may also violate local law and the international legal principle of nonintervention. BiH, like other states, has the "inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another state."<sup>30</sup>

Around the world, there is heightened concern about foreign interference in elections, and democratic governments are taking action to curb it. On 28 June, for example, Australia enacted a package of laws targeting foreign meddling, including extensive registration and disclosure requirements for activities on behalf of foreign principals and a 20-year prison sentence for undisclosed conduct intended to interfere with democratic processes. Sweden recently decided to create a new agency mandated to safeguard the country's upcoming elections from meddling from foreign governments.<sup>31</sup> After the 2016 U.S. election, the U.S. Congress enacted legislation to create a Global Engagement Center to counter foreign propaganda. Allegations by U.S. authorities of Russian attempts to meddle in U.S. elections have drawn considerable attention. However, as the *New York Times* recently reported, the United States itself has often intervened in foreign elections, including, for example, the 2000 election in Serbia.<sup>32</sup>

Such interference, unfortunately, is taking place in BiH today. For example, in a transparent attempt to affect BiH's 7 October elections, the U.S. State Department imposed sanctions on Nikola Špirić, a member of the BiH House of Representatives, just 28 days before election day, based solely on a vague allegation of corruption for which Špirić has never been charged.<sup>33</sup> Špirić is a vice-president of the SNSD, the party that leads the coalition of the current RS government, regarding whose party leaders the U.S. Embassy in BiH has expressly stated its opposition.

Foreign meddling in BiH's elections threatens to undermine BiH's democracy. That interference comes in both direct and indirect forms, including from foreign embassies. This year's elections were no exception. One particular practice that has occurred is worth particular mention.

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<sup>30</sup> Declaration On Principles Of International Law Concerning Friendly Relations And Cooperation Among States, G.A. Res. 2625 (XXV) (1970).

<sup>31</sup> *Sweden warns of 'certain foreign powers' meddling in the 2018 election*, THELOCAL.SE, 22 Feb. 2018.

<sup>32</sup> Scott Shane, *Russia Isn't the Only One Meddling in Elections. We Do It, Too.*, NEW YORK TIMES, 17 Feb. 2018.

<sup>33</sup> Public Designation of Nikola Spiric Under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Act of 2018, U.S. Department of State, 10 Sept. 2018.

## **A. Foreign Influence on BiH Media and Elections**

In Section III of the RS's 19<sup>th</sup> Report to the UN Security Council, dated April 2018, the RS government described how significant foreign government funds have been provided to media in BiH, particularly during this election year, which are not transparent and raise serious concern.<sup>34</sup> In particular, as explained in the Report, the U.S. government has devoted significant resources to fund media in BiH since the end of the war in 1995. Although the oft-stated purpose of this funding is to bolster the quality and independence of the media, its impact on local politics is controversial. The U.S. government has provided more than \$100 million in media funding to BiH since the end of the war, possibly the largest per capita U.S. expenditure in media assistance. This funding is largely channeled through the U.S. Agency for International Development (USAID) and the U.S. Department of State through the U.S. embassy in Sarajevo.

The OHR also has played a role in overseeing the funding and administering of the media organizations and institutions within BiH. The United States, through these programs, provides millions of dollars in funding every year to a limited number of media organizations it selects with specific mandates it defines. By USAID's own admission, the United States expects this funding to affect local politics, including elections.

While calls for acute scrutiny of foreign influence in elections have been growing globally, in the run-up to the fall 2018 elections in BiH, an assessment of U.S. financial support revealed a sharp increase beginning last year and continuing in 2018. U.S. funding to BiH media raises serious concerns about additional foreign political influence into BiH's free and fair elections in what was a critical election year.

In 2017-2018 at least three major funding programs largely benefitting BiH media were initiated by U.S. Department of State and USAID, totaling more than \$12 million.<sup>35</sup> Moreover, in addition to initiatives within BiH by individual national governments, foreign governments also fund regional media organizations that undermine the independence of the media and provide another tool for influencing elections and electoral politics.

## **B. States should fully disclose the allocation and use of their media funds and discontinue any usage to influence elections.**

Many BiH recipients of funding from foreign countries have strong affiliations to political parties and leaders. Anyone familiar with the situation in BiH will clearly see how providing significant funding to media recipients and NGOs in BiH is inherently troublesome because of the political influence the funding provides.

In light of the current political situation in BiH, any type of foreign funding should be awarded in a perfectly transparent manner. Accountability is particularly important given the vast amount of funding that the United States and other countries have provided and the clear history of

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<sup>34</sup> The RS Government's 19<sup>th</sup> Report to the UN Security Council is available on the RS Government's website at [www.vladars.net/eng/Documents/RS's%2019th%20Report%20to%20UNSC.pdf](http://www.vladars.net/eng/Documents/RS's%2019th%20Report%20to%20UNSC.pdf).

<sup>35</sup> These include Balkan Media Assistance Program (BMAP); USAID Media Program in BiH; and Democracy Commission Small Grants Program.

unlawful foreign intervention in BiH. This is in the interest of BiH citizens who deserve to be fully informed on the financing of their media. It also should be in the interest of citizens whose taxes pay for operations intended to interfere in the affairs of a European country's elections. Indeed, the current opacity of these processes ultimately undermines one of these funds' claimed core objectives, which is to restore the trust in media and institutions. All states should fully disclose their spending on BiH media and refrain from using the funds to influence elections. Despite the RS insisting prior to the elections that states make full disclosure, no such disclosures were made.

**V. The poor performance and unlawful actions of the Bosniak-dominated BiH government, as it has accumulated greater powers, highlight the dangers of illegal centralization.**

**A. Joint BiH institutions are rife with waste, abuse, and inefficiency.**

The HR's concerted effort—consistent with the agenda of Bosniak parties—to centralize authority in Sarajevo has led to tremendous administrative waste and inefficiency. The International Crisis Group wrote that a “pattern of internationally-sponsored state building without local buy-in has recurred repeatedly. It produced a ‘flood’ of new agencies, many of which set up offices and hired staff but lacked clear tasks, so did little or nothing.” Even a report by an advisor to HR Inzko said that approximately 60% of the BiH-level budget “is spent on the upkeep of nonfunctional or ineffective government apparatus.”<sup>36</sup> As previously mentioned, the number of employees of BiH institutions grew from fewer than 3,000 in 2000 to more than 22,000 in 2015.

**B. The SDA uses the BiH Prosecutor's Office against the party's political opponents.**

As explained above, the High Representative, in recent years, has stopped issuing decrees using his pretended “Bonn Powers” as they have lost support in the international community. This has forced the SDA to rely more heavily on the HR's illegally created central institutions as it seeks to undermine the RS. The BiH Prosecutor's Office is a prime example. The BiH Prosecutor's Office has a long-established pattern of making investigative and prosecutorial decisions to suit the desires of the SDA. Even U.S. Deputy Chief of Mission Nicholas M. Hill observed in 2015 that the Chief Prosecutor is “largely believed to be heavily influenced by Bosniak political forces” and that there are “complaints that the prosecutor's office has too many strong-willed SDA acolytes on its staff.”<sup>37</sup>

To cite a recent example, in July 2017, the BiH Prosecutor's Office brought egregiously political charges against four members of the RS Referendum Commission for allegedly failing to enforce a decision of the Constitutional Court. One can scarcely imagine a clearer example of selective prosecution. The Prosecutor's Office had never before brought charges for failure to enforce a Constitutional Court decision, despite the fact that since 2004, authorities of various governments in BiH have failed to enforce 91 decisions of the Constitutional Court. As a

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<sup>36</sup> Jasna Jelusic, *Bosnia and Herzegovina* in FREEDOM HOUSE, NATIONS IN TRANSIT 2011, 125, 126.

<sup>37</sup> Nicholas M. Hill, *Moving Beyond Narrow-Minded Politics*, MREŽA ZA IZGRADNJU MIRA 8 July 2015.

substantive matter, the charges against the Referendum Commission members were groundless, as a preliminary judge of the Court of BiH recognized in rejecting the indictment.

In 2016, the SDA sought to have President Dodik prosecuted on the false allegation that he violated a Constitutional Court decision. The Prosecutor's Office dutifully issued to President Dodik a summons for questioning and said the investigation of President Dodik over the referendum would be "a priority." The real reason for the summons and the "priority" with which it was issued was to interfere in the local elections, which were then less than a week away. In July 2017, the Prosecutor's Office finally abandoned the investigation of President Dodik for "insufficient evidence."<sup>38</sup> Just three days later, however, it was reported that the Prosecutor's Office had launched an investigation into the baseless charge by SDA President Bakir Izetbegovic that President Dodik engaged in "hate speech" at a July 7 commemoration.<sup>39</sup>

The Prosecutor's Office has engaged in a recurring pattern of investigating or prosecuting political opponents of the SDA despite its inability to substantiate that a crime was committed. Examples of this pattern, apart from cases described above, include the failed prosecution of Federation President Zivko Budimir (a Croat), the failed prosecution of current BiH minister of Foreign Trade and Economic Relations Mirko Sarovic (a Serb), and the repeated failed prosecutions of current member of the BiH Presidency Dragan Covic (a Croat).<sup>40</sup> This ploy often results—as it is intended to—in the person targeted by the Prosecutor's Office being removed or driven from office because of being prosecuted, only later to be exonerated of any wrongdoing.

### **C. The BiH Prosecutor's Office protects SDA politicians from war crimes investigations.**

In addition to prosecuting the SDA's political opponents, the BiH Prosecutor's Office reliably protects SDA politicians from war crimes investigations.

In a development that is highly disturbing to Serbs in BiH, the election for Bosniak member of the BiH Presidency was won by the SDA's Šefik Džaferović, a man who has been credibly linked to horrific war crimes committed against Serbs by the El Mujahid Detachment. The El Mujahid Detachment, which was made up largely of foreign jihadists, routinely tortured and beheaded Serb prisoners during the war. The ICTY found in its 2008 *Rasim Delić* judgment that the El Mujahid had committed widespread and sadistic war crimes against Serbs, such as the murder of 52 Serb prisoners at the Kamenica camp in 1995.

Evidence submitted to the BiH Prosecutor's Office by former Federation Vice President and former SDA Member Mirsad Kebo indicates that Džaferović was complicit in wartime atrocities committed by the El Mujahid Detachment. During the war, Džaferović was head of SSC Zenica, the Criminal Police Department for State Security in Zenica, which was the El Mujahid's headquarters.

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<sup>38</sup> Press Release of BiH Prosecutor's Office, 14 July 2017.

<sup>39</sup> Igor Spaic, *Bosnian Serb President in 'Hate Speech' Probe*, BALKAN INSIGHT, 18 July 2017.

<sup>40</sup> Section IV(C)(2) of the RS's 17<sup>th</sup> Report to the UN Security Council describes these cases in greater detail.

The evidence submitted by Kebo, for example, indicates that Džaferović stood just ten meters away when El Mujahid members beheaded a Serb civilian in Vozuća.<sup>41</sup> One document, an “official note” from Public Security Station Zenica, dated 18 August 1994, says:

While entering Vozuća, we were stopped at a military check point and asked to wait a while because, as they said, *the members of El Mujahid unit had captured a Serb and they were liquidating him as we spoke*. We escorted the Head of the Security Service Centre, Mr. Šefik Džaferović, and the commander of the 3rd Corps, Mr. Mahmuljin was also there, including police commanders Kasim Alić and Kemal Ibraković.<sup>42</sup>

Documents show that SSC Zenica, the agency Džaferović ran, was charged with monitoring the activities of the El Mujahid in the area. A BiH Interior Ministry document shows that the ministry instructed SSC Zenica to prepare “a list of criminal and other offences committed in the zone of responsibility of the 3rd and 7th Corps and Security Service Centre in Zenica, where the members of the El Mujahid unit and their connections are alleged as perpetrators.” Džaferović was thus well informed about the El Mujahid’s activities, including its war crimes, in the area of his police responsibility. Džaferović, despite having a thorough knowledge of the El Mujahid’s crimes, did nothing to stop them and, indeed, aided El Mujahid members.

One SSC intelligence report noted “a large number of applications for [BiH] citizenship” by members of the El Mujahid and said, “authorities are concerned that they are using BiH citizenship to hide their true identities . . . .” Yet documentary evidence shows that Džaferović wrote letters on behalf of El Mujahid members requesting that they be given BiH citizenship.

Džaferović’s relationship with the El Mujahid should not be surprising, given his party’s close ties to the jihadists, described in Section VII.A, below. Despite the evidence of Džaferović’s complicity with El Mujahid crimes, the BiH Prosecutor’s Office announced on 11 March 2015 that it would not even investigate the evidence implicating him.

Džaferović is not the only SDA leader the BiH justice system has protected from war crimes allegations. After BiH’s State Investigation and Protection Agency (SIPA) on 19 July 2013 arrested Šemsudin Mehmedović, a mujahidin-linked SDA member of the BiH House of Representatives in connection with war crimes, the BiH Prosecutor’s Office, abetted by the Court of BiH, successfully used the criminal justice system to attack and push aside SIPA’s director and block Mehmedović’s investigation and prosecution.

During the war, Mehmedović was chief of police in one of the El Mujahid Detachment’s key centers of activity. In 1996, *The Guardian* described Mehmedović’s relationship with the mujahidin:

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<sup>41</sup> Kebo: *Džaferović i Mahmuljin bili 10 metara od mjesta likvidacije srpskog civila*, DNEVNI AVAZ, 22 Dec. 2014.

<sup>42</sup> Official Note from Public Security Station Zenica, 18 Aug. 1994.

The Islamic fighters act as a kind of paramilitary guard for Mr. Izetbegovic's Muslim and increasingly nationalist Party of Democratic Action [SDA]. Sources said they are particularly close to Semsudin Mehmedovic, the main Bosnian police official in the region and an influential hardliner in Mr. Izetbegovic's party.

Mr. Mehmedovic has nurtured and protected these men as part of a plan to create a reserve force to terrorise potential political opponents, to harass Serbs and Croats, and to pressurise Muslims who might not support Mr. Izebegovic, local officials said.<sup>43</sup>

In 2009, the BiH Prosecutor's Office initiated an investigation of Mehmedović and others over the illegal imprisonment and abuse of hundreds of Serb civilians in Tešanj, where Mehmedović had been chief of police. However, the BiH Prosecutor's Office after that only obstructed the investigation and finally, in 2018, suspended the investigation entirely.

On 19 July 2013, the BiH State Investigation and Protection Agency (SIPA) arrested Mehmedović in connection with war crimes against Serb civilians. After Mehmedović's arrest, however, the BiH Prosecutor's Office quickly ordered his release. It also refused SIPA's routine request to search certain locations in connection with the case, an action SIPA said was unprecedented in the history of its war crimes investigations.

After SIPA's arrest of Mehmedović, the BiH Prosecutor's Office, abetted by the Court of BiH, successfully used the criminal justice system to attack and push aside then-SIPA Director Goran Zubac. Soon after Mehmedović's was arrested, the BiH Prosecutor Office's website began to feature threats and virulent attacks against Zubac. Then, in June 2014, the Prosecutor's Office issued a baldly political indictment of Zubac based on the allegation that he failed to prevent damage to government buildings during the February 2014 unrest in FBiH cities. Underlining the political nature of the indictment against Zubac and SDA influence over the Prosecutor's Office, the Bosniak member of the BiH Presidency, Bakir Izetbegovic, said in August 2014, "[w]e will likely send [Zubac] to prison."<sup>44</sup> The Court of BiH convicted Zubac on the dubious charge, sentencing Zubac to one year's probation. In August 2015, the BiH Council of Ministers removed Zubac from office based on his conviction. The SDA had successfully used the Prosecutor's Office to squelch a war crimes investigation of one of its own and purge a troublesome SIPA director.

#### **D. The BiH justice system discriminates against Serb victims of war crimes.**

Justice, human rights, and reconciliation require that war crimes be punished without regard to the ethnic identity of their perpetrators or victims. Unfortunately, the BiH justice system has followed a longstanding pattern of discrimination against Serb victims of war crimes. In 2012, a former international advisor to the BiH Prosecutor's Office observed that many prosecutors at the BiH Prosecutor's Office are highly reluctant to prosecute Bosniaks for crimes against Serbs and that they fail to vigorously pursue those cases. Only a handful of Bosniaks have been

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<sup>43</sup> John Pomfret, *Iranians Form 'Terror Force' in Bosnia*, THE GUARDIAN, 9 July 1996.

<sup>44</sup> *Izetbegovic: SDA must "win well" in elections*, OSLOBOĐENJE, 27 Aug. 2014.

convicted of war crimes against Serbs—notwithstanding there being 7,480 Serb civilian war deaths estimated by the International Criminal Tribunal for the Former Yugoslavia—and none have been convicted of crimes against humanity.

In its reports, the RS has described many examples of the BiH justice system’s failure to bring to justice the identified perpetrators of war crimes against Serb civilians. This report has described above examples of the justice system’s protection of SDA politicians from investigation and prosecution for war crimes. Other examples of the BiH justice system’s failures include:

- The SDA has steadfastly protected from justice Naser Orić, the chief Bosniak warlord in the Srebrenica area during the war. In 1995, Orić bragged to Western reporters about atrocities in the area, showing them videos of Serbs’ bodies and severed heads. Despite ample evidence in the possession of the BiH Prosecutor’s Office linking Orić and his subordinates to many major war crimes in the Srebrenica area, the BiH Prosecutor’s Office only charged Orić—20 years after the war—with killing three Serb prisoners of war. In 2017, the Court of BiH acquitted Orić of the murders in spite of first-hand eyewitness testimony, among other evidence, that he committed them. In June 2018, the Court of BiH’s Appellate Division revoked Orić’s acquittal and ordered a retrial. However, a “source close to the Court of BiH” told the newspaper *Nezavisne Novine* he did not expect Orić to be convicted, saying that the “decision to acquit Orić was made a long time ago at the political level.”
- The BiH Prosecutor’s Office has failed to prosecute anyone for the St. Nicholas Day Massacre in which the 56 Serb civilians in Jošanica were murdered on 19 December 1992. This is despite RS authorities having identified perpetrators in 2001 and 2005 reports.
- Despite overwhelming evidence against Bosniak commander Atif Dudaković, it took more than 22 years for the BiH Prosecutor’s Office to order his arrest. He was quickly released after his arrest. Among the many pieces of damning evidence against Dudaković are videos showing him ordering the execution of prisoners and the burning of Serb villages. Bosniak officials, including Member of the Presidency Bakir Izetbegovic and Chairman of the Council of Ministers Denis Zvizdic, have rallied to Dudaković’s defense and attempted to prejudge his case.
- BiH’s top security agency, SIPA, has data showing at least 2,700 Serb victims of war crimes in the territory of the city of Sarajevo that was under the control of the Bosniak army during the war. The systematic and widespread practice of persecution, torture, and murder against citizens of Sarajevo of Serb origin—and concealment of these war crimes—have never been seriously investigated or prosecuted.
- In December 2012, the BiH Prosecutor’s Office abruptly stated that it would halt its investigation of 455 suspects for war crimes, such as the torture and murder of Serb civilians and POWs, at five prison camps.
- In 1992, the Yugoslav National Army (JNA) commander in Tuzla reached an agreement on a peaceful withdrawal out of the city. JNA personnel had guarantees of safe passage from the RBiH Presidency and Tuzla’s civilian and military leaders. Despite these guarantees, RBiH snipers, acting on the orders of their superiors, massacred JNA personnel travelling in the

convoy as they tried to peacefully withdraw on the prescribed route. The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia determined that there were reasonable grounds to believe that five suspects committed serious violations of international law. However, no one has been brought to justice for the massacre.

- On 3 May 1992, a JNA convoy travelling peacefully under an agreement for safe withdrawal from Sarajevo was ambushed by Bosniak forces on Sarajevo's Dobrovoljačka Street. In November 2007, more than 15 years after the crime, the BiH Prosecutor's Office finally issued an order for the investigation of 15 suspects. But the BiH Prosecutor's Office failed to move forward with any indictments, even though sources in the Prosecutor's Office indicate that investigators have found evidence of war crimes. In January 2012, Jude Romano, a foreign prosecutor in the BiH Prosecutor's Office (who had been appointed by a decree of the High Representative), decided to terminate the investigations. Victims' families and RS officials have called for the case to be reopened, and the RS Ministry of Interior has even provided additional evidence in the case, but the BiH Prosecutor's Office has failed to resume the investigation.

The BiH justice system's discrimination against Serb war crimes victims is made possible in part by the fact that the BiH Prosecutor's Office controls all investigations irrespective of whether they are conducted at the BiH level or another level of governance and exercises discretionary powers with regard to the selection of sensitive cases. In this way, certain cases of war crimes committed by Bosniaks against Serbs are prevented from ever getting to court.

The BiH justice system's discrimination against Serbs is not surprising given that the system includes judges and prosecutors who have been implicated in wartime wrongs against Serbs. In 2017, the RS Centre for the Investigation of Warfare, War Crimes and the Search for Missing Persons submitted a report to the BiH High Judicial and Prosecutorial Council (HJPC), supported by 960 pages of documents, concerning nine Court of BiH judges and six BiH prosecutors who held judicial functions during the war, and who, according to the report, participated in unlawful conduct against Serbs. The HJPC's Office of Disciplinary Prosecutor, however, recently refused to take any action against the judges and prosecutors implicated in wartime wrongdoing.<sup>45</sup>

In a May 2011 agreement with RS President Milorad Dodik, Baroness Ashton, then the EU's High Representative for Foreign Affairs and Security Policy, agreed to address the defects in the judicial system, including ethnic bias over war crimes, through an EU-BiH Structured Dialogue. Regrettably, the Structured Dialogue has not made any progress on this issue, nor has there been any real effort.

#### **E. BiH's invalid census**

Under pressure from the SDA—including a threat of prosecution from the BiH Chief Prosecutor—the director of the BiH Agency for Statistics in 2016 unilaterally issued a decision purporting to adopt a unified processing program for the census that violated the BiH Law on Census. The director acted outside of his legal authority, and the program's methodology was inaccurate and contrary to the specific requirements set forth in the law. As Freedom House

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<sup>45</sup> *Odbijena pritužba Republičkog centra za istraživanje ratnih zločina*, RTRS, 28 Jun. 2018.

observed in a recent report, the publication of the census “was accompanied by many problems concerning the quality of data and validity of results.”<sup>46</sup> The goal of the processing program the director purported to adopt was to artificially inflate the count of BiH’s Bosniak population, a goal that was achieved in the results of the census. According to the census results, the Bosniak share in the total population rose from the pre-war 43.7% to 50.1%. Because the Census results do not show a decrease, but rather a substantial increase, in the Bosniak population since the war, relative to the Croat and Serb populations, independent observers of the Census described the Bosniaks’ efforts to inflate the census results in their favor as shooting themselves in their own foot, in light of their fierce and incessant campaign launched across the world, in which they have claimed that Bosniaks were the only victims of ethnic cleansing and genocide.

#### **F. BiH Justice Institutions are resisting the adoption of European standards.**

It is essential that BiH enact reforms to implement the political system so carefully laid out in the BiH Constitution. Perhaps the most important area in need of reform is the justice system imposed on BiH by the HR, which is deeply inconsistent with European standards. EU experts agree with the RS on the necessity of reforms to laws such as the Law on Court of BiH. However, BiH judicial institutions—now strongly and illegally centralized and controlled by the Bosniaks—have been fiercely resisting these essential reforms.

#### **G. The failure of BiH-level institutions must be corrected.**

Many of the centralized BiH institutions that were unlawfully imposed by the HR with the support of the Bosniak political leaders are neither consistent with the BiH Constitution’s allocation of competencies between Entities and the BiH level nor effective in providing services to citizens. Notwithstanding these fundamental flaws—and these institutions’ tendency to violate international standards of transparency and accountability—the international community has largely failed to publically criticize these institutions. Some members of the international community have even given uncritical support because these institutions favor the Bosniaks’ desire for a centralized system instead of the structure established under the Dayton Accords. It is now time to recognize that these institutions must justify their existence based on the need for their services and their performance as well as their consistency with the allocation of competencies set forth in the Constitution under Dayton.

### **VI. The need to reform the BiH Constitutional Court and BiH justice institutions warrants particular attention.**

Reforming the BiH Constitutional Court is essential for BiH to become a fully sovereign state and an EU member. In private meetings, EU officials have made clear that BiH cannot become an EU member as long as it has foreign judges sitting on its Constitutional Court. As explained below, the presence of foreign judges on BiH’s highest court is inconsistent with BiH

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<sup>46</sup> Freedom House, *Nations in Transition 2017: Bosnia and Herzegovina*, p. 2.

sovereignty and, as then-EU Enlargement Commissioner Olli Rehn said in a speech to the BiH Parliamentary Assembly in 2009, “there is no way a quasi-protectorate can join the EU.”<sup>47</sup>

The foreign judges’ continued presence is inconsistent with Chapter 23—Judiciary and fundamental rights—of the *Acquis Communautaire*. The European Commission specifies that compliance with Chapter 23 of the *Acquis* requires the “establishment of an independent and efficient judiciary [which] requires a firm commitment to eliminating external influences over the judiciary.”<sup>48</sup> The presence of foreign judges on the BiH’s Constitutional Court is therefore inconsistent with the BiH accession to the EU.

EU Council recommendation CM/Rec(2010)12 states that “[j]udges, who are part of the society they serve, cannot effectively administer justice without public confidence. They should inform themselves of society’s expectations of the judicial system and of complaints about its functioning.”<sup>49</sup> Foreign judges are hardly part of the BiH society, because, in addition to being foreign nationals, they live abroad, work in a foreign language, and sit on a limited number of cases.

**A. A Constitutional Court with foreign members is inconsistent with sovereignty and democracy.**

The presence of foreign judges on the BiH Constitutional Court is incompatible with BiH’s sovereignty. As Professor Robert Hayden has observed, the role of foreign judges on the Constitutional Court “of course, compromises the sovereignty of Bosnia and Herzegovina, since it gives decision-making powers to people who may not, by constitutional mandate, be citizens of the country.”<sup>50</sup> In a recent article about the BiH Constitutional Court, Stefan Graziadei of the University of Antwerp observed: “Even more at odds with national sovereignty is the idea that international judges may sit in national apex courts.”<sup>51</sup> An international expert panel on Cyprus observed, “Leaving the final decision in case of stalemate to foreign citizens in such critical organs as the Supreme Court and others is in stark contradiction to the principle of democracy.”<sup>52</sup>

**B. The Constitutional Court lacks legitimacy.**

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<sup>47</sup> Olli Rehn, EU Commissioner for Enlargement, [Towards a European Era for Bosnia and Herzegovina: The Way Ahead](#), Address to Parliament of Bosnia and Herzegovina, 24 July 2009.

<sup>48</sup> European Commission, European Neighborhood Policy And Enlargement Negotiations, *Chapters of the acquis*, COM (2017).

<sup>49</sup> Council of Europe, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, art. 20 (Nov. 17, 2010).

<sup>50</sup> ROBERT M. HAYDEN, BLUEPRINTS FOR A HOUSE DIVIDED: THE CONSTITUTIONAL LOGIC OF THE YUGOSLAV CONFLICTS (1999) 131.

<sup>51</sup> Stefan Graziadei, *Six models for Reforming the Selection of Judges to the BiH Constitutional Court*, Centre for Southeast European Studies, Working Paper No. 14 (Jan. 2016) at 4.

<sup>52</sup> Int’l Expert Panel Convened By The Committee For A European Solution In Cyprus, *A principled basis for a just and lasting Cyprus settlement in the light of International and European Law*, 2005 (quoted in Graziadei at 4).

The BiH Constitutional Court will always suffer a legitimacy deficit as long as its membership includes judges who—in addition to lacking democratic legitimacy—are not even BiH citizens or speakers of the local languages. Worse still, they are appointed without the consent of any institution in BiH. The Constitutional Court’s legitimacy deficit is exacerbated by its political nature, including an alliance between the bloc of three foreign judges and the two Bosniak judges, which has often outvoted the majority of BiH citizens on the Court and handed down many of the Court’s most legally baseless decisions.

**C. All Serb and Croat leaders support ending the role of foreign judges on the Constitutional Court.**

No other sovereign state in the world has seats on its constitutional court reserved for foreign judges, let alone judges appointed by a foreign individual judge—President of the European Court of Human Rights—without any requirement of domestic consent. All of the Serb and Croat political parties in BiH are united in support of replacing the foreign judges on the Constitutional Court with BiH citizens.<sup>53</sup> Unfortunately, the SDA is refusing to reform the Constitutional Court by passing a new law because it does not want to break up the alliance of former SDA leaders and foreign members that controls it.

**D. The BiH Court and Prosecutor’s Office and the HJPC must be reformed.**

The Court of BiH, the BiH Prosecutor’s Office, and the HJPC system must also be reformed. Among the reforms necessary to the Court of BiH—as EU experts have agreed—are a reform to curtail the infinitely elastic jurisdiction claimed by the Court of BiH and the creation of an independent court to adjudicate appeals. Reforms are also necessary to ensure that the BiH Prosecutor’s Office is independent, accountable, and free from domination by a single political party or Constituent People or influence by the international community. The HJPC system also requires major reforms in order to be harmonized with BiH’s constitutional structure, European standards and the practice of democratic federal states throughout the world. Since 2011, the RS has worked in good faith for justice reforms through the EU-sponsored Structured Dialogue on Justice. Unfortunately, there has yet to be a single reform because SDA members and other Bosniak officials have fiercely opposed them.

**VII. Centralization is even more dangerous because the SDA poses a threat to security due to its ties to radical Islam and its extreme, provocative policies and actions aimed at eliminating the RS.**

**A. The SDA has helped turn BiH into a jihadist sanctuary.**

The SDA, as detailed in a 2016 RS paper submitted to the UN Security Council,<sup>54</sup> over the years has helped turn BiH into a sanctuary for jihadists. In a June 2017 article, the journal *New Eastern Europe* observed, “Despite the Bosnian government claiming to control the religious situation, there are increasing reports of what is known as ‘Sharia villages,’ where most families live in

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<sup>53</sup> Rodolfo Toe, *Bosnian Croats, Serbs Unite Against Foreign Judges*, BALKAN INSIGHT, 2 Dec. 2015.

<sup>54</sup> How Bosnia and Herzegovina Has Become a Terrorist Sanctuary, Attachment to [Republika Srpska’s 16<sup>th</sup> Report to the UN Security Council](#), Oct. 2016.

polygamy under Islamic law, and symbols of ISIS are freely displayed in public places in breach of the established constitutional order.”<sup>55</sup> Germany’s *Der Spiegel* recently wrote, “German investigators believe there are around a dozen places in Bosnia where Salafists -- followers of a hardline Sunni interpretation of Islam -- have assembled radicals undisturbed by the authorities.”<sup>56</sup> In testimony to the UK House of Lords in September 2017, Gen. Michael Rose, former Commander of the UN Protection Force in BiH warned of “a rising element of radicalization” in BiH, “particularly amongst the Muslim communities” and of “jihadists who are coming through and being exported.”<sup>57</sup>

Concerns about BiH’s use as a jihadist sanctuary are rising among European leaders. Czech President Milos Zeman has said ISIS could form its European base in BiH, where the group’s “black flags are already flying in several towns.”<sup>58</sup> Similarly, Croatian President Kolinda Grabar-Kitarovic warned of “thousands of fighters returning to Bosnia from Syria and Iraq.”<sup>59</sup> In September 2017, the Croatian newspaper Globus reported that Croatia’s secret service had told Grabar-Kitarovic that radical groups have increasingly been establishing themselves in BiH near the Croatian border and that there are between 5,000 and 10,000 Islamic radicals living in BiH.<sup>60</sup>

BiH has become a haven for Islamic radicals because its largest Bosniak political party, the SDA, is Islamist. SDA founder Alija Izetbegovic’ *Islamic Declaration*, published in 1990, states, “There can be neither peace nor coexistence between the Islamic religion and non-Islamic social and political institutions.”<sup>61</sup> Consistent with that ideology, the SDA invited the mujahidin to BiH and cooperated closely with them. The ICTY found that “the advent of foreign Mujahedin was endorsed by the political leadership of the [Republic of Bosnia and Herzegovina].”<sup>62</sup> Alija Izetbegovic personally ordered the creation of the El Mujahid as a detachment of the so-called Army of the Republic of Bosnia and Herzegovina (ARBiH).<sup>63</sup>

Since the war, the SDA has continued its close ties to radical Islamists. A recent demonstration of the SDA’s Islamist orientation is party president Bakir Izetbegovic’s president’s proud statement in October 2017 that his father, Alija, “bequeathed” BiH to Recep Tayyip Erdogan, Turkey’s Islamist president.<sup>64</sup> At a May 2018 election rally he hosted for Erdogan, Izetbegovic

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<sup>55</sup> Tatyana Dronzina and Sulejman Muća, *De-radicalising the Western Balkans*, NEW EASTERN EUROPE, 22 June 2017.

<sup>56</sup> Walter Mayr, *Sharia Villages: Bosnia's Islamic State Problem*, DER SPIEGEL, 5 Apr. 2016.

<sup>57</sup> The testimony is available at <http://www.parliamentlive.tv/Event/Index/a4551237-3e0f-4c02-afbe-8c0cefa94948>.

<sup>58</sup> Daria Sito-Sucic, *Islamic State flags not flying in Bosnia – PM*, Reuters, 12 Sept. 2017.

<sup>59</sup> *Id.*

<sup>60</sup> Igor Spaic, *Bosnia War Victims Slam Croatia President’s Terror Claims*, BIRN, 7 Sept. 2017.

<sup>61</sup> ALIJA IZETBEGOVIC, *ISLAMIC DECLARATION*, p. 30.

<sup>62</sup> Judgment, *Rasim Delić* (Trial Chamber), ICTY, 15 Sept. 2008, para. 166.

<sup>63</sup> EVAN KOHLMANN, *AL-QAIDA'S JIHAD IN EUROPE* (2004) 91.

<sup>64</sup> *Izetbegovic says his father "bequeathed" Bosnia to Erdogan*, BETA, 20 Oct. 2017.

called the Turkish president a “man God sent to you.”<sup>65</sup> The SDA has also long had a close relationship with Saudi Arabia’s Wahhabi monarchy. During a Saudi official’s recent visit, Izetbegovic expressed his appreciation for Saudi Arabia’s role in developing BiH.<sup>66</sup>

BiH policies that have been enacted because of the unlawful centralization also help make the country a jihadist haven. The BiH justice system has handed down amazingly lenient sentences—usually involving no prison time—to returned ISIS fighters. As the U.S. State Department wrote in its recently released BiH country report on terrorism, “Foreign terrorist fighters frequently received sentences below the minimum prescribed by the BiH criminal code, a result of judges taking mitigating circumstances into account. If sentenced to one year or less of incarceration, a convicted terrorist may opt to pay a fine rather than serve time in custody.”<sup>67</sup> As highlighted in the State Department report, terrorists have been reoffending after the Court of BiH gave them a lenient sentence or failed to imprison them upon sentencing. In November 2017, police arrested Emir Hodzic, who had served a one-year sentence, for possession of illegal weapons, including a rocket launcher.<sup>68</sup> In June 2017, police arrested Enes Mesic, a man convicted of terrorism but not imprisoned, when he tried to illegally cross into Serbia, where police suspect he planned to perpetrate a terrorist attack.<sup>69</sup> According to the State Department, “[i]n addition to Mesic, six other convicted terrorists were rearrested or returned into custody after the State Court did not imprison them immediately after sentencing.”<sup>70</sup>

The BiH Prosecutor’s Office has failed to seek justice for wartime mujahidin atrocities against Serbs. In addition, BiH’s SDA-dominated security apparatus is failing to curb the jihadist presence in BiH. As Nenad Pejic of Radio Free Europe/Radio Liberty observed, “There are countless examples of local authorities in Bosnia failing to act properly against Islamic extremism.”<sup>71</sup>

An additional threat to security is the continued spread of Wahhabi ideology among BiH’s Bosniak population. In February 2018, *Bosnia Times* editor Nedzad Latic, a journalist known for criticizing the SDA, was attacked in Sarajevo by a group of men he described as Wahhabis.<sup>72</sup>

Bosniak officials should be held accountable for allowing the threat of jihadists to grow and support action to address it. The decentralized constitutional structure established under the Dayton Accords, if allowed to function, would serve as a bulwark against the jihadist threat in BiH.

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<sup>65</sup> *Erdogan holds controversial election rally in Bosnia*, AFP, 21 May 2018.

<sup>66</sup> *Bosnia’s Izetbegovic Praises Saudi Role in Developing his Country*, ASHARQ AL-AWSAT, 17 Jul. 2018.

<sup>67</sup> U.S. Department of State, *Country Reports on Terrorism 2017*, 19 Sept. 2018.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Nenad Pejic, *Wahhabist Militancy in Bosnia Profits from Local and International Inaction*, JAMESTOWN TERRORISM MONITOR 9, Issue 42, 17 Nov. 2011.

<sup>72</sup> *Mladen Lakic, Bosnian Journalist Says “Wahhabis” Assaulted Him*, BIRN, 21 Feb. 2018.

**B. The leaders of the SDA and other Bosniak parties threaten violence in response to political disputes.**

Leaders of the SDA and other Bosniak political parties frequently threaten the use of violence and even war in response to political differences.

To cite a recent example, in a speech on 16 April 2018, Bakir Izetbegovic, the Bosniak member of the BiH Presidency and leader of SDA, said, “Bosniaks must never be weak again” and boasted about the heavy weapons the Bosniaks are producing.<sup>73</sup> Izetbegovic said:

We will produce a moving howitzer and we are already working on it. Also, we will create a mobile transporter, we have made a rifle, we will make the good tactical 12.7, multipurpose throwers of all possible calibre and all possible ammunition for it, and drones. So, we will be like that little man who is not big, but he is angry and well-armed, and everyone will have to think carefully whether they should get into conflict with him. They will never be able to knock on our doors again, without us having nothing to answer it with.<sup>74</sup>

Since the Bosniak MPs failed to respond to a summons for an emergency session of the BiH House of Representatives, called by the caucus of RS MPs, to discuss the armament of the Federation and warmongering statements of Bosniak officials, RS President Milorad Dodik has proposed, for the purpose of strengthening mutual trust in BiH, that a joint commission of RS and Federation representatives be set up to understand the facts regarding the production of weapons and munitions in the Federation which production is outside of the oversight of BiH institutions.<sup>75</sup>

President Dodik has stated that this is a very important topic in need of joint deliberation given the fact that it concerns “the fact that someone is producing, without authorization, mortars and rockets using the resources secured for Bosniaks, because we in the Republic of Srpska were forced to close all our factories producing weapons and munitions, whereas there are six such factories in the FBiH.”<sup>76</sup>

Izetbegovic’s most recent threatening remarks continue a long pattern. On 5 February 2018, for example, Izetbegovic said that Croats “cannot get a third entity in Bosnia without a war.”<sup>77</sup> In 2016, when the RS planned a referendum about the date of its RS Day holiday, Izetbegovic

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<sup>73</sup> *Urgent Meeting Not Held for Lack Of Quorum*, SRNA, 20 Apr. 2018.

<sup>74</sup> *Izetbegović threatens with heavy weapons*, INDEPENDENT BALKAN NEWS AGENCY, 18 Apr. 2018.

<sup>75</sup> *ДОДИК: ФОРМИРАЊЕ КОМИСИЈЕ ЗА ОРУЖЈЕ ОЈАЧАЛО БИ МЕЂУСОБНО ПОВЈЕРЕЊЕ*, BHRT, 22 Apr. 2018.

<sup>76</sup> *Dodik: Formirati komisiju koja će utvrditi činjenice o proizvodnji oružja*, OSLOBOĐENJE, 21 Apr. 2018.

<sup>77</sup> *Izetbegovic: Bosnian Croat Entity 'Impossible Without War'*, BALKAN INSIGHT, 5 Feb. 2018.

warned that the vote about the holiday would “most probably lead to the collapse of peace in this part of Europe.”<sup>78</sup>

On 24 March 2018, Federation Prime Minister Fadil Novalić, a member of the SDA, said at an SDA meeting:

You have witnessed that defense industry does not serve only export purposes, it increases the security of our country at the time when Serbia and Croatia have been arming themselves. During this term of office, we have almost finalised the production of self-propelled howitzers 155 mm, the production of a rifle, we have new RPGs. Our shells can fly 42 instead of 20 kilometers. We are aiming at 50 kilometers. We are constructing a gunpowder factory. I think that combat personnel carriers will leave our factories by the end of the year. We have dramatically strengthened our defense industry, not only for the purpose of export.<sup>79</sup>

SDA activist and war-crimes defendant Naser Orić threatened war during a book promotion in July. Orić said that “[t]he next war will happen a bit earlier than we thought.”<sup>80</sup>

The leader of another Bosniak party, Sefer Halilovic, threatened war against the RS if it held its holiday referendum and boasted that the RS could hold out for only 10 to 15 days.<sup>81</sup> No leaders of the SDA or any other Bosniak party distanced themselves from these threats. On 13 January 2018, Bosniak politician Reuf Bajrović’s Civic Alliance party called on the SDA to prepare for war, including by strengthening the police of the Federation and cantons in which the Croat HDZ party has no control (i.e., the Bosniak cantons).<sup>82</sup> Such bellicose statements threaten the Dayton Accords and should be condemned by the international community.

Notwithstanding such provocative statements from Bosniak political leaders, the RS wishes to reemphasize its full commitment to peace and to reiterate statements of its political leaders rejecting violence as an option for resolving political disputes. As President Dodik recently said, RS “authorities will not make a single move that could destabilize the situation or spread violence, because peace and stability is a holy thing in Srpska.”<sup>83</sup> On another occasion, President

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<sup>78</sup> *Izetbegovic: Peace in Bosnia seriously threatened, Serb entity referendum must be prevented*, HINA, 15 Aug. 2016.

<sup>79</sup> *Atmosfera straha do izbora*, N1 TV, 27 Mar. 2018.

<sup>80</sup> *RS President: The RS can protect itself*, N1 TV, 15 Jul. 2018.

<sup>81</sup> *Bosnia’s Republika Srpska to hold controversial referendum despite ban*, BNA Intellinews, 23 Sept. 2016.

<sup>82</sup> *GS: Građani, nemojte mirno spavati*, Građanski savez (Civic Alliance) website, 13 Jan. 2018. The statement by Mr. Bajrović’s party is ironic, given Mr. Bajrović’s recent false claim and criticism of President Dodik for threatening war.

<sup>83</sup> *Dodik: Srpska Protects All Regardless of Ethnicity*, SRNA, 1 Oct. 2017.

Dodik emphasized that the RS's "options are all political, without any war ones."<sup>84</sup> Despite RS leaders' clear and consistent statements calling for the peaceful resolution of disputes, Bosniak political leaders and their supporters often falsely accuse the RS of the opposite. They hope to provoke U.S. and EU intervention and punitive measures against the RS and its elected leaders to further weaken the decentralized structure set out in the Dayton Accords. Nonetheless, the RS will continue to seek resolution of BiH's internal disputes solely through political dialogue and other constitutional means.

**C. The SDA attacked the very legitimacy of the RS through its efforts to prevent commemoration of the RS Day holiday.**

Despite the BiH Constitution's recognition of the RS, the SDA has waged an unrelenting campaign to undermine the RS's legitimacy. Centralization of BiH, contrary to the Dayton Accords, has enabled this to happen.

SDA President Bakir Izetbegovic filed a Constitutional Court complaint against the RS's celebration of the date of its creation, 9 January 1992, an observance that has occurred peacefully for the past 20 years. The SDA specifically claimed that the RS Day holiday violated the BiH Constitution because the RS's creation, in essence, was illegitimate and that the holiday is offensive to Bosniaks and thus should not be celebrated—notwithstanding the RS being a party to the treaty that created the BiH Constitution. It also claimed that the RS Day holiday unlawfully discriminated against Bosniaks because the day of the celebration fell on an Orthodox Christian saint's day (as does every day of the year).

In November 2015, the Constitutional Court's two Bosniak members—both of them former high SDA officials—joined with its three foreign members to outvote the court's Serb and Croat members to uphold Izetbegovic's complaint. The decision followed a long and troubling pattern of the Court outvoting the Serb and Croat judges in support of the Bosniak political agenda rather than following the rule of law.

The Constitutional Court's November 2015 decision, however, did not forbid the RS from celebrating the date of its founding but only required the RS to "harmonize" Article 3(b) of its Law on Holidays with the Constitution.<sup>85</sup> The RS's 2016 referendum with respect to the date of RS Day was a step toward implementing the decision. Once the referendum made clear RS citizens' views about the date of the RS Day holiday, the RS National Assembly approved

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<sup>84</sup> *Dodik: Even Putin can't change our decision on referendum*, B92, 21 Sept. 2016.

<sup>85</sup> As Republika Srpska explained in detail in its 16<sup>th</sup> Report to the UN Security Council, the Constitutional Court's November 2015 decision cannot reasonably be interpreted to forbid the observance of Republika Srpska's founding date. Such an interpretation would require every public holiday in both Republika Srpska and the Federation to be declared unconstitutional. For example, public holidays marking Muslim and Catholic feasts would have to be abolished. Even holidays that are at least partially secular would be unconstitutional because they all coincide with religious feasts. If the Constitutional Court's decision were interpreted as forbidding the RS Day holiday because it allegedly favors one ethnic group over others, it would certainly also require forbidding the Federation's 1 March celebration of "Independence Day," which Serbs consider to be the anniversary of an illegitimate referendum that tore the Serbs of Bosnia and Herzegovina away from their country, Yugoslavia.

legislation to ensure that RS law is in compliance with the Constitutional Court's November 2015 decision, as well as with the expressed views of RS citizens. The President of the BiH Constitutional Court recently confirmed that the RS, unlike the Federation or the BiH level, has implemented all of the court's decisions.<sup>86</sup>

Key members of the SDA and other Bosniak parties responded to the RS's advisory referendum about the RS Day holiday by threatening the security of the RS and its President. In response to these threats such as these, RS leaders called for peace and also repeatedly made clear that the referendum has nothing to do with secession and that secession is not on the RS Government's agenda.<sup>87</sup>

Responding to the Constitutional Court's November 2015 decision, members of the RS National Assembly filed challenges in the BiH Constitutional Court against the Federation's "Independence Day" and "Statehood Day" holidays, which are not celebrated by Serbs. In July 2017, the Constitutional Court rejected those challenges, despite having upheld Izetbegovic's similar complaint over RS Day, which required the RS to amend its law. A series of decisions upholding the law on the two Federation holidays, while requiring amendment of the RS law on the closely analogous RS Day holiday, violates prohibitions against ethnic discrimination in the BiH Constitution and international agreements to which BiH is a party.

**D. The SDA party is obstructing the implementation of judicial decisions critical to elections.**

The SDA and other Bosniak parties have resisted implementing important decisions of the BiH Constitutional Court and European Court of Human Rights concerning elections. The BiH Constitutional Court's 2017 nullification of a portion of the BiH Election Law means that without amendments to the law, there can be no formation of the Federation House of Peoples, BiH House of Peoples, Federation Presidency, or Federation Government. The SDA is blocking the necessary amendments because the SDA wants to retain the ability for Bosniaks to choose not only Bosniak but Croat representatives. These amendments are necessary to avoid a constitutional crisis. Contrary to some suggestions, it would be unlawful and unwise for the High Representative to try to resolve the issue by decree. The SDA has also blocked implementing the Constitutional Court's 2010 decision on Mostar elections, thereby preventing local elections from being held since 2008. Moreover, the SDA has resisted implementing the European Court of Human Rights' 2009 Sejdić-Finci decision. Despite the importance of implementing these decisions, the United States and others in the international community have been notably silent in the face of the Bosniak parties' refusal to implement them.

**E. Bakir Izetbegovic's flagrant breach of the BiH Constitution by his provocative and unlawful attempt to revive the lawsuit against Serbia**

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<sup>86</sup> *Knežević: Republika Srpska sprovela sve odluke, Federacija i BiH nisu*, NEZAVISNE NOVINE, 24 Oct. 2018.

<sup>87</sup> *Tensions Rise As Bosnian Serbs Vote In Banned Referendum*, Radio Free Europe/Radio Liberty, 25 Sept. 2016.

In February 2017, SDA President Izetbegovic unilaterally submitted an application for revision of a 2007 judgment of the International Court of Justice in the case *Bosnia and Herzegovina v. Serbia and Montenegro*. Izetbegovic's unilateral action was a direct violation of the BiH Constitution's decision-making requirements for BiH's three-member presidency and was taken with knowledge that the other members of the BiH Presidency had not supported it and would not support it. Although some in the international community warned Mr. Izetbegovic against taking this provocative and unlawful action, the international community, remarkably failed to condemn him for taking it. Nor did the BiH Prosecutor's Office investigate him for violating the decision-making process required by the BiH Constitution, despite the seriousness of the violation. This is in stark contrast to the numerous investigations of RS officials regarding alleged matters much less serious in nature.

**VIII. It is right and proper for the RS to declare its position on NATO membership and, potentially, to hold a referendum on the issue.**

On 18 October 2017, the RS National Assembly approved a resolution proclaiming military neutrality "in relation to the existing military alliances until a possible referendum to make a final decision on the issue is held." The RS was well justified in proclaiming its position—and would be well justified in holding a referendum—on the issue of BiH's potential membership in NATO. The RS position is clearly consistent with the rights the RS enjoys under the Constitution and the Dayton Accords.

Given the serious nature and political and legal consequence of becoming a member of NATO, referenda on NATO membership have been held in many countries considering joining NATO.<sup>88</sup> BiH's accession to NATO would require BiH to ratify a protocol to the North Atlantic Treaty of 1949.<sup>89</sup> A referendum would play an important democratic role of informing members of the BiH Parliamentary Assembly representing the RS and the member of the BiH Presidency from the RS about the views of RS citizens on whether the North Atlantic Treaty should be ratified and whether it is destructive of a vital RS interest.

Moreover, the BiH Constitution explicitly gives the RS National Assembly a key role in the ratification of treaties. Under the BiH Constitution, the BiH Presidency negotiates treaties and ratifies them with the consent of the BiH Parliamentary Assembly.<sup>90</sup> However, the BiH Constitution provides:

A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected . . . Such a Decision shall be referred immediately to the National Assembly of the Republika

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<sup>88</sup> See, for example, Spain, Hungary, Slovakia, and Slovenia.

<sup>89</sup> See, e.g., Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, 19 May 2016.

<sup>90</sup> BiH Constitution, Art. V-3(d).

Srpska, if the declaration was made by the Member from that territory . . . .<sup>91</sup>

This provision gives the RS National Assembly a clear constitutional role in the ratification of treaties. If the BiH Presidency were to attempt to ratify the North Atlantic Treaty—or any other treaty—the question of ratification could well come directly before the RS National Assembly. It is appropriate for the RS National Assembly to pass resolutions laying out its convictions on issues of importance to RS citizens and to solicit those citizens’ views through referenda.

**IX. The RS is seeking to implement the Dayton Accords through legitimate political and legal means.**

**A. The RS has no plans for secession but insists upon full implementation of the Dayton Accords and the Dayton political structure.**

Despite these challenges, the RS Government remains fully committed to the Dayton Accords. It respects the legal structure, rights, and obligations set forth in these agreements—including those set out in the BiH Constitution—and it insists that other signatories to the Dayton Accords also do so. This means respecting RS autonomy and the rights of Constituent Peoples as guaranteed under the BiH Constitution, as well as refraining from interfering in the domestic affairs of BiH. Contrary to the allegations of some of the RS’s critics, the RS has no plans for secession from BiH. The RS’s critics often mischaracterize RS officials’ statements that condemn unlawful changes to—and attempts to change—the Dayton structure, along with the resulting dysfunction of BiH. The RS Government continues to support BiH as it is defined in the BiH Constitution and will continue to seek, through political and legal means, the full implementation of the Dayton Accords. The RS has every right to insist that the constitutional structure established under the Accords be fully honored.

**B. Decentralization is consistent with EU integration policy and practice among EU members.**

As EU officials have frequently made clear, BiH’s decentralized constitutional structure is not a barrier to EU membership. In December 2012, for example, European Commissioner for Enlargement Štefan Füle said, “The decentralized structure of BiH is not an obstacle to the process of EU accession.” The compatibility of decentralized structures with EU membership is demonstrated each day by current EU members, such as Germany, Spain, Belgium, and Italy. As the International Crisis Group wrote in its recent report on BiH, “Bosnia is in effect a strongly decentralised federation and will remain one. There is nothing wrong with that as a basic design; decentralisation is common and growing in Europe.”<sup>92</sup>

**C. The RS will continue to seek necessary reforms through political dialogue, but also has a right to a remedy for material breaches of the Dayton Accords.**

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<sup>91</sup> BiH Constitution, Art. V-2(d).

<sup>92</sup> ICG Report at p. 35.

The absence of constitutional grounds invalidates a host of laws and institutions at the BiH level, irrespective of whether they were imposed by the High Representative or endorsed by the BiH Parliamentary Assembly. Had there existed an honest intent to introduce these laws legitimately into BiH's legal systems, constitutional grounds would have been first created for their adoption. This would have required that these laws and institutions originate from amending the BiH Constitution, as regulated by Annex 4 of the Dayton Accords. Only then could such legislation be enacted by the BiH Parliamentary Assembly. Any other form of intervention to the legal framework of a complex and subtle structure such as BiH is unconstitutional and contrary to the provisions of the Dayton Accords. Thus, its outcome cannot be considered a permanent solution or result of compromise and agreement within BiH. Even though enforced by the support of a part of the international community, various forms of illicit interventions—like decisions of the HRs, decisions brought by outvoting in the Constitutional Court, or other unconstitutional interventions—cannot establish rights and obligations for parties to an international agreement like the Dayton Accords with its annexes.

Preserving the status quo, i.e., supporting and maintaining this deformed structure of BiH through claims that the Dayton Accords will not be changed, is a fraud and an outrage, especially given that Annex 4 has already been unlawfully changed in different ways, contrary to the Vienna Convention on the Law of Treaties. These changes have violated the balanced construction of BiH under the Dayton Accords, creating an irrational, inefficient, unmanageable monster needed by no one: a non-Dayton, even anti-Dayton, BiH.

The RS Government has participated in good faith since 2011 in the EU's Structured Dialogue on Justice as a means to bring about necessary reforms. However, virtually no progress has been made because SDA members and other Bosniak officials have fiercely opposed any reforms. The RS Government will continue to seek reforms necessary to restore the constitutional structure established by the Dayton Accords and to promote efficient governance, though political means. However, without the Bosniak political leaders' willingness to do the same, no progress will be made through political dialogue to correct the illegitimate and dysfunctional centralization of BiH that has occurred.

As a signatory to the Annexes to the General Framework Agreement (GFA) that comprise the Dayton Accords, the RS is subject to the rights and obligations under international law applicable to parties of a treaty—including including those set out in the Vienna Convention on the Law of Treaties—and will protect those rights through appropriate legal means.

## **X. Conclusion**

More than 22 years ago, the Dayton Accords brought an end to BiH's terrible civil war. However, the parties and witnesses to the Accords intended and produced an agreement more significant and comprehensive than a means for ending military hostilities. The Accords provided a structure for a sustainable political system in a polity with three cohesive and distinct peoples. The agreement provided broad autonomy for the Entities and cantons, strict limits on the power of the BiH level of government, and careful protections for each of the three Constituent Peoples' vital national interests. Unfortunately, as described in this report, full implementation of BiH's Dayton structure has been unlawfully blocked, resulting in BiH's endemic dysfunction, frequent political crises, and domination by a single ethnic group.

The BiH Constitution's mechanisms protecting the interests of the Constituent Peoples and the Entities mean that legislation on a contentious issue must be the product of negotiations and consensus building rather than the dictate of a bare majority. This form of governance can make decisions on major issues difficult, but it is necessary to ensure BiH's stability while protecting its Constituent Peoples from repression or marginalization. These constitutional protections would be much less of a challenge if the BiH level of government stayed within the limits imposed upon it by the Constitution.

European Court of Human Rights Judge Giovanni Bonello warned of the "danger of destabilising the national equilibrium"<sup>93</sup> that the Dayton Accords established. The RS Government's agenda with respect to BiH is to restore that equilibrium through the full and faithful implementation of BiH's Dayton Constitution. BiH's future depends on changing course in order to restore what was so wisely designed at Dayton.

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<sup>93</sup> *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06), ECHR 2009, Dissenting Opinion of Judge Bonello, at p. 56.

## Attachment 1

### List of Imposed Laws and Regulations Decreed by the High Representative

	<b>Date</b>	<b>Decree</b>
1.	16-Dec-1997	Decision imposing the Law on Citizenship of BiH
2.	3-Feb-1998	Decision imposing the Law on the Flag of BiH
3.	1-Mar-1998	Decision establishing an Interim Arrangement to run the Mostar Airport
4.	5-Mar-1998	Decision imposing the Draft Law on the Policy of Foreign Direct Investment in BiH
5.	27-Mar-1998	Decision imposing the design of bank notes
6.	2-Apr-1998	Decision on the flying of the flag of BiH
7.	7-May-1998	Decision on the establishment of municipal courts in Herzegovina-Neretva Canton
8.	18-May-1998	Decision on the shape and design of the coat-of-arms of BiH
9.	20-May-1998	Decision on the deadlines for the implementation of the new uniform license plate system
10.	11-Jun-1998	Decision on the establishment of the Independent Media Commission
11.	23-Jun-1998	Decision establishing the Privatisation Monitoring Commission
12.	22-Jul-1998	Decision imposing the Framework Law on Privatisation of Enterprises and Banks in BiH
13.	31-Jul-1998	Decision imposing the Law on Courts of the Herzegovina-Neretva Canton and the Law on the Court for the Central Zone of the City of Mostar
14.	1-Aug-1998	Decision on the establishment of an Independent Experts Commission to prepare the election law
15.	30-Aug-1998	Decision on the extension for six months of the Decision on the Interim Arrangement for the Mostar Airport starting 16 September 1998
16.	11-Sep-1998	Decision by the High Representative concerning the telecommunications sector in Bosnia and Herzegovina
17.	11-Sep-1998	Decision imposing the Telecommunications Law of BiH
18.	15-Sep-1998	Decision extending until 4 April 1999 the deadline for filing claims to socially owned apartments in the Federation
19.	17-Sep-1998	Decision imposing the Law on Amendments to the Law on Housing Relations in the Federation, restoring to displaced persons and refugees occupancy rights cancelled under Article 47 of the old law and extending from 6 to 12 months the deadline for requesting
20.	28-Sep-1998	Decision on the minting of small denominations of the Konvertibilna Marka
21.	5-Nov-1998	Decision suspending decision-making on claims to apartments in the Federation for which a permanent occupancy right was issued after 30 April 1991, and imposing a moratorium on sale of apartments to persons who acquired their occupancy right after 30 April 1991
22.	21-Nov-1998	Decision on soldiers' claims in the Federation
23.	19-Feb-1999	Decision on the interpretation of Article V.5a of Annex 4 of the GFAP in respect of civilian command over armed forces
24.	2-Mar-1999	Decision on the second six-month extension of the Decision on the

## Attachment 1

		Interim Arrangement for the Mostar Airport starting 16 March 1999
25.	10-Mar-1999	Decision on Minority Police Recruitment and IPTF Selection Procedures
26.	1-Apr-1999	Decision extending for three months the 4 April 1999 deadline for filing claims to socially-owned apartments in the Federation
27.	14-Apr-1999	Decision revoking the Decision of 5 November 1998
28.	14-Apr-1999	Decision amending the Law on Housing Relations in the RS and annulling all court-ordered cancellations of occupancy rights of refugees and displaced persons since April 1992 and re-allocations of apartments made on the grounds of space rationalisation
29.	14-Apr-1999	Decision cancelling all permanent occupancy rights issued in the Federation during and after the war in BiH and converting them into temporary occupancy rights
30.	14-Apr-1999	Decision cancelling all permanent occupancy rights issued in the RS during and after the war in BIH and converting them into temporary occupancy rights
31.	26-May-1999	Decision suspending the power of local authorities in the Federation and the RS to re-allocate socially-owned land in cases where the land was used on 6 April 1992 for residential, religious, cultural, private agricultural or private business activities
32.	2-Jun-1999	Decision on the names of geographic locations for use by the Council of Ministers
33.	15-Jun-1999	Decision extending by six months the deadline for filing claims to socially-owned apartments in the RS
34.	25-Jun-1999	Decision on law-signing procedures in the RS during a presidential vacancy
35.	25-Jun-1999	Decision imposing the Law on the National Anthem of BiH
36.	30-Jun-1999	Decision extending the deadline for filing claims to socially-owned apartments in Drvar
37.	1-Jul-1999	The High Representative's Decision on the Law on Amendments to the Law on Cessation of Application of the Law on Abandoned Apartments
38.	1-Jul-1999	Decision on the Law on Amendments to the Law on Sale of Apartments with Occupancy Right
39.	1-Jul-1999	Decision on the Law on Amendments to the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens
40.	2-Jul-1999	Decision amending various provisions of the Federation Law on Sale of Apartments with Occupancy Right, providing inter alia for a two-year delay on purchase of apartments that were declared abandoned during the war and until April 1998
41.	2-Jul-1999	Decision amending various provisions of the Federation Law on the Cessation of Application of the Law on Abandoned Apartments, providing inter alia for the use of unclaimed apartments for humanitarian accommodation...
42.	2-Jul-1999	Decision amending various provisions of the Federation Law on Cessation of Application of the Law on Temporary Abandoned Real Property by Citizens

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43.	6-Jul-1999	Decision on the establishment of the Cantonal Court and Municipal Courts in Konjic, Prozor-Rama, Citluk, Capljina, Stolac and Neum and the Central Zone of the City of Mostar
44.	6-Jul-1999	Decision determining the design of the seal of Herzegovina-Neretva Canton
45.	6-Jul-1999	Decision adding the Fundamental Interest Clause and the position of Deputy Head of Municipality to the Mostar City Municipalities Statutes
46.	6-Jul-1999	Decision on the Law on Prosecution for the Central Zone of the City of Mostar
47.	30-Jul-1999	Decision on the validity of public documents issued by the competent body of SFRY
48.	30-Jul-1999	Decision following the failure of the authorities of BiH, the RS and F BiH to meet their obligations under Annex 7
49.	30-Jul-1999	Decision on the use of inoffensive insignia and symbols by the police and judicial institutions in the Federation
50.	30-Jul-1999	Decision on the reconnection of refugees and displaced persons to the telephone networks of BiH
51.	30-Jul-1999	Decisions on the restructuring of the Public Broadcasting System in BiH and on freedom of information and decriminalisation of libel and defamation
52.	30-Jul-1999	Decision imposing the Law on Administrative Fees
53.	30-Jul-1999	Decision amending the Law on the Federation Prosecutors' Office
54.	30-Jul-1999	Decision imposing the Law on Special Witness Identity Protection in Criminal Proceedings in the Federation
55.	30-Jul-1999	Decision amending the Law on the Supreme Court of the Federation
56.	1-Sep-1999	Decision amending the Law on Radio-Television of the RS
57.	1-Oct-1999	Decision annulling five RS laws concerning state-level competencies, which were passed in violation of the BiH Constitution
58.	27-Oct-1999	Decision on the Instruction on Application of the Law on Cessation of Application of the Law on Abandoned Real Property Owned by Citizens in its Amended Form
59.	27-Oct-1999	Decision on the Instruction on Application of the Law on Cessation of Application of the Law on Abandoned Apartments in its amended form
60.	27-Oct-1999	The High Representative's Decision on the Instruction on Application of the Law on Cessation of Application of the Law on Abandoned Apartments in its amended form
61.	27-Oct-1999	The High Representative's Decision on the Instruction on Application of the Law on Cessation of Application of the Law on Abandoned Real Property Owned by Citizens in its Amended Form
62.	27-Oct-1999	Decision on the Law on the Instruction on the Application of the Law on Further Amendments to the Law on Cessation of Application of the Law on the Use of Abandoned Property and the Law on the Cessation of Application of the Law on the Use of Abandoned Pr
63.	27-Oct-1999	Decision on the Law on Amendments to the Law on Cessation of the Application of the Law on Temporarily Abandoned Real Property Owned by Citizens

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64.	27-Oct-1999	Decision on the Law on Amendments to the Law on Cessation of Application of the Law on Abandoned Apartments
65.	27-Oct-1999	Decision on the Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees
66.	27-Oct-1999	Decision on the Law on Amendments to the Law on Cessation of the Application of the Law on Temporarily Abandoned Real Property Owned by Citizens
67.	27-Oct-1999	Decision on the Law on Amendments to the Law on Cessation of Application of the Law on Abandoned Apartments
68.	27-Oct-1999	Decision on the Repeal of Articles to the Law on the Amendments to the Law on Housing Relations
69.	27-Oct-1999	Decision on the Law on Amendments to the Law on Cessation of Application of the Law on the Use of Abandoned Property
70.	27-Oct-1999	Decision on the recognition and Implementation of CRPC Decisions in the RS
71.	27-Oct-1999	Decision on the Recognition and Implementation of CRPC Decisions in the Federation
72.	29-Oct-1999	Decision requiring prior consultation of IPTF before foreigners without visa of residence permit are expelled
73.	11-Nov-1999	Decision correcting a technical error in the 27 October package of Decisions
74.	16-Nov-1999	Decision annulling the RSNA Conclusion proclaiming a winter ban on evictions
75.	6-Dec-1999	Decision on the implementation of the Law on Radio-Television of the Federation
76.	10-Dec-1999	Decision extending by four months the deadline for claiming socially-owned apartments in the RS
77.	30-Dec-1999	Decision extending until 30 June 2000 the Decision on certain types of socially-owned land of 26 May 1999
78.	30-Dec-1999	Decision To Extend The Validity Of The Council Of Ministers' Decision On Additional Import Duties For 1999 To The Year 2000
79.	30-Dec-1999	Decision extending the validity of the Council of Ministers' Decision on additional import duties to the year 2000
80.	12-Jan-2000	Decision establishing clear authority for implementation of CRPC Decisions within the RS Ministry for Refugees and Displaced Persons
81.	13-Jan-2000	Decision imposing the Law on State Border Service
82.	3-Mar-2000	Decision amending the Law on Radio-Television of the RS
83.	8-Mar-2000	Decision on the establishment of the Brcko District of BiH
84.	30-Mar-2000	Decision extending the validity of the Council of Ministers' Decision on additional import duties to 30 June 2000
85.	27-Apr-2000	Decision on re-allocation of socially owned land, superseding the 26 May 1999 and 30 December 1999 Decisions
86.	3-May-2000	Decision on the establishment of a separate telephone code for the Brcko District of BiH
87.	11-May-2000	Decision amending the Framework Law on Privatisation of Enterprises

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		and Banks in BiH by introducing a clause protecting investors
88.	17-May-2000	Decision imposing the Law on Judicial and Prosecutorial Service in the Federation
89.	22-May-2000	Decision amending the Law on the Banking Agency of the RS
90.	22-May-2000	Decision amending the Law on the Banking Agency of the FBiH
91.	9-Jun-2000	Decision amending the RS Law on the Prosecutors' Office
92.	9-Jun-2000	Decision amending the RS Law on Courts and Judicial Service
93.	28-Jun-2000	Decision suspending the enactment of the RS Law on the Privatisation of State-Owned Apartments, pending correction of flaws and discriminatory elements
94.	7-Aug-2000	Decision amending the Law on Filling a Vacant Position of a Member of the Presidency of BiH
95.	18-Aug-2000	Decision amending the Federation Law on Funds Management Companies and Investment Funds
96.	30-Aug-2000	Decision annulling the RS Law on Return of Seized Land
97.	30-Aug-2000	Decision annulling the RS Law on Return of Seized Real Property
98.	30-Aug-2000	Decision annulling the RS Law on Return of Confiscated Property and Compensation
99.	29-Sep-2000	Decision imposing amendments to the Law on Travel Documents introducing a single national passport
100.	6-Oct-2000	Decision integrating the municipality of Zepce
101.	23-Oct-2000	Second Decision on restructuring the Public Broadcasting System in BiH
102.	25-Oct-2000	Decision on the location of a cemetery and a monument for the victims of Srebrenica
103.	28-Oct-2000	Decision extending the deadline for the enforcement of CRPC certificates related to socially-owned property in the RS
104.	28-Oct-2000	Decision extending the deadline for the enforcement of CRPC certificates related to socially-owned property in the Federation
105.	12-Nov-2000	Decision amending the RS Labour Law, reducing compensation payments to employees on "waiting lists"
106.	12-Nov-2000	Decision imposing the BiH Law on Standardisation, introducing EU standards
107.	12-Nov-2000	Decision imposing the BiH Law on Metrology, introducing EU standards
108.	12-Nov-2000	Decision imposing the BiH Law on Measuring Units, introducing EU standards
109.	12-Nov-2000	Decision establishing the BiH Institute for Accreditation
110.	12-Nov-2000	Decision establishing the BiH Law on Accreditation, introducing EU standards
111.	12-Nov-2000	Decision establishing the BiH State Court
112.	12-Nov-2000	Decision establishing the BiH Institute for Standards, Metrology and Intellectual Property
113.	12-Nov-2000	Decision amending the Federation Law on Pension and Disability Insurance, providing for financial feasibility and independence
114.	12-Nov-2000	Decision imposing the Law on the State Court of BiH
115.	12-Nov-2000	Decision imposing the BiH Law on Metrology, introducing EU standards

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116.	12-Nov-2000	Decision imposing the BiH Law on Measuring Units, introducing EU standards
117.	5-Dec-2000	Decision abolishing the illegal “Municipality of Skelani” and restoring the pre-war boundaries of the Municipality of Srebrenica
118.	12-Dec-2000	Decision amending the Law on Travel Documents of Bosnia and Herzegovina
119.	14-Dec-2000	Decision amending the Law on Administrative Fees of Bosnia and Herzegovina
120.	14-Dec-2000	Decision imposing the Law on the Human Rights Ombudsman of Bosnia and Herzegovina
121.	20-Dec-2000	Decision extending by three months – until 30 March 2001 – the validity of the 27 April 2000 Decision on the re-allocation of socially owned land
122.	20-Dec-2000	Decision imposing the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina
123.	20-Dec-2000	Decision imposing the Law on the Job Placement and Social Security of the Unemployed
124.	20-Dec-2000	Decision on the Law on Payment Transactions of the Republika Srpska
125.	20-Dec-2000	Decision amending the Law on Claims in the Privatisation Process that are based on the Difference Between Pension Amounts Received and Pension Amounts to be Received by Beneficiaries of the Rights Stemming from the Pension and Disability Plan
126.	20-Dec-2000	Decision imposing the Law on Internal Payments System of the Republika Srpska
127.	20-Dec-2000	Decision imposing the Law on Financial Operations of the Republika Srpska
128.	20-Dec-2000	Decision amending the Law on Customs Policy
129.	20-Dec-2000	Decision amending the Law on Recording and Settlement of Citizens’ Claims in the Privatisation
130.	20-Dec-2000	Decision amending the Law on Privatisation of Enterprises
131.	20-Dec-2000	Decision amending the Law on Wage Tax
132.	20-Dec-2000	Second Decision amending the Law on Contributions
133.	11-Jan-2001	Decision establishing interim procedures to protect vital interests of Constituent Peoples and Others, including freedom from Discrimination
134.	31-Jan-2001	Amending the Decision of the Government of the RS on Determination of Enterprises of Strategic Importance in which the State Capital is to be Privatized under Separate Privatization Programmes and Decision on return of the vouchers and coupons and/or refu
135.	5-Feb-2001	Decision on the Special Auditor for the Cantons of the Federation of Bosnia and Herzegovina
136.	14-Feb-2001	Decision imposing the publication of the Telecommunications Sector in the Official Gazette of BiH and the Official Gazettes of the Federation and RS
137.	2-Mar-2001	Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency
138.	2-Mar-2001	Decision on the Special Auditor for the Federation of Bosnia and Herzegovina

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139.	2-Mar-2001	Decision Amending the Law on Special Witness Protection in Criminal Proceedings in the Federation of BiH
140.	14-Mar-2001	Decision providing the Independent Judicial Commission (IJC) with a comprehensive mandate
141.	30-Mar-2001	Decision extending the validity of the 27 April 2000 Decision on the re-allocation of socially owned re-allocation of socially owned land until the authorities pass appropriate legislation or latest until 31 July 2002
142.	27-Apr-2001	Decision allocating jurisdiction for the investigation, prosecution and trials of incidents of violence and intimidation in the Federation during the past month to the Cantonal Prosecutor and Cantonal Court of Sarajevo
143.	10-May-2001	Decision establishing and registering the Foundation of the Srebrenica-Potocari Memorial and Cemetery
144.	4-Jul-2001	Further Amending the Law on the Cessation of the Application of the Law on Abandoned Apartments
145.	17-Jul-2001	Decision giving approval to the amended RS Law on Apartment Privatisation
146.	17-Jul-2001	Further amending the Law on the Privatization of State Owned Apartments
147.	17-Jul-2001	Amending the Law on Sale of Apartments with Occupancy Rights
148.	3-Aug-2001	Decision Enabling the Allocation of Court Cases to other Courts within the same Entity
149.	3-Aug-2001	Decision amending the Law on Judicial and Prosecutorial Service in the Federation
150.	15-Sep-2001	Decision providing the Agreement on Gornji Vakuf-Uskoplje from 2 August 2001, which unites Gornji Vakuf and Uskoplje into one municipality, with a legal base
151.	6-Nov-2001	Decision allowing provisional bank administrators in the Federation to make pay-outs of up to 5,000 KM to deposit holders before the completion of their final reports
152.	8-Nov-2001	Decision allowing judges in the RS to decide on the need of detention of individuals charged with serious offences during criminal proceedings
153.	8-Nov-2001	Decision allowing judges in the Federation to decide on the need of detention of individuals charged with serious offences during criminal proceedings
154.	30-Nov-2001	Decision declaring the 6 October 2000 Decision on Zepce final and binding, thereby bringing into effect the new boundary lines
155.	4-Dec-2001	Decision On A Temporary Freeze Of Apartment Privatisations (RS)
156.	4-Dec-2001	Decision On Amendments To The Instruction Of The Application Of The Law On The Cessation Of Application Of The Law On The Use Of Abandoned Property (RS)
157.	4-Dec-2001	Decision On Amendments To The Instruction On Application Of The Law On The Cessation Of Application Of The Law On Temporary Abandoned Real Property Owned By Citizens (FBiH)
158.	4-Dec-2001	Decision On Amendments To The Instruction On Application Of The Law On The Cessation Of Application Of The Law On Abandoned

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		Apartments (FBiH)
159.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On The Cessation Of Application Of The Law On The Use Of Abandoned Property (RS)
160.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On The Cessation Of Application Of The Law On Abandoned Apartments (FBiH)
161.	4-Dec-2001	Decision Enacting the law on amendments to the Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens (FBiH)
162.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On Amendments To The Law On Displaced-Expelled Persons And Repatriates In The Federation Of Bosnia And Hercegovina
163.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On Displaced Persons, Refugees And Returnees In The Republika Srpska
164.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On Implementation Of The Decisions Of The Commission For Real Property Claims Of Displaced Persons And Refugees (RS)
165.	4-Dec-2001	Decision Enacting The Law On Amendments To The Law On Implementation Of The Decisions Of The Commission For Real Property Claims Of Displaced Persons And Refugees (FBiH)
166.	24-Jan-2002	Decision ensuring transparency in the use of funds for return of refugees and displaced persons in both Entities
167.	8-Feb-2002	Decision amending the Federation Law on Preservation of Assets Declared National Monuments of BiH under Decisions of the Commission for Protection of National Monuments
168.	8-Feb-2002	Decision imposing the RS Law on Implementation of Decisions of the Commission to Preserve National Monuments established under Annex 8 of the Dayton Peace Agreement
169.	28-Mar-2002	Decision amending the RS Law on Political Organisations
170.	28-Mar-2002	Decision inserting an annex to the Federation Law on Procedure of Entry of Legal Entities into the Court Register
171.	28-Mar-2002	Decision amending the BiH Election Law
172.	3-Apr-2002	Decision On Organization Of Municipal Elections In The Municipality Of Zepce
173.	3-Apr-2002	Decision On Amending The Text Of Annex 1 Of The Final HR's Decision On Integrating The Municipality Of Zepce As Published In The Official Gazette Of The FBiH
174.	4-Apr-2002	Decision suspending all judicial and prosecutorial appointments in BiH (except to the BiH and the Entity Const.Courts, the BiH H.Rights Chamber, the BiH Court, and all courts in the Brcko District) pending the restructuring of the judicial system
175.	4-Apr-2002	Decision empowering the Provisional Administrator of Hercegovacka Banka to declare the deposits and investments in Hercegovacka Banka to be totally or partially blocked beyond the period of one year
176.	17-Apr-2002	Decision amending the RS instruction related to the revalidation of

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		contracts on the use of apartments concluded after 1 April 1992
177.	17-Apr-2002	Decision lifting the 4 December 2001 freeze of apartment privatisations in the RS
178.	18-Apr-2002	Decision amending the BiH Election Law by reducing the election announcement period from 170 to 169 days
179.	19-Apr-2002	Decision amending the BiH Election Law in accordance with the new Entity Constitutions
180.	30-Apr-2002	Decision prioritising, as an exception to the chronological order rule, the repossession of property by returning police officers
181.	9-May-2002	Decision On appointment of judges and on the establishment of the Court of Bosnia and Herzegovina
182.	22-May-2002	Decision On Instruction On Procedure Of Review Of Concluded And/Or Revalidated Contracts On Use Of Apartments
183.	22-May-2002	Decision On Establishment Of The Commissions For Control Of Concluded And/Or Revalidated Contracts On Use Of Apartments
184.	22-May-2002	Decision On Suspension Of Application Of The High Representative Decision No. 128 From 4 December 2001 (Official Gazette Of Fbih 56/01)
185.	22-May-2002	Decision on the Law on the Attorneys' Profession of the Republika Srpska
186.	23-May-2002	Decision Imposing the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina
187.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Bosnian Podrinje Canton – Gorazde
188.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Zenica-Doboj Canton
189.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Tuzla Canton
190.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Posavina Canton
191.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Una-Sana Canton
192.	23-May-2002	Decision Enacting the Law on the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina
193.	23-May-2002	Decision Enacting the Law on the High Judicial Council of Bosnia and Herzegovina
194.	23-May-2002	Decision on the Law on Attorneys' Profession of the Federation of Bosnia and Herzegovina
195.	23-May-2002	Decision on the Law on Centre for Judicial and Prosecutorial Training of the Republika Srpska
196.	23-May-2002	Decision on the Law on Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina
197.	23-May-2002	Decision on Amendments to the Statutes of the Municipality of Stolac
198.	23-May-2002	Decision Enacting the Law on Legal Assistance and Official Co-operation in Criminal Matters between the Federation of Bosnia and

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		Herzegovina, Republika Srpska and the District of Breko
199.	23-May-2002	Decision enacting the Law on the High Judicial and Prosecutorial Council of the Republika Srpska
200.	23-May-2002	Decision Imposing the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina
201.	23-May-2002	Decision Imposing the Law on Civil Service in the Institutions of Bosnia and Herzegovina
202.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Canton 10 (the Law on Internal Affairs of Canton 10
203.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Sarajevo Canton
204.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of West Herzegovina Canton
205.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Herzegovina-Neretva Canton
206.	23-May-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Central Bosnia Canton
207.	24-May-2002	Decision on the Liquidation Procedure to be Applied in the Winding-Up of the Public Enterprise Radio and Television of Bosnia and Herzegovina
208.	24-May-2002	Decision Imposing the Law on Radio-Television of Republika Srpska
209.	24-May-2002	Decision Imposing the Law on Radio-Television of the Federation of Bosnia and Herzegovina
210.	28-Jun-2002	Decision Imposing the Law on Amendments to the Law on Central Registers and Data Exchange
211.	28-Jun-2002	Decision Imposing the Law on Amendments to the Law on Identity Cards of Citizens of Bosnia and Herzegovina
212.	8-Jul-2002	Decision on the Number of Councillors in the Municipal Assembly of Zepce for the Zepce Municipal Elections in 2002
213.	31-Jul-2002	Decision on further extending the Decision on Land Allocation of 27 April 2000 until the 31 March 2003
214.	1-Aug-2002	Decision On the Use of Collective/Transit Centre Space in Bosnia and Herzegovina to Promote the Phased and Orderly Return of Refugees and Displaced Persons
215.	1-Aug-2002	Decision on The Special Auditor for the Republika Srpska
216.	1-Aug-2002	Decision on The Special Auditor for the Federation of Bosnia and Herzegovina
217.	6-Aug-2002	Decision on the mandate of the Independent Judicial Commission
218.	6-Aug-2002	Decision Enacting the Law on Amendments to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina
219.	6-Aug-2002	Decision Enacting the Law on the Prosecutor's Office of Bosnia and Herzegovina
220.	6-Aug-2002	Decision Enacting the Law on Amendments to the Law on Court of Bosnia and Herzegovina
221.	14-Aug-2002	Decision Enacting the Law on Amendments to the Law on Urban Planning
222.	21-Aug-2002	Decision Enacting the Law on Amendments to the Law on High Judicial

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		and Prosecutorial Council of the Federation of Bosnia and Herzegovina
223.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Posavina Canton
224.	21-Aug-2002	Decisions Enacting the Law on the Cantonal Prosecutor's Office of the Zenica-Doboj Canton
225.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Western Herzegovina Canton
226.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Una-Sana Canton
227.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Tuzla Canton
228.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Sarajevo Canton
229.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Central Bosnia Canton
230.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of Canton 10
231.	21-Aug-2002	Decision Enacting the Law on the Prosecutor's Offices of the Republika Srpska
232.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Bosnian Podrinje Canton — Gorazde
233.	21-Aug-2002	Decisions Enacting the Law on the Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina
234.	21-Aug-2002	Decision Enacting the Law on Amendments to the Law on High Judicial and Prosecutorial Council of the Republika Srpska
235.	21-Aug-2002	Decision Enacting the Law on the Cantonal Prosecutor's Office of the Herzegovina-Neretva Canton
236.	21-Aug-2002	Decision Imposing the Law on Internal Affairs of the Federation of Bosnia and Herzegovina
237.	7-Oct-2002	Decision Enacting the Law on Immunity of Republika Srpska
238.	7-Oct-2002	Decision Enacting the Law on the Immunity of the Federation of Bosnia and Herzegovina
239.	7-Oct-2002	Decision Enacting the Law on Immunity of Bosnia and Herzegovina
240.	18-Oct-2002	Decision Establishing the Ownership and the Right of Use of certain buildings and land within the complex of "Ramiz Salcin" (formerly known as "Viktor Bubanj") in Sarajevo
241.	21-Oct-2002	Decision Enacting the Law on Federation Ministries and other Bodies of Federation Administration
242.	21-Oct-2002	Decision Enacting the Law on Amendments to the Law on the Government of the Federation of Bosnia and Herzegovina
243.	21-Oct-2002	Decision Regulating various matters of a transitional nature arising out of previous Decisions of the High Representative as aforesaid and Enacting the Law on Communications of Bosnia and Herzegovina
244.	21-Oct-2002	Decision Amending "The Law on Telecommunications" of the Republika Srpska
245.	21-Oct-2002	Decision Enacting the Law on Registration of Legal Persons Established

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		by the Institutions of Bosnia and Herzegovina
246.	21-Oct-2002	Decision Enacting the Law on Land Registry in Federation of Bosnia and Herzegovina
247.	21-Oct-2002	Decision Enacting the Law on the Treasury in the Federation of Bosnia and Herzegovina
248.	21-Oct-2002	Decision Enacting the Law on Land Registry in Republika Srpska
249.	21-Oct-2002	Decision Enacting The Law On Amendments To The Law On The Banking Agency Of The Republika Srpska
250.	21-Oct-2002	Decision Imposing The Law On Cessation Of The Law On Deposit Insurance Of The Federation Of Bosnia And Herzegovina
251.	21-Oct-2002	Decision Enacting The Law On Amendments To The Law On The Banking Agency Of The Federation Of Bosnia And Herzegovina
252.	21-Oct-2002	Decision Enacting the Law on Statistics of Bosnia and Herzegovina
253.	21-Oct-2002	Decision Enacting The Law On Amendments To The Law On Banks Of The Federation Of Bosnia And Herzegovina
254.	21-Oct-2002	Decision Enacting The Law On Banks Of The Republika Srpska
255.	1-Nov-2002	Decision Amending the Criminal Code of the Federation of BiH by repealing Chapter XX, Criminal Offences Against Honour and Reputation
256.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Central-Bosnia Canton
257.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of West-Herzegovina Canton
258.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Bosnian Podrinje Canton – Goražde
259.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Herzegovina-Neretva Canton
260.	1-Nov-2002	Decision Enacting the Law on Protection Against Defamation of the Federation of Bosnia and Herzegovina
261.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Zenica-Doboj Canton
262.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Tuzla Canton
263.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Posavina Canton
264.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Una Sana Canton
265.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska
266.	1-Nov-2002	Decision Enacting the Law re-amending the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
267.	1-Nov-2002	Decision Enacting amendments to the Law on Centre for Judicial and Prosecutorial Training of the Republika Srpska
268.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Canton 10
269.	1-Nov-2002	Decision Enacting amendments to the Law on the Centre for Judicial and

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		Prosecutorial Training of the Federation of Bosnia and Herzegovina
270.	1-Nov-2002	Decision Enacting the Law on Amendments to the Law on Courts of Sarajevo Canton
271.	2-Dec-2002	Decision Amending the Structure of Expenditures of the Communications Regulatory Agency for 2002
272.	3-Dec-2002	Decision Enacting the Law on the Council of Ministers of Bosnia and Herzegovina
273.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Canton 10
274.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Sarajevo Canton
275.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Western Herzegovina Canton
276.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Herzegovina – Neretva Canton
277.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Central Bosnia Canton
278.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Bosnian Podrinje Canton-Gorazde
279.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Zenica-Doboj Canton
280.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Tuzla Canton
281.	6-Dec-2002	Decision Enacting the Law on Amendments to the Law on Internal Affairs of Posavina Canton
282.	17-Dec-2002	Decision Enacting The Budget Of The Federation Of Bosnia And Herzegovina For 2003
283.	17-Dec-2002	Decision Enacting The Law On Execution Of The Budget Of The Federation Of Bosnia And Herzegovina For 2003
284.	31-Dec-2002	Decision Enacting the Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina
285.	1-Jan-2003	Decision On the Use of Collective/Transit Centre Space in Bosnia and Herzegovina to Promote the Phased and Orderly Return of Refugees and Displaced Persons
286.	24-Jan-2003	Decision On the new mandate of the Independent Judicial Commission
287.	24-Jan-2003	Decision on Trial Observers
288.	24-Jan-2003	Decision on Police Disciplinary Proceedings
289.	24-Jan-2003	Decision Enacting the Law on Protection of Witnesses under Threat and Vulnerable Witnesses
290.	24-Jan-2003	Decision Enacting the Criminal Code of Bosnia and Herzegovina
291.	24-Jan-2003	Decision Enacting the Criminal Procedure Code of Bosnia and Herzegovina
292.	24-Jan-2003	Decision Enacting the Law on Amendments to the Law on Prosecutor's Office of Bosnia and Herzegovina
293.	24-Jan-2003	Decision Enacting the Law on the Judicial Police of Bosnia and Herzegovina

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294.	24-Jan-2003	Decision Enacting the Law re-amending the Law on Court of Bosnia and Herzegovina
295.	12-Feb-2003	Decision Establishing the Indirect Tax Policy Commission
296.	24-Feb-2003	Decision Imposing Amendments to the Book of Rules on the Fee for the Form for Personal Documents
297.	27-Feb-2003	Decision Enacting the Law on Ministerial, Government and other Appointments of the Republika Srpska
298.	27-Feb-2003	Decision Enacting the Law on Ministerial and Government Appointments of the Federation of Bosnia and Herzegovina
299.	27-Feb-2003	Decision Enacting the Law on Ministerial and Government Appointments of Bosnia and Herzegovina
300.	6-Mar-2003	Decision Enacting the Law on Amendments and Supplements to the Law on the Register of Enterprises and Entrepreneurs of the Brcko District of Bosnia and Herzegovina
301.	6-Mar-2003	Decision Enacting the Law on Amendments and Supplements to the Law on Procedure for Registration of Legal Entities in the Court Register of the Federation of Bosnia and Herzegovina
302.	6-Mar-2003	Decision Enacting the Law on Amendments and Supplements to the Law on Registration in the Court Register of the Republika Srpska
303.	6-Mar-2003	Decision Enacting the Law on Gifts of the Republika Srpska
304.	6-Mar-2003	Decision Enacting the Law on Gifts of the Federation of Bosnia and Herzegovina
305.	7-Mar-2003	Decision on temporary suspension of right to challenge Banking Agency anti-terrorism orders before the courts
306.	7-Mar-2003	Decision Enacting the Law on Further Amendments to the Law on the Banking Agency of the Republika Srpska
307.	7-Mar-2003	Decision Enacting the Law on Further Amendments to the Law on the Banking Agency of the Federation of Bosnia and Herzegovina
308.	7-Mar-2003	Decision Enacting the Law on Further Amendments to the Law on on the Central bank of Bosnia and Herzegovina
309.	7-Mar-2003	Decision Enacting the Law on Amendments to the Law on Banks of the Republika Srpska
310.	7-Mar-2003	Decision Enacting the Law on Further Amedments to the Law on Banks of the Federation of Bosnia and Herzegovina
311.	14-Mar-2003	Decision Enacting the Law on Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina
312.	21-Mar-2003	Decision Enacting the Law on Amendments to the Law on Displaced–Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina
313.	25-Mar-2003	Decision ordering the transfer of ownership of the Battery Factory “AS” a.d -Srebrenica to the Foundation of the Srebrenica-Potocari Memorial and Cemetery and establishing an ad hoc Battery Factory “AS” a.d.-Srebrenica compensation Commission
314.	31-Mar-2003	Decision extending the 31 July 2002 ban on the allocation of state-owned land in BiH until 15 May 2003
315.	2-Apr-2003	Decision Enacting the Law on Amendments to the Law on Defence of

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		the Federation of Bosnia and Herzegovina
316.	2-Apr-2003	Decision Enacting the Law on Amendments to the Law on Army of Republika Srpska
317.	2-Apr-2003	Decision Enacting the Law on Amendments to the Law on Defence of Republika Srpska
318.	18-Apr-2003	Decision Enacting the Decision on Amendments to the Decision on the fee for the management of areas for providing infrastructure
319.	18-Apr-2003	Decision Enacting The Law On Amendments To The Law On Earmarking And Channelling A Part Of The Company's Revenue Effectuated On The Basis Of The Use Of The Hydro-Power Plants
320.	9-May-2003	Decision Establishing the Defense Reform Commission
321.	16-May-2003	Decision Enacting the Law on Amendments to the Law on the Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees of the RS
322.	16-May-2003	Decision Enacting the Law on Amendments to the Law on the Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees of the FBiH
323.	16-May-2003	Decision Enacting the Law on Amendments to the Law on the Cessation of Application of the Law on the Use of Abandoned Property of the RS
324.	16-May-2003	Decision Enacting the Law on Amendments to the Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens of the FBiH
325.	16-May-2003	Decision Enacting the Law on Amendments to the Law on the Cessation of Application of the Law on Abandoned Apartments of the FBiH
326.	16-May-2003	Decision Enacting the Law on Construction Land of the Federation of Bosnia and Herzegovina
327.	16-May-2003	Decision Enacting the Law on Construction Land of Republika Srpska
328.	30-May-2003	Decision Establishing the Expert Commission on Intelligence Reform
329.	13-Jun-2003	Directive Reducing the Wages of the Ministers and Deputy Ministers of Herzegovina-Neretva Canton
330.	17-Sep-2003	Decision Establishing the Commission for Reforming the City of Mostar
331.	31-Oct-2003	Decision Enacting the Law Re-amending the Law on the Prosecutor's Office of BiH
332.	31-Oct-2003	Decision Enacting the Law on further re-amending the Law on Court of BiH
333.	20-Nov-2003	Decision Extending the mandate of the Independent Judicial Commission
334.	20-Nov-2003	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of the RS
335.	20-Nov-2003	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of the FBiH
336.	20-Nov-2003	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of BiH
337.	26-Nov-2003	Decision Enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska
338.	17-Dec-2003	Decision proposing the Law on the Intelligence and Security Agency of BiH to the Parliamentary Assembly of BiH

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339.	31-Dec-2003	Decision Enacting the Law on Application of Electricity Tariff System of the Federation of BiH
340.	9-Jan-2004	Decision Prohibiting Transfer Or Conveyance Of Real Property Assets Of City-Municipalities And Suspending Recruitment Of New Personnel Of City Municipalities
341.	28-Jan-2004	Decision On The Implementation Of The Reorganization Of The City Of Mostar
342.	28-Jan-2004	Decision Enacting the Decision on Amendments to the Decision on the fee for the management of areas for providing infrastructure
343.	28-Jan-2004	Decision Enacting The Law On Amendments To The Law On Earmarking And Channelling A Part Of The Company's Revenue Effectuated On The Basis Of The Use Of The Hydro-Power Plants Of The FBiH
344.	28-Jan-2004	Decision Enacting the Law on Amendments to the Law on Distribution of Public Revenues in the Herzegovina-Neretva Canton
345.	28-Jan-2004	Decision Enacting the Statute of the City of Mostar
346.	28-Jan-2004	Decision enacting the Law on amendments to the Election Law of Bosnia and Herzegovina
347.	4-Feb-2004	Decision Extending The Mandate Of The Defense Reform Commission
348.	12-Feb-2004	Decision Enacting the Law on the Amendments to the Law on Court of Bosnia and Herzegovina
349.	26-Feb-2004	Decision Prohibiting City-Municipalities of the City of Mostar from Assigning Names to or Changing Existing Names of Streets, Squares, Bridges and Other Such Public Places
350.	31-Mar-2004	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of the Republika Srpska
351.	31-Mar-2004	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of the Federation of BiH
352.	31-Mar-2004	Decision Enacting the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of BiH
353.	21-Apr-2004	Decision Enacting the Law on Amendments to the Law on Civil Service in the Administration of the Republika Srpska
354.	21-Apr-2004	Decision enacting the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina
355.	21-Apr-2004	Decision enacting the Law on Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina
356.	4-May-2004	Decision Enacting The Law On Amendments To The Law On The Intelligence And Security Agency Of Bosnia And Herzegovina
357.	11-May-2004	Decision Amending the High Representative Decision Extending The Mandate Of The Defense Reform Commission As Published In The Official Gazette Of Bosnia And Herzegovina No. 4/04
358.	5-Jul-2004	Decision Establishing the Police Restructuring Commission
359.	8-Jul-2004	Decision Enacting the Law on Secondary Education
360.	8-Jul-2004	Decision Enacting the Law on Primary Education
361.	8-Jul-2004	Decision Enacting the Law on Amendments to the Law on Secondary Education

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362.	8-Jul-2004	Decision Enacting the Law on Amendments to the Law on Primary Education
363.	8-Jul-2004	Decision Enacting the Law on Amendments to the Law on Primary Education
364.	8-Jul-2004	Decision Enacting the Law on Amendments to the Law on Secondary Education
365.	25-Oct-2004	Decision Enacting the Law on Amendments to the Law on the Indirect Taxation System in BiH
366.	8-Nov-2004	Decision on Amending the Statute of the Zepce Municipality
367.	26-Nov-2004	Decision Enacting the Law on Amendment to the Law on Pardon of the Federation of Bosnia and Herzegovina
368.	26-Nov-2004	Decision Enacting the Law on Amendment to the Law on Pardon of the Republika Srpska
369.	26-Nov-2004	Decision Enacting the Law on Amendment to the Criminal Code of the Breko District of Bosnia and Herzegovina
370.	26-Nov-2004	Decision Enacting the Law on Amendment to the Criminal Code of the Republika Srpska
371.	26-Nov-2004	Decision Enacting the Law on Amendment to the Criminal Code of the Federation of BiH
372.	26-Nov-2004	Decision Enacting the Law on Amendment to the Criminal Code of BiH
373.	26-Nov-2004	Decision Enacting the Law Repealing the Law on Pardon of Bosnia and Herzegovina
374.	17-Dec-2004	Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Breko District of Bosnia and Herzegovina
375.	17-Dec-2004	Decision Enacting the Law on Amendments to the Criminal Procedure Code of Republika Srpska
376.	17-Dec-2004	Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina
377.	17-Dec-2004	Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina
378.	17-Dec-2004	Decision Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina
379.	17-Dec-2004	Decision Enacting the Law on Amendments to the Law on the Prosecutor's Offices of the Republika Srpska
380.	17-Dec-2004	Decision Enacting the Law on Amendments to the Law on Courts and Judicial Service of the Republika Srpska
381.	17-Dec-2004	Decision Enacting the Law on Amendments to the Law on Judicial and Prosecutorial Service in the Federation of BiH
382.	23-Dec-2004	Decision Enacting the Law on Amendments to the Law on the State Investigation and Protection Agency
383.	31-Dec-2004	Decision Extending the Mandate of the Defence Reform Commission
384.	21-Mar-2005	Decision Amending the Decision on Establishing the Commission for State Property
385.	21-Mar-2005	Decision Enacting the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
386.	21-Mar-2005	Decision Enacting the Law on the Temporary Prohibition of Disposal of

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		State Property of Bosnia and Herzegovina
387.	21-Mar-2005	Decision Enacting the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
388.	4-Apr-2005	Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina
389.	14-Jul-2005	Decision Enacting the Law on Amendments to the Law on the Sales Tax on Products and Services
390.	14-Jul-2005	Decision Enacting the Law on Amendments to the Law on Excise Duties in Bosnia and Herzegovina
391.	28-Oct-2005	Decision Enacting the Law on Assigning Names to or Changing Existing Names of Facilities and Legal Persons of Public Interest for Bosnia and Herzegovina
392.	12-Dec-2005	Decision Enacting the Law on Salaries and Other Compensations for Judges and Prosecutors in Brcko District of Bosnia and Herzegovina
393.	12-Dec-2005	Decision Enacting the Law on Salaries and Other Compensations for Judges and Prosecutors in the Republika Srpska
394.	12-Dec-2005	Decision Enacting the Law on Salaries and Other Compensations for Judges and Prosecutors in the Federation of Bosnia and Herzegovina
395.	12-Dec-2005	Decision Enacting the Law on Salaries and Other Compensations in Judicial and Prosecutorial Institutions at the Level of Bosnia and Herzegovina
396.	23-Dec-2005	Decision Enacting the Law on Amendments to the Law on Police Officials of Bosnia and Herzegovina
397.	27-Jan-2006	Decision Enacting the Law on Changes and Amendments to the Election Law of Bosnia and Herzegovina
398.	18-Mar-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
399.	18-Mar-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
400.	18-Mar-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of BiH
401.	19-Jun-2006	DECISION Enacting the Law on Amendment to the Law on Transfer of Cases from the ICTY to the Prosecutor's Office Of BiH and the use of Evidence Collected by ICTY in Proceedings Before the Courts in BiH
402.	19-Jun-2006	DECISION Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina
403.	3-Aug-2006	Decision Enacting Law on Amendments to the Law on the Banking Agency of the Federation of BiH
404.	30-Aug-2006	Decision extending the mandate of the Liquidation Receiver for "Privredna Banka a.d. Srpsko Sarajevo"
405.	29-Sep-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
406.	29-Sep-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of BiH
407.	29-Sep-2006	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of BiH

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408.	30-Sep-2006	Decision Extending the mandate of the Liquidation Receiver for “Privredna Banka a.d. Srpsko Sarajevo”
409.	15-Dec-2006	Decision terminating the Appointment of the Provisional Administrator of “Hercegovacka Banka” Mostar and Transferring Competencies Concerning the Provisional Administration of “Hercegovacka Banka” Mostar to the Banking Agency of the Federation of BiH
410.	15-Dec-2006	Decision Terminating the Appointment of the Liquidation Receiver for “Privredna Banka a.d. Srpsko Sarajevo” and Transferring Competencies Concerning the Liquidation Proceedings for “Privredna Banka a.d. Srpsko Sarajevo” to the Banking Agency of the RS
411.	22-Dec-2006	Decision Enacting Decision on Establishment of the Commission for Issuance of Professional Assessments
412.	22-Dec-2006	Decision Enacting the Decision on Establishment of the Spatial Development Institute
413.	15-Feb-2007	Decision Enacting the Decision Extending the Mandate of the State Commission for the Review of Decisions on Naturalization of Foreign Citizens
414.	23-Mar-2007	Order on the Implementation of the Decision of the Constitutional Court of Bosnia and Herzegovina in the Appeal of Milorad Bilbija et al, No. AP-953/05
415.	13-Apr-2007	Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina
416.	13-Apr-2007	Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Republika Srpska
417.	13-Apr-2007	Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina
418.	13-Apr-2007	Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina
419.	4-May-2007	Decision Enacting the Law on Amendments to the Law on Payments into the Single Account and Distribution of Revenues
420.	4-May-2007	Decision Enacting the Law On Amendments to the Law on the Indirect Taxation System in Bosnia and Herzegovina
421.	31-May-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
422.	31-May-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
423.	31-May-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina
424.	15-Jun-2007	Decision on Enacting the Law on Amendments to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina
425.	25-Jun-2007	Decision Enacting the Law on the Center for the Srebrenica-Potocari Memorial and Cemetery for the Victims of the 1995 Genocide
426.	9-Jul-2007	Decision Enacting the Law on Amendments to the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures
427.	9-Jul-2007	Decision Enacting the Law on Amendment to the Law on Movement

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		And Stay of Aliens and Asylum
428.	9-Jul-2007	Decision Enacting the Law on Amendments to the Law on Identity Cards of Citizens of Bosnia and Herzegovina
429.	9-Jul-2007	Decision Enacting the Law on Amendments to the Law on Travel Documents of Bosnia and Herzegovina
430.	9-Jul-2007	Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina
431.	14-Sep-2007	Decision Withdrawing the Authentic Interpretation of Article 3 of the Law on Transfer of Social Property into State Property of Republika Srpska
432.	28-Sep-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
433.	28-Sep-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
434.	28-Sep-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina
435.	19-Oct-2007	Decision Enacting the Law on Changes and Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina
436.	3-Dec-2007	Decision Enacting the Authentic Interpretation of the Law on Changes and Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina Enacted by the Decision of the High Representative of 19 October 2007
437.	19-Dec-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
438.	19-Dec-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
439.	19-Dec-2007	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina
440.	8-Jan-2008	Decision Enacting the Law on Amendments to the Law on the Indirect Taxation System in Bosnia and Herzegovina
441.	25-Jun-2008	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska
442.	25-Jun-2008	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of the Federation of Bosnia and Herzegovina
443.	25-Jun-2008	Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina
444.	20-Feb-2009	Decision Enacting the Law on Amendments to the Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina
445.	20-Feb-2009	Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina
446.	20-Jun-2009	Decision Repealing the Conclusions of the Republika Srpska National Assembly No. 01-787/09 and No. 01-788/09 adopted on 14 May 2009
447.	29-Jul-2009	Decision Extending the Temporary Financing of the City of Mostar for the Period from 1 April 2009 to 30 September 2009
448.	29-Jul-2009	Decision Enacting the Law on Supplement to the Law on Principles of Local Self-Government in the Federation of Bosnia and Herzegovina

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449.	29-Jul-2009	Decision Enacting the Law on Supplement to the Law on Budgets in the Federation of Bosnia and Herzegovina
450.	12-Sep-2009	OHR Inventory Team Established
451.	18-Sep-2009	Decision Enacting the Amendments to the Law Establishing the Company for the Transmission of Electric Power in Bosnia and Herzegovina
452.	18-Sep-2009	Decision Enacting the Law on the Distribution, Purpose and Use of Financial Assets Obtained Under Annex "C" to the Agreement on the Succession Issues
453.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Citizenship of Republika Srpska
454.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Citizenship of the Federation of Bosnia and Herzegovina
455.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina
456.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Electricity
457.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Electricity
458.	18-Sep-2009	Decision Enacting the Law on Amendments to the Law on Transmission of Electric Power, Regulator and System Operator of Bosnia and Herzegovina
459.	30-Oct-2009	Decision Repealing the Conclusion of the City Council of the City of Mostar No. 01-02-10/09 of 29 January 2009 and Ordering Election of the City Mayor of the City of Mostar to be Held
460.	14-Dec-2009	Decision Further Extending the Mandate of an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and Appointing Sven Marius Urke to Carry Out Such Mandate
461.	14-Dec-2009	Decision Enacting the Law on Amendments to the Law on Prosecutor's Office of Bosnia and Herzegovina

## Attachment 2

### **Text of Amendments to Entity Constitutions Decreed by High Representative** **Constitution of the Federation of Bosnia and Herzegovina**

- 19 April 2002

#### **1. AMENDMENT XXVII**

Bosniacs, Croats and Serbs as constituent peoples, along with Others, and citizens of the Federation of Bosnia and Herzegovina, which is a constitutive part of the sovereign state of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations and the highest standards of human rights and freedoms, hereby pass the Constitution of the Federation of Bosnia and Herzegovina.

This Amendment shall replace the last line of the Preamble of the Constitution of the Federation of BiH, as amended by Amendment II to the Constitution of the Federation of BiH.

#### **2. AMENDMENT XXVIII**

(1) The Federation of Bosnia and Herzegovina is one of the two entities composing the State of Bosnia and Herzegovina, and has all powers, competence and responsibilities which do not, according to the Constitution of Bosnia and Herzegovina, fall within the exclusive competence of the institutions of Bosnia and Herzegovina.

(2) Bosniacs, Croats and Serbs as constituent peoples, along with Others, and citizens of the Federation of BiH, shall equally organise the Federation of Bosnia and Herzegovina, defined in Annex II to the General Framework Agreement for Peace in Bosnia and Herzegovina.

This Amendment shall replace Article I.1 of the Constitution of the Federation of BiH, as amended by Amendment III to the Constitution of the Federation of BiH.

#### **3. AMENDMENT XXIX**

(1) The official languages of the Federation of Bosnia and Herzegovina shall be: Bosnian language, Croat language and Serb language. The official scripts shall be Latin and Cyrillic.

(2) Other languages may be used as a means of communication and instruction.

This Amendment shall replace Article I.6 of the Constitution of the Federation of Bosnia and Herzegovina.

#### **4. AMENDMENT XXX**

##### **The Ombudsmen of the Federation of Bosnia and Herzegovina**

(1) There shall be three Ombudsmen appointed by the Federation Parliament in accordance with Federation law. One Ombudsman shall be appointed from among each of the constituent peoples.

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This Amendment shall replace the heading under II.B. and Article II.B.1.1. of the Constitution of the Federation of Bosnia and Herzegovina.

### **5. AMENDMENT XXXI**

#### **A. The Legislature**

a) The legislative authority in the Federation of Bosnia and Herzegovina shall be exercised by the House of Representatives and the House of Peoples.

This Amendment shall replace the heading under A. in Article IV of the Constitution of the Federation of BiH and a new text shall be added after that.

### **6. AMENDMENT XXXII**

(1) A minimum number of 4 representatives of one constituent people shall be represented in the House of Representatives.

(2) The House of Representatives shall consist of ninety-eight delegates.

This Amendment shall replace Article IV.A.1.1. of the Constitution of the Federation of BiH.

### **7. AMENDMENT XXXIII**

Composition of the House of Peoples and Selection of Members

(1) The House of Peoples of the Federation Parliament shall be composed on a parity basis so that each constituent people shall have the same number of representatives.

(2) The House of Peoples shall be composed of 58 delegates; 17 delegates from among each of the constituent peoples and 7 delegates from among the Others.

(3) Others have the right to participate equally in the majority voting procedure.

This Amendment shall amend Article IV.A.2.6 of the Constitution of the Federation of BiH.

### **8. AMENDMENT XXXIV**

(1) Delegates to the House of Peoples shall be elected by the Cantonal Assemblies from among their representatives in proportion to the ethnic structure of the population.

(2) The number of delegates to the House of Peoples to be elected in each Canton shall be proportional to the population of the Canton, given that the number, structure and manner of election of delegates shall be regulated by law.

(3) In the House of Peoples there shall be at least one Bosniac, one Croat, one Serb from each Canton which has at least one such delegate in its legislative body.

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(4) Bosniac delegates, Croat delegates and Serb delegates from each Canton shall be elected by their respective representatives, in accordance with the election results in the legislative body of the Canton, and the election of delegates from among the Others shall be regulated by law.

(5) No delegate of the House of Representatives or councilor of the Municipal Council may serve as a member of the House of Peoples.

This Amendment shall replace Article IV.A.2.8 of the Constitution of the Federation of BiH.

### **9. AMENDMENT XXXV**

Article IV.A.2.9. of the Constitution of the Federation of Bosnia and Herzegovina shall cease to be in force.

### **10. AMENDMENT XXXVI**

(1) Each House shall adopt by a majority vote its Rules of Procedure and elect, from among its members, a Speaker (Chairman) and two Deputy Speakers (Deputy Chairmen) of the Chamber, who may not come from among the same constituent people or from among the Others.

This Amendment shall replace Article IV.A.3.11 of the Constitution of the Federation of Bosnia and Herzegovina.

### **11. AMENDMENT XXXVII**

#### **Definition of vital interests**

Vital national interests of constituent peoples are defined as follows:

- exercise of the rights of constituent peoples to be adequately represented in legislative, executive and judicial authorities;
- identity of one constituent people;
- constitutional amendments;
- organisation of public authorities;
- equal rights of constituent peoples in the process of decision-making;
- education, religion, language, promotion of culture, tradition and cultural heritage;
- territorial organisation;
- public information system,

and other issues treated as of vital national interest if so claimed by 2/3<sup>rd</sup> of one of the caucuses of the constituent peoples in the House of Peoples.

## **Attachment 2**

This Amendment shall introduce a new heading under 5 and a new Article IV.A.17a after Article IV.A.17 of the Constitution of the Federation of BiH.

### **12. AMENDMENT XXXVIII**

#### **Parliamentary procedure for the protection of vital interests**

(1) Laws or other regulations or acts introduced into the House of Representatives of the Federation of Bosnia and Herzegovina shall also be adopted in the House of Peoples of the Federation of Bosnia and Herzegovina.

(2) A Vital Interest Panel shall be established in the Constitutional Court deciding issues of vital interest, in the procedure in accordance with this Constitution. This Panel shall consider all issues of vital interests.

(3) The Vital Interest Panel shall be composed of 7 members, 2 from each constituent people and 1 from the group of Others. The judges shall be elected by the House of Representatives and the House of Peoples.

This Amendment shall introduce new title under 6. and new Article 17b after Article IV.A.5.17a.

### **13. AMENDMENT XXXIX**

Procedure for Laws related to a vital interest as defined in the list of amendment XXXVII

1. If more than one Chairman or Vice-Chairman of the House of Peoples claims that a law comes within the list of vital national interest as defined in Amendment XXXVII of the Constitution of the Federation of BiH, the law shall be put on the agenda of the HoP as a vital interest issue.

2. If only one Chairman or Vice-Chairman claims that the law falls within this list, of, a two thirds of the respective caucus of the House of Peoples may declare the issue concerned to be of a vital national interest. In this case the procedure followed is the one outlined under Amendment XL.

3. The Chairman and Vice-Chairmen of the House of Peoples have one week within which to decide.

4. If a majority of each caucus represented in the House of Peoples vote in favour of such laws or other regulations or acts these are deemed to be adopted.

5. If the House of Peoples agrees on amendments, the law, regulation or act is resubmitted to the House of Representatives for approval.

6. If no agreement can be reached in the House of Peoples or if approval is not given to proposed amendments, a Joint Commission composed of representatives of the House of Representatives and the House of Peoples shall be established. The Joint Commission shall be composed on a parity basis and shall decide by consensus. The Joint Commission shall seek to

## **Attachment 2**

achieve the harmonisation of the terms of the law. If the terms are harmonised, the law shall be deemed to be adopted.

7. If no such harmonisation can be effected the law shall fail and the document shall be returned to the proponent for a new procedure. In that event the proponent may not resubmit the original law, regulation or act.

This Amendment shall replace Article IV.A.4.18 of the Constitution of the Federation of BiH.

### **14. AMENDMENT XL**

#### **Procedure for Laws related to a vital interest if so decided by 2/3<sup>rd</sup> of one of the caucuses of the Constituent peoples in the House of Peoples**

1. In the event that two thirds of one of the caucuses of the constituent peoples in the House of Peoples decides that a law, regulation or act affects a vital national interest the law shall be considered by the House of Peoples.

2. If a majority of each caucus represented in the House of Peoples vote in favour of such laws or other regulations or acts these are deemed to be adopted.

3. If the House of Peoples agrees on amendments, the law, regulation or act is resubmitted to the House of Representatives for approval.

4. If no harmonisation can be established by the Joint Commission referred to in Amendment XXXIX, the Constitutional Court of the Federation of Bosnia and Herzegovina shall be addressed to decide finally whether the law in question relates to a vital interest of a constituent people.

5. A Vital Interest Panel of the Constitutional Court of the Federation of BiH shall decide by a 2/3<sup>rd</sup> majority within one week on the admissibility of such cases and within one month on the merits of cases held to be admissible.

6. In the event that the procedure under this Amendment is triggered by a 2/3 majority of one of the caucuses, the vote of at least two judges is needed for the Court to decide that it is a vital interest.

7. If the Court decides in favour of a vital national interest, the law, other regulation or act shall fail and the document shall be returned to the proponent for a new procedure. In that event the proponent may not resubmit the original law, regulation or act.

8. In the event the Court decides that no vital interest is involved, the law is deemed to be adopted/shall be adopted by simple majority.

This Amendment shall introduce, after Article IV.A.4.18, a new heading and Article 18a of the Constitution of the Federation of BiH.

### **15. AMENDMENT XLI**

## **Attachment 2**

The President of the Federation shall have two Vice-Presidents who shall come from different constituent peoples. They shall be elected in accordance with this Constitution.

This Amendment shall amend Article IV.B.1 as amended by Amendment XI to the Constitution of the Federation of Bosnia and Herzegovina.

### **16. AMENDMENT XLII**

“(1) In electing the President and two Vice-presidents of the Federation, at least one third of the delegates of the respective Bosniac, Croat or Serb caucuses in the House of Peoples may nominate the President and two Vice-presidents of the Federation.

(2) The election for the President and two Vice-presidents of the Federation shall require the joint approval of the list of three nominees, by a majority vote in the House of Representatives, and then by a majority vote in the House of Peoples, including the majority of each constituent people’s caucus.

(3) If no list of the nominees receives the required majority in both Houses the procedure shall be repeated.

(4) If one of the Houses rejects the joint nominees’ list in the repeated procedure as well, it shall be considered that the nominated persons have been elected by approval of the list in only one house.

(5) The President and two Vice-presidents of the Federation shall be elected for a four-year term of office.”

This Amendment shall replace Article IV.B.2 of the Constitution of the Federation of BiH.

### **17. AMENDMENT XLIII**

In Article IV.B.3.(2) the wording after the first sentence until the end of the Article shall be deleted.

### **18. AMENDMENT XLIV**

#### **Minimum representation in the Government of the Federation of Bosnia and Herzegovina in a transitional period until Annex 7 is fully implemented**

(1) The Government of the Federation (Prime Minister/President of the Government and 16 ministers) shall be composed of 8 Bosniac, 5 Croat and 3 Serb ministers. One Other may be nominated by the Prime Minister/President of the Government from the quota of the largest constituent people. The Government shall have a Prime Minister/president of the Government who shall have two Deputy Prime Ministers from different constituent peoples selected from among the Ministers.

(2) After Annex 7 is fully implemented, a minimum of 15% of the members of the Government must come from one constituent people. A minimum of 35% of the members of the Government

## **Attachment 2**

must come from two constituent peoples. One member of the Government must come from the group of the Others.

This Amendment shall replace Article IV.B.2.4 of the Constitution of the Federation of BiH, which is amended by Amendment XII to the Constitution of the Federation of BiH.

### **19. AMENDMENT XLV**

#### **Election of the Government**

(1) President of the Federation, in agreement with both Vice-presidents of the Federation, shall appoint the Government of the Federation – upon consultation with the Prime Minister or a nominee for that office. The Government shall be elected after its appointment has been confirmed by a majority vote of the House of Representatives of the Federation. Any vacancy shall be filled under the same procedure.

(2) If the House of Representatives does not confirm the appointment of the Government, the President of the Federation in agreement with the Vice-presidents of the Federation, and upon consultation with the Prime Minister or a nominee for that office, shall repeat the procedure referred to in Paragraph 1 of this Article.

This Amendment shall change Article IV.B.2.5(1) and add new paragraph 2, and the previous paragraph 2 shall become paragraph 3.

### **20. AMENDMENT XLVI**

Article IV.B.2.6 of the Constitution of the Federation of BiH shall cease to be in force.

### **21. AMENDMENT XLVII**

In Article IV.C.2.6. the introductory sentence and Item (a) shall be deleted.

The previous Items b) and c) shall become Items a) and b).

### **22. AMENDMENT XLVIII**

The Constitutional Court shall be composed of nine judges, of whom at least two come from all three constituent people each and one from the group of the Others.

This Amendment shall amend Article IV.C.3.9 of the Constitution of the Federation of BiH.

### **23. AMENDMENT XLIX**

#### **Distribution of key functions in the Federation Authority Structure**

The Prime Minister and the Deputy Prime Ministers may not come from the same constituent people.

## **Attachment 2**

Out of the following positions not more than two may be filled by representatives of any one constituent people or of the group of the Others:

1. Prime Minister/President of the Government
2. Speaker of the House of Representatives
3. Speaker of the House of Peoples
4. President of the Supreme Court
5. President of the Constitutional Court
6. Federation Prosecutor.

This Amendment shall introduce, after Article IV.C.5.23, new heading IV.D. and new Article IV.D.1.

### **24. AMENDMENT L**

(1) Amendments to the Constitution may be proposed by the President of the Federation, in agreement with the Vice-presidents, the Federation Government, a majority of delegates in the House of Representatives or a majority of Bosniac delegates, a majority of Croat delegates and a majority of Serb delegates in the House of Peoples.

(2) A proposed amendment shall be adopted:

(a) in the House of Peoples by a simple majority including a majority of Bosniac delegates, a majority of Croat delegates and a majority of Serb delegates;

(b) in the House of Representatives by a two-third majority of delegates.

This Amendment shall replace Article VIII.1. of the Constitution of the Federation of BiH.

### **25. AMENDMENT LI**

Published results of the 1991 census shall be appropriately used for all calculations requiring demographic data until Annex 7 is fully implemented.

This Amendment shall replace Article IX.7. of the Constitution of the Federation of BiH.

### **26. AMENDMENT LII**

#### **Transitional and Final Provisions**

Article 11a

1. Proportionate representation in all public authorities including courts

## Attachment 2

Constituent peoples and members of the group of the Others shall be proportionately represented in public institutions in the Federation of Bosnia and Herzegovina.

As a constitutional principle, such proportionate representation shall follow the 1991 census until Annex 7 is fully implemented, in line with the Civil Service Law of Bosnia and Herzegovina. Further and concrete specification of this general principle shall be implemented by Entity legislation. Such legislation shall include concrete time lines and shall develop the aforementioned principle in line with the regional ethnic structure in the Entities and the Cantons.

Public institutions as mentioned above are the ministries of the Government of the Federation of BiH and of Cantonal Governments, municipal governments, Cantonal and Municipal Courts in the Federation of Bosnia and Herzegovina.

### Article 11b

#### 2. Harmonisation of principles with regard to the Cantons of the Federation

Within nine months from the adoption of these amendments, the principles contained therein shall be applied to the Cantons.

Vital interest protection bodies shall be established in the Cantons and minimum representation has to be guaranteed with regard to the Cantonal Governments.

### Article 11c

#### 3. Tasks of the House of Peoples

As from the date of the adoption of the amendments to the Constitution of the Federation of Bosnia and Herzegovina, the House of Peoples of the Federation of Bosnia and Herzegovina shall follow the principles contained therein.

### Article 11d

Within nine months as from the adoption of these amendments, the Constitutions of the Cantons, laws, other regulations and acts and judicial rules shall be harmonised with the Constitution of the Federation of Bosnia and Herzegovina.

### Article 11e

Within three months as from the adoption of these amendments, the provisions of this Constitution related to the Human Rights Court of the Federation of Bosnia and Herzegovina shall be repealed.

The issues of taking over of tasks, equipment, archives and other assets as well as the issue of employment status of the staff of the Human Rights Court of the Federation of Bosnia and Herzegovina shall be regulated in law.

## **Attachment 2**

This Amendment introduces new Articles 11a, 11b, 11c, 11d and 11e, after Article IX.11.

### **27. AMENDMENT LIII**

In Article V.5.2 the term “two years” shall be replaced by the term “four years”.

### **28. AMENDMENT LIV**

In Article VI.3.2 the term “two years” shall be replaced by the term “four years”

- **23 May 2002**

### **29. Amendment LVI**

In Article IV.B.7.a (I) of the Federation Constitution, the words “judges of Federation courts” shall be replaced by the words “judges of the Constitutional Court of the Federation upon proposal of candidates by the High Judicial and Prosecutorial Council.”

### **30. Amendment LVII**

In Article IV.C. 3, after the words “of all courts” the words “and organization of all courts” shall be added.

### **31. Amendment LVIII**

In Article IV.C. 4, after Paragraph 2., new Sub-Paragraphs 3. and 4. shall be added, reading as follows:

“3) The Judiciary is autonomous and independent from the executive and legislative powers of the Federation.

4) The High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina shall ensure the autonomy, independence, impartiality, competence and efficiency of the judiciary and of the prosecutorial service in the Federation. The responsibilities of the High Judicial and Prosecutorial Council shall include, but shall not be limited to, the appointment, discipline and removal of judges, apart from the Judges of the Constitutional Court of the Federation, and shall also include prosecutors and deputy prosecutors in the Federation. The composition and additional responsibilities of the High Judicial and Prosecutorial Council shall be defined by law.”

Sub-Paragraph 3. shall become Sub-Paragraph 5.

### **32. Amendment LIX**

Article IV.C.6. of the Federation Constitution is amended to read:

“1. The Judges of the Supreme Court, including the Court President, shall be selected,

## **Attachment 2**

appointed, disciplined and removed by the High Judicial and Prosecutorial Council in accordance with law.

2. The Judges of the Constitutional Court shall be nominated by the President of the Federation with the concurrence of the Vice-Presidents, and shall require for appointment the approval of a majority of the present and voting members of the House of Peoples.

3. Judges of the Supreme Court, apart from reserve judges, shall, save as hereinafter set out, be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law. Judges of the Supreme Court may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of the Supreme Court during the transitional period to be defined in the Law establishing the High Judicial and Prosecutorial Council of the Federation. The mandatory retirement age for Judges of the Supreme Court shall be defined by Law.

4. The Judges of the Constitutional Court shall serve until 70 years of age, unless they resign or they are removed for cause by consensus of the Judges of the same Court.”

### **33. Amendment LX**

Article IV.C.7. is amended to read:

“1)The salary and other emoluments of a Judge may not be diminished during the period of his/her judicial office except as a result of disciplinary proceedings in accordance with law.

2) The salaries and other terms of service, including the immunity of all the Judges of the Courts of the Federation shall be determined by law.”

### **34. Amendment LXI**

Item c) of Article V.6. shall be deleted.

### **35. Amendment LXII**

Article V.11. of the Federation Constitution is amended to read:

“1. Cantons shall have courts, which shall have appellate jurisdiction over the courts of their Municipalities and original jurisdiction over matters not within the competence of those courts and as provided in legislation.

2. Judges of Cantonal Courts, including the Court Presidents, shall be selected, appointed, disciplined and removed by the High Judicial and Prosecutorial Council in accordance with the law.

3. Judges of Cantonal Courts, apart from reserve judges, shall be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law of the Federation. Judges of Cantonal Courts may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of

## **Attachment 2**

cantonal courts during the transitional period to be defined in the law establishing the High Judicial and Prosecutorial Council. The mandatory retirement age for Judges of Cantonal Courts shall be defined by Law of the Federation. Terms of service, including immunity, of the Judges of Cantonal Courts shall be determined by the law of the Federation. The salary and other emoluments of a Judge may not be diminished during the period of his/her judicial office except as a result of disciplinary proceedings in accordance with law.”

### **36. Amendment LXIII**

Article VI. 7. of the Federation Constitution is amended to read:

“1. The Municipal courts, which may be established for the territory of one or more municipalities, shall have jurisdiction over all civil and criminal matters, except to the extent that the original jurisdiction is assigned to another court by this or the Cantonal Constitution or by a law of the Federation or of the Canton.

2. Municipal Courts shall be established by the Cantonal legislation and be funded by the Cantons.

3. Judges of Municipal Courts, including Presidents of the Courts, shall be selected, appointed, disciplined and removed by the High Judicial and Prosecutorial Council of the Federation in accordance with the law.

4. Judges of Municipal Courts, apart from reserve judges, shall be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law. Judges of Municipal Courts may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of municipal courts during the transitional period to be defined in the law establishing the High Judicial and Prosecutorial Council. The mandatory retirement age for Judges of Municipal Courts shall be defined by Law. Terms of service, including immunity, shall be determined by Law of the Federation. The salary and other emoluments of a Judge may not be diminished during the period of his/her judicial office except as a result of disciplinary proceedings in accordance with law.”

- **6 Oct 2002**

### **37. Amendment LXIV**

Article IV.A.3.13. of the Federation Constitution shall be amended by deletion of the existing text and replacement with text as follows:

“Members and Delegates of the Federation Legislature shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Legislature of the Federation.”

### **38. Amendment LXV**

Article IV. B. 4. 10. shall be deleted.

## **Attachment 2**

### **39. Amendment LXVI**

A final paragraph shall be added to Article IV.C.3.10., which shall read as follows:

“The Constitutional Court shall decide questions, which arise under legislation regulating immunity in the Federation.”

### **40. Amendment LXVII**

In Article V. 2. 7. paragraph 4. shall be amended by deletion of the existing text and replacement with text as follows:

“Legislators in the Cantonal Legislatures shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Cantonal Legislatures.”

- **6 October 2002**

### **41. AMENDMENT LXVIII**

In Article II.B.3.8. paragraph 1, the words “Deputy Prime Minister” shall be changed to “Deputy Prime Ministers” and the words “to each Cantonal President” shall be deleted.

### **42. AMENDMENT LXIX**

In Article IV.A.7.20, formerly IV.A.5.20 prior to amendments XXXVII and XXXVIII, the word “Vice-President” in paragraph 1, item a) shall be changed to “two Vice-Presidents”.

In Article IV.A.7.20, formerly IV.A.5.20 prior to amendments XXXVII and XXXVIII, item b) the word “Vice-President” shall be changed to “one of the Vice-Presidents.”

### **43. AMENDMENT LXX**

In Article IV.B.1.3, as amended by amendment XLIII, in paragraphs 1 and 2, the word “Vice-President” shall be changed to “a Vice-President”.

### **44. AMENDMENT LXXI**

In Article IV.B.2.5, paragraph 3, formerly IV.B.2.5 paragraph 2 prior to amendment XLV, the words “and Deputy Ministers” shall be deleted.

### **45. AMENDMENT LXXII**

In Article IV.B.3.7, the word “Vice-President” in item b) shall be replaced with “Vice-Presidents”.

In Article IV.B.3.7, the words “Deputy Prime Minister” in item e) shall be replaced with the words “Deputy Prime Ministers”.

Article IV.B.3.7, item g) shall be deleted.

## **Attachment 2**

### **46. AMENDMENT LXXIII**

In Article IV.C.3.10, paragraph 2, items b) and d), the words “of the Deputy Prime Minister” shall be deleted.

In Article IV.C.3.10, paragraph 2, item b), the words “Cantonal President concerned” shall be replaced with the words “canton concerned”.

In Article IV.C.3.10, paragraph 2, item d), the words “or of the Cantonal President concerned” shall be replaced with the words “of the canton concerned.”

### **47. AMENDMENT LXXIV**

After Article IV.D.1, which was added by amended by XLVIX, a new Article IV.D.1.a shall be added, which shall read as follows:

“Following the election of the Legislature of the Federation and appointment of the Prime-Minister, the Speaker of the House of Representatives, the Speaker of the House of Peoples, the President of the Constitutional Court, the President of the Supreme Court and the Prosecutor of the Federation of Bosnia and Herzegovina shall be chosen in accordance with the distribution of functions provided in Article IV.D.1.”

### **48. AMENDMENT LXXV**

In Article V.1.1, a new item c) shall be added, which shall read as follows:

“ensure that constituent peoples and members of the group of Others shall be proportionally represented in Ministries of the Cantons. Such proportionate representation shall follow the 1991 census until Annex 7 is fully implemented.”

### **49. AMENDMENT LXXVI**

In Article V.1.3, the words “with a Bosniac-majority or a Croat-majority population” shall be deleted.

### **50. AMENDMENT LXXVII**

In Article V.2.5.1, there shall be a full stop after the word “population”, and the words “but no fewer than thirty and no more than fifty” shall be deleted.

### **51. AMENDMENT LXXVIII**

In Article V.2.6, items b) and d) shall be deleted.

### **52. AMENDMENT LXXIX**

In Article V.2.7, paragraph 1 shall be deleted and the following paragraphs shall be inserted:

“ (1)Each Cantonal Legislature shall, by a majority vote, adopt rules of procedure.

## **Attachment 2**

(2) A caucus of a constituent people shall be established, provided there is at least one delegate of such constituent people in the Cantonal Legislature.

(3) Each caucus shall nominate one candidate from among its members for the post of Chairman or Vice-Chairman, who must be confirmed by the Cantonal Legislature.

(4) The Cantonal Legislature shall confirm the candidates in accordance with its Rules of Procedure. In the event that a constituent people is not represented in the Legislature, one of the positions of Vice-Chairman shall remain vacant.

(5) The three candidates confirmed by the Cantonal Assembly shall decide among themselves who shall occupy the post of Chairman.”

Existing paragraphs 2 through 5 shall become 6 through 9, respectively.

### **53. AMENDMENT LXXX**

After Article V.2.7, a new title and Articles V.2.7.a and b shall be added, to read as follows:

“Vital interest protection mechanism

#### **Article V.2.7a**

1) Vital interests of constituent peoples to be protected in the Cantons shall be those defined in Article IV.5.17.a of this Constitution. The caucuses referred to in Article IV.5.17.a of this Constitution shall, for the purpose of the Cantons, be the caucuses established in accordance with Article V.2.7., paragraph 2 of this Constitution.

2) If more than one Chairman or Vice-Chairman of a Cantonal Legislature claims that a law comes within the list of vital interests as defined in the list of Article IV.5.17.a of this Constitution, adoption of such law shall require:

– a majority vote within each caucus of the constituent peoples represented in the given Cantonal Legislature.

3) The Chairman and Vice-Chairmen of the Cantonal Legislature must decide, within one week, whether a law, regulation or act comes within the list referred to in Paragraph 2 of this Article.

4) If only one Chairman or Vice-Chairman claims that a law, regulation or act falls within the list of vital interests, a two-thirds majority of the respective caucus of one of the constituent peoples of the given Cantonal Legislature may declare the issue concerned to be an item within the list of vital interests.”

#### **Article V.2.7b**

1) In case atwo-thirds majority of one of the caucuses of the constituent peoples in the Cantonal Legislature decides that a law, regulation or act affects a vital national interest,

## **Attachment 2**

adoption of such law, regulation or act shall require a majority vote within each caucus of constituent peoples represented in the Cantonal Legislature.

2) If the majority referred to in Paragraph 1 of this Article is not reached, the issue shall be referred to the Constitutional Court of the Federation of Bosnia and Herzegovina, which shall take a final decision whether the law, regulation or act in question relates to a vital interest of a constituent people.

3) In such a case as described in this Article, the Constitutional Court of the Federation shall proceed in the manner provided for in Article IV.6.18.a of this Constitution.

4) If the Court decides in favour of a vital interest, the law, regulation or act shall fail and the document shall be returned to the proponent for a new procedure. In that event, the proponent may not re-submit the original text of the law, regulation or act.

5) In the event that the Constitutional Court decides that no vital interest is involved, the law, regulation or act is deemed to be adopted / shall be adopted by simple majority.

### **54. AMENDMENT LXXXI**

Article V.3.8 shall be amended by deleting the present text and replacing the same so as to read as follows:

“(1) Constituent peoples and members of the group of Others shall be proportionately represented in the Government. Such proportionate representation shall follow the 1991 census until Annex 7 is fully implemented, in accordance with Article IX.11.a of this Constitution”.

(2) A Cantonal Prime Minister candidate shall be nominated by the Chairman of the Cantonal Legislature in consultation with the Vice-Chairmen. The Prime Minister-candidate shall propose Ministers. There shall be no Deputy Ministers.

(3) Ministers, together with the Prime Minister, constitute the Cantonal Government. Approval of the Cantonal Government by the Cantonal Legislature shall be by majority vote.

(4) Notwithstanding paragraph 3 of this Article, in cantons where two or more constituent peoples each constitute greater than 30 percent of the cantonal population according to the last census, the Government shall be approved by the Cantonal Legislature by a two-thirds majority.

(5) The Government shall take office after approval by the Cantonal Legislature.

### **55. AMENDMENT LXXXII**

After Article V.3.8, a new Article V.3.8.a shall be added, which shall read as follows:

“Ministers shall be responsible to the Prime Minister and to the Cantonal Legislature. The Prime Minister shall also be responsible to the Cantonal Legislature.

Ministers shall have ultimate responsibility for the work of their respective Ministries.

## **Attachment 2**

The Government shall resign if, at any time, a vote of no confidence is passed by the Cantonal Legislature.”

### **56. AMENDMENT LXXXIII**

In Article V.3.9.d, the following words shall be deleted: “the investigation and prosecution of crimes against Cantonal Law, as well as”

The following language shall be added after item e) of Article V.3.9:

“ f) All decisions taken by the Government shall be by simple majority of those present and voting.”

### **57. AMENDMENT LXXXIV**

In Article V.4.11, as amended by amendment LXII a new paragraph 4 shall be added after paragraph 3, which shall read as follows:

“4) Constituent peoples and Others shall be proportionately represented in cantonal and municipal courts. Such representation shall follow the 1991 census until Annex 7 is fully implemented, in accordance with Article IX.11. of this Constitution.”

### **58. AMENDMENT LXXXV**

Article V.5.including Article V.5.12 shall be deleted.

### **59. AMENDMENT LXXXVI**

Article VI.1 shall be amended by the addition of a new item c), which shall read as follows:

“Constituent peoples and Others shall be proportionately represented in municipal authorities. Such representation shall follow the 1991 census until Annex 7 is fully implemented, in accordance with Article IX.11.a of this Constitution.”

### **60. AMENDMENT LXXXVII**

In Article VI.A., paragraph 2 shall be deleted.

- **2 April 2003**

### **61. Amendment LXXXVIII**

Article IV.B.3.7 (a)(ii) of the Constitution of the Federation of Bosnia and Herzegovina, shall be amended to read as follows:

“serving as commander-in-chief of the military of the Federation, subject to the provisions on civilian command in Article V.5(a) of the Constitution of Bosnia and Herzegovina.”

- **28 January 2004**

## **Attachment 2**

### **62. Amendment XCV**

In Article II.B.5, the word “City” shall be added before the words “or Municipality”;

### **63. Amendment XCVI**

In Article IV.C.10 after paragraph (2), a new paragraph (3) shall be added and read as follows:

“(3) The protection of the right to local self-government shall be ensured by the Constitutional Court. Such procedure before the Constitutional Court may be initiated by the municipalities and the cities, as well as by the Association of municipalities and cities of the Federation of Bosnia and Herzegovina. The Constitutional Court shall decide upon disputes between a unit of local self-government and a canton or the Federation at the request of a municipal or city council, municipal or city mayor, or the Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina.”

The existing paragraphs (3) and (4) shall become paragraphs (4) and (5);

### **64. Amendment XCVII**

In Article IV.C.12 (b), the words “City or of any” shall be added before the word “Municipality”;

### **65. Amendment XCVIII**

In Article V.1 (b), the words “City or” shall be added before the word “Municipality”;

### **66. Amendment XCIX**

Article V.10 shall be repealed and replaced by a new Article V.10 which shall read as follows:

In exercising its responsibilities in respect to the cantonal police, the Cantonal Government shall ensure that the national structure of the police reflects the national structure of the population of the Canton, provided that the national structure of the police of each municipality or city, where applicable, reflects the national structure of the population of that city or municipality.

### **67. Amendment C**

Article VI.A, paragraph (4) shall be repealed and replaced by a new paragraph (4) which shall read as follows:

“(4) Unless otherwise provided by this Constitution, the city shall have a city council consisting of an equal number of councilors from each municipality, and the number of councilors, election procedure and duration of mandate shall be specified in the Statute. The City council may not have less than 15 or more than 31 councilors.”;

### **68. Amendment CI**

A new Article VI.C shall be added and read as follows:

## **Attachment 2**

### **“VI. C. Organisation of Mostar**

- 1) In the Herzegovina-Neretva Canton, the City of Mostar shall be organised as a single territorial unit of administration and local self-government.
- 2) The City of Mostar shall have the competencies of a Municipality, unless otherwise provided by law.
- 3) The organisation of the City of Mostar shall be regulated by law and by its Statute. The Statute shall establish City Areas, in which the City administration shall have branch offices for the sole purpose of delivering services to the citizens within their neighbourhood. The Statute shall define the number of City Areas.
- 4) The City Areas shall be electoral constituencies. The composition of the City Council and the modalities of election shall be regulated respectively by the Statute and the Election Law of Bosnia and Herzegovina in a manner that may derogate from the requirements prescribed in Article VI.A of this Constitution.
- 5) Decision making procedures shall be defined by the Statute of the City of Mostar. Notwithstanding any laws providing for voting procedures, the Statute of the City of Mostar may define special voting procedures for the adoption of certain decisions within the City Council.
- 6) Vital national interests of constituent peoples shall be protected in the City of Mostar. Issues of vital national interest shall be those defined in Article IV.A.17.a of this Constitution, provided that the caucuses referred to under that Article shall, for the purpose of the City of Mostar, be the caucuses established by the Statute of the City of Mostar. The procedure for the protection of national vital interest shall be regulated under the Statute of the City of Mostar. Such procedure shall include the possibility to refer a question of vital interest to the Constitutional Court of the Federation in accordance with the procedure foreseen in Article IV.A. 18 a) item 5 through 8 of this Constitution, if no agreed solution can be reached.
- 7) Only Councilors elected to the Council of the City may be elected as Mayor of the City of Mostar. The Mayor is elected and removed from office by a majority of two-thirds of elected councilors, in accordance with the Statute of the City of Mostar.
- 8) Constituent peoples and Others shall be proportionately represented in the City administration. Such representation shall follow the 1991 census until Annex 7 is fully implemented, in accordance with Article IX.11.a of this Constitution.”

### **69. Amendment CII**

Articles IX.10 and IX.11 paragraph 3 shall be repealed.

- **9 December 2005**

### **70. AMENDMENT CVI**

After Article IX. 11 e, a new Article IX. 11 f shall be added to read as follows:

## **Attachment 2**

“Article 11 f

(1) As a derogation to the principle prescribed in Paragraph 1 of Article IV.C.7, Paragraph 3 of Article V.4.11 and Paragraph 4 of Article VI.7 of this Constitution, salaries and/or other emoluments of judges may be diminished by law before 10 January 2006.

(2) The reduction referred to in Paragraph 1 of this Article may only occur once.

(3) Nothing in Paragraphs 1 and 2 of this Article shall be interpreted as allowing in any manner or form either directly or indirectly any other reduction of salaries and/or emoluments of judges protected by Paragraph 1 of Article IV.C.7, Paragraph 3 of Article V.4.11 and Paragraph 4 of Article VI.7 of this Constitution.”

## **Attachment 2**

### **Constitution of Republika Srpska**

- **19 April 2002**

#### **71. AMENDMENT LXVI**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **72. AMENDMENT LXVII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **73. AMENDMENT LXVIII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **74. AMENDMENT LXIX**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **75. AMENDMENT LXX**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **76. AMENDMENT LXXI**

The official languages of the Republika Srpska are: the language of the Serb people, the language of the Bosniak people and the language of the Croat people. The official scripts are Cyrillic and Latin.

This Amendment shall replace paragraph 1 of Article 7 of the RS Constitution.

#### **77. AMENDMENT LXXII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **78. AMENDMENT LXXIII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

#### **79. AMENDMENT LXXIV**

## **Attachment 2**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **80. AMENDMENT LXXV**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **81. AMENDMENT LXXVI**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **82. AMENDMENT LXXVII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **83. AMENDMENT LXXVIII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **84. AMENDMENT LXXIX**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **85. AMENDMENT LXXX**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **86. AMENDMENT LXXXI**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **87. AMENDMENT LXXXII**

In the last sentence of the third alinea of paragraph a) the term “Article 5.b” shall be replaced by “paragraph b”.

### **88. AMENDMENT LXXXIII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **89. AMENDMENT LXXXIV**

## **Attachment 2**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **90. AMENDMENT LXXXV**

Constituent peoples and members of the group of Others shall be proportionally represented in public institutions in Republika Srpska.

As a constitutional principle, such proportionate representation shall follow the 1991 census until Annex 7 is fully implemented, in line with the Civil Service Law of Bosnia and Herzegovina. Further and concrete specification of this general principle shall be implemented by Entity legislation. Such legislation shall include concrete time lines and shall develop the aforementioned principle in line with the regional ethnic structure in the Entities.

“Public institutions” as mentioned above are the ministries of the RS Government, municipal governments, District courts in Republika Srpska and municipal courts in Republika Srpska.

This Amendment shall be added to Article 97 of the RS Constitution.

### **91. AMENDMENT LXXXVI**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **92. AMENDMENT LXXXVII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **93. AMENDMENT LXXXVIII**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **94. AMENDMENT LXXXIX**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **95. AMENDMENT XC**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

### **96. AMENDMENT XCI**

*The High Representative enacted this amendment by [decree](#) on 19 April 2002 but failed to publish its text.*

## **Attachment 2**

### **97. AMENDMENT XCII**

In paragraph 2 of Article 83 as amended by items 4 and 5 of Amendment XL the term “five-year mandate” shall be replaced by “four-year mandate”.

This Amendment shall change Article 83 of the RS Constitution.

- **23 May 2002**

### **98. AMENDMENT XCIII**

Item 3. of Paragraph 1. of Article 80. is amended to read:

“3. nominate to the National Assembly candidates for the president and judges of the Constitutional Court upon proposal by the High Judicial and Prosecutorial Council;”

### **99. AMENDMENT XCIV**

After Article 121., a new Article 121.a. is added and reads:

“The Judiciary is autonomous and independent from the executive and legislative powers of Republika Srpska.

The High Judicial and Prosecutorial Council of Republika Srpska shall ensure the autonomy, independence, impartiality, competence and efficiency of the Republika Srpska judiciary and of the prosecutorial service. The responsibilities of the High Judicial Council shall include, but shall not be limited to, the appointment, discipline and removal of judges, apart from the Judges of the Constitutional Court of the Republika Srpska, and shall also include public prosecutors and deputy public prosecutors in the Republika Srpska. The composition and additional responsibilities of the High Judicial and Prosecutorial Council shall be defined by law.”

### **100. AMENDMENT XCV**

In Article 126. after the word “responsible” the words: “in criminal or civil procedure” shall be inserted and after the words “after the approval of the” the words “National Assembly” are replaced by the words “High Judicial and Prosecutorial Council”.

### **101. AMENDMENT XCVI**

Article 127. is amended to read:

“Judges, apart from reserve judges shall, save as hereinafter set out, be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law. Judges may likewise exceptionally cease to hold office pursuant to a selection process following court restructuring during the transitional period to be defined in the Law establishing the High Judicial and Prosecutorial Council. The mandatory age for judges shall be determined by Law. Terms of service, including immunity of judges shall be determined

## **Attachment 2**

by law. The salary and other emoluments of a judge may not be diminished during the period of his/her judicial office except as a result of disciplinary proceedings in accordance with law.

A judge may not hold a public office or pursue any form of gainful employment defined by law as incompatible with the judicial function.”

### **102. AMENDMENT XCVII**

Article 129. is amended to read:

“Public Prosecutors and Deputy Public Prosecutors shall be appointed for such period as may be determined by Law subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law. Public Prosecutors and Deputy Public Prosecutors may exceptionally cease to hold office pursuant to a selection process following restructuring of Public Prosecutor’s Offices in the transitional period to be defined in the Law establishing the High Judicial and Prosecutorial Council. The mandatory age for public prosecutors and deputy public prosecutors shall be defined by Law. Terms of service, including immunity of public prosecutors and deputy public prosecutors shall be determined by law.

A Public Prosecutor or a deputy public prosecutor may not hold any office or pursue any form of gainful employment defined by law as incompatible with his function.”

### **103. AMENDMENT XCVIII**

Article 130. is amended to read:

“Judges, including the Court Presidents, public prosecutors and deputy public prosecutors are selected, appointed, disciplined and removed by the High Judicial Council in accordance with the law.”

#### **• 6 October 2002**

### **104. AMENDMENT XCIX**

Article 73., as supplemented by Amendment LXXX, shall be amended by deleting the existing text and replacing the same with the following:

“Deputies of the National Assembly and members of the Council of Peoples shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the National Assembly or Council of Peoples respectively.”

### **105. AMENDMENT C**

Article 86., as amended by Amendment XL, shall be deleted.

### **106. AMENDMENT CI**

The paragraph of Article 89. referring to the immunity of Senate members shall be deleted.

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### **107. AMENDMENT CII**

Article 95. shall be deleted.

### **108. AMENDMENT CIII**

A final paragraph shall be added to Article 115., which shall read as follows:

“The Constitutional Court shall decide questions concerning immunity, which arise under legislation regulating the same in the Republika Srpska.”

- **2 April 2003**

### **109. AMENDMENT CIV**

In Item 1 of Amendment XL to Article 80 of the Constitution of Republika Srpska, as amended, the provision reading “in accordance with the Constitution and Law” shall be replaced with the words “in accordance with the Constitutions of Bosnia and Herzegovina and Republika Srpska and other relevant law”.

### **110. AMENDMENT CV**

In Article 106, paragraph 1 of the Constitution of Republika Srpska, the following words shall be inserted after the words “according to the Constitution and law”: “subject to the provisions on civilian command in Article V.5(a) of the Constitution of Bosnia and Herzegovina.”

- **9 December 2005**

### **111. AMENDMENT CXIV**

After Article 138, a new Article 138.a shall be added to read as follows:

#### **“Article 138. a**

As a derogation to the principle prescribed in Article 127 of this Constitution, salaries and/or other emoluments of judges may be diminished by law before 10 January 2006.

The reduction referred to in Paragraph 1 of this Article may only occur once.

Nothing in Paragraphs 1 and 2 of this Article shall be interpreted as allowing in any manner or form either directly or indirectly any other reduction of salaries and/or emoluments of judges protected by Article 127.”

**Attachment 3****List of Extrajudicial Punishments Against Individuals Decreed by OHR**

	<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Decision</b>
1.	4-Mar-1998	Raguz, Pero	Mayor of Stolac	Removal
2.	16-Apr-1998	Tokmakcija, Drago	Deputy Mayor of Drvar	Removal and ban from upcoming elections
3.	28-Aug-1998	Basevic, Dragan	Mayor of Orasje	Removal
4.	8-Oct-1998	Cavic, Dragan	Member of RS National Assembly	Removal and ban from official positions
5.	20-Oct-1998	Tokic, Mijo	Candidate Canton 10	Ban from holding office
6.	3-Dec-1998	Cancarevic, Franjo	Councilor of the Ravne-Brcko Municipal Council	Suspension and ban from all elected or administrative positions in the pre-war Brčko Opstina for 12 months
7.	15-Dec-1998	Reljic, Stanimir	President of Vlasenica Municipal Assembly	Suspension pending findings of ongoing criminal procedure
8.	15-Jan-1999	Reljic, Stanimir	President of Vlasenica Municipal Assembly	Removal
9.	25-Jan-1999	Tokmakcija, Drago	Head of HDZ in Canton 10	Ban from holding political party office
10.	2-Feb-1999	Letica, Barisa	Candidate Canton 10	Ban from holding public office
11.	12-Feb-1999	Mlaco, Dzevad	Mayor of Bugojno	Suspension from office of Mayor and all other elected offices in Bugonjno until further notice
12.	5-Mar-1999	Poplasen, Nikola	President of RS	Removal
13.	29-Apr-1999	Hodzic, Ferid	Minister of Interior of Tuzla canton	Removal and ban
14.	19-Jul-1999	Alagic, Mehmed	Mayor of Sanski Most	Suspension (indefinite) and ban from public office
15.	16-Sep-1999	Babic, Stipo	Minister of Justice of Canton 10	Removal
16.	29-Nov-1999	Behram, Nedzad	Head of Housing Department in Municipality of Mostar Old Town	Removal and ban from executive office and from candidacy in next municipal elections

### Attachment 3

17.	29-Nov-1999	Brodlija, Kemal	Mayor of Kakanj	Removal and ban from executive office and from candidacy in next municipal elections
18.	29-Nov-1999	Celkovic, Savo	President of the Executive Board of Vlasenica	Removal and ban from executive office and from candidacy in next municipal elections
19.	29-Nov-1999	Deronjic, Marina	Head of Housing Department in Municipality of Mostar South West	Removal
20.	29-Nov-1999	Djuric, Milan	President of the Executive Board of Bosanski Novi/ Novi Grad	Removal and ban from executive office and from candidacy in next municipal elections
21.	29-Nov-1999	Hrelja, Elvedin	Mayor of Goradze	Removal and ban from executive office and from candidacy in next municipal elections
22.	29-Nov-1999	Kecman, Milan	Head of OMI in Foca/Srbinje	Removal and ban from executive office and from candidacy in next municipal elections
23.	29-Nov-1999	Kordic, Krunoslav	Mayor of Capljina	Removal and ban from executive office and from candidacy in next municipal elections
24.	29-Nov-1999	Madzar, Pero	Mayor of Kiseljak	Removal and ban from executive office and from candidacy in next municipal elections
25.	29-Nov-1999	Maric, Stipe	Mayor of Mostar South West	Removal and ban from executive office and from candidacy in next municipal elections
26.	29-Nov-1999	Meter, Dragan	Mayor of Prozor-Rama	Removal and ban from executive office

### Attachment 3

				and from candidacy in next municipal elections
27.	29-Nov-1999	Mlaco, Dzevad	Delegate to BiH House of Peoples, member Cantonal Assembly	Removal and ban from executive office and from candidacy in next municipal elections
28.	29-Nov-1999	Nikolic, Zoran	Delegate to the RS National Assembly	Removal and ban from executive office and from candidacy in next municipal elections
29.	29-Nov-1999	Pazin, Pero	Mayor of Stolac	Removal and ban from executive office and from candidacy in next municipal elections
30.	29-Nov-1999	Pesic, Mladen	OMI (Housing Office), Srpsko Gorazde	Removal and ban from executive office and from candidacy in next municipal elections
31.	29-Nov-1999	Sahinovic, Rasim	Minister of Interior of Una Sana Canton	Removal and ban from executive office and from candidacy in next municipal elections
32.	29-Nov-1999	Simic, Miladin	President of Municipal Assembly of Bratunac	Removal and ban from executive office and from candidacy in next municipal elections
33.	29-Nov-1999	Tokmaccija, Drago	Candidate, member of Steering Board of Cantonal Privatization Agency, Canton 10	Declaration of election as null and void
34.	29-Nov-1999	Topalovic, Slavko	Municipal Council of Srpsko Gorazde	Removal and ban from executive office and from candidacy in next municipal elections
35.	29-Nov-1999	Umicevic, Djordje	President of Municipal Assembly of Banja Luka	Removal and ban from executive office and from candidacy in

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				next municipal elections
36.	29-Nov-1999	Veladzic, Mirsad	Governor of Una Santa Canton	Removal and ban from executive office and from candidacy in next municipal elections
37.	29-Nov-1999	Zafiragic, Jusuf	Minister of Justice, Sarajevo Canton	Removal and ban from executive office and from candidacy in next municipal elections
38.	29-Nov-1999	Zeljaja, Obren	President of Municipal Assembly of Serb Ilidza	Removal and ban from executive office and from candidacy in next municipal elections
39.	3-Apr-2000	Barisic, Ante	Minister of Internal Affairs, Canton 10	Removal and ban from holding any public office
40.	22-May-2000	Andrijic, Stiepo	President of the Managing Board of the Federation Privatization Agency	Removal
41.	22-May-2000	Ivic, Ivan	Governor of Canton 10	Removal and ban from holding any public office
42.	22-May-2000	Mihaljevic, Mirko	Prime Minister of Canton 10	Removal and ban from holding any public office
43.	17-Jul-2000	Skopljak, Emin	Telecommunications Regulation Agency	Removal and ban from holding any public elected or appointed office
44.	27-Jul-2000	Dzaferovic, Ramiz	Director of the Federation Tax Administration and member of the Governing board of Payment Bureau	Removal and ban from holding any public elected or appointed office
45.	27-Jul-2000	Smajic, Ahmed	Minister of Agriculture, Water Resources and Forestry of FBiH	Removal
46.	7-Sep-2000	Bozickovic, Goran	Head of the Housing Office of Bratunac	Removal and ban "from being a

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				candidate for elected or appointed office"
47.	7-Sep-2000	Brankovic, Sevala	Lawyer in Second Instance of the Ministry of Housing, Sarajevo Canton.	Removal and ban "from being a candidate for elected or appointed office"
48.	7-Sep-2000	Damjanovic, Ivan	Mayor of Glamoc	Removal and ban "from being a candidate for elected or appointed office"
49.	7-Sep-2000	Djordjevic, Dragutin	Head of Housing Office, Bosanska Gradiska / Gradiska	Removal and ban "from being a candidate for elected or appointed office"
50.	7-Sep-2000	Dzodan, Petar	Deputy Minister, RS Ministry for Refugees and Displaced Persons	Removal and ban "from being a candidate for elected or appointed office"
51.	7-Sep-2000	Husic, Hajrudin	Head of Department for Housing and Public Utilities, Banovici	Removal and ban "from being a candidate for elected or appointed office"
52.	7-Sep-2000	Jevric, Blasko	Head of Housing Office, Doboj	Removal and ban "from being a candidate for elected or appointed office"
53.	7-Sep-2000	Jurkovic, Mara	Head of the Department for General Administration, Sports and Culture, Capljina	Removal and ban "from being a candidate for elected or appointed office"
54.	7-Sep-2000	Ristic, Momcilo	Head of Housing Office, Teslic	Removal and ban "from being a candidate for elected or appointed office"
55.	7-Sep-2000	Simivec, Zaharije	Head of Housing Office, Bosanski Samac/ Samac	Removal and ban "from being a candidate for elected or appointed office"
56.	7-Sep-2000	Srna, Sanja	Senior Lawyer, Cantonal Housing Department Sarajevo, Municipalities Centar/Stari Grad	Removal and ban "from being a candidate for elected or appointed office"
57.	7-Sep-2000	Trbojevic, Branko	Head of Housing Office in Bosanska Dubica / Kozarska Dubica	Removal and ban "from being a

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				candidate for elected or appointed office"
58.	7-Sep-2000	Trivan, Zeljko	Lawyer, Housing Office in Banja Luka	Removal and ban "from being a candidate for elected or appointed office"
59.	7-Sep-2000	Umisevic, Dusan	Head of OMI in Bosanski Novi/Novi Grad	Removal and ban "from being a candidate for elected or appointed office"
60.	7-Sep-2000	Zarkovic, Risto	Head of Housing Office in Trebinje	Removal and ban "from being a candidate for elected or appointed office"
61.	12-Oct-2000	Cengic, Enes	Member, Demining Commission	Removal and ban from any official or appointive office
62.	12-Oct-2000	Krstic, Milos	Member, Demining Commission	Removal and ban from any official or appointive office
63.	12-Oct-2000	Pusic, Berislav	Chair, Demining Commission	Removal and ban from any official or appointive office
64.	15-Nov-2000	Suljic, Edin	Chief Inspector, Financial Police	Suspension pending findings of ongoing criminal procedure
65.	15-Nov-2000	Zelinka, Dragan	Deputy Chief Inspector, Financial Police	Suspension (indefinite) and ban from taking any other post with the Financial Police
66.	1-Dec-2000	Matic, Branko	Minister of Internal Affairs, Canton 10	Removal and ban from any official or appointive office
67.	23-Feb-2001	Bicakcic, Edhem	General Manager of Elektroprivreda, for actions during term as Prime Minister of BiH	Removal and ban from any official, elective or appointive public office
68.	7-Mar-2001	Andric Luzanski, Ivo	Delegate to BiH House of Representatives, Vice-President of the HDZ BiH	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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69.	7-Mar-2001	Batinic, Zdravko	Any public and party offices	Ban from holding any official, elective, or appointive public office and from running in elections and from holding office in political parties
70.	7-Mar-2001	Jelavic, Ante	Croat Member of BiH Presidency, President of HDZ	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
71.	7-Mar-2001	Tokic, Marko	President of so-called Croat self-rule in BiH	Ban from holding public and party offices
72.	21-Mar-2001	Zejniliovic, Hasija	Head of Department for Education, Brcko	Revocation of Appointment by Brcko Supervisor
73.	26-Apr-2001	Dadic, Branka	Head of Legal, Personnel and Administration, Ministry of the Interior of Canton 7	Suspension
74.	26-Apr-2001	Djogic, Ivan	Chief of Cabinet, Ministry of the Interior of Canton 7	Suspension
75.	26-Apr-2001	Mandic, Dragan	Minister of Interior, Canton 7	Removal and ban from any official, elective or appointive public office
76.	26-Apr-2001	Prskalo, Zvonko	Deputy Head of Finance, Ministry of the Interior of Canton 7	Suspension
77.	1-Jun-2001	Josipovic, Miodrag	Mayor, Bratunac	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
78.	1-Jun-2001	Tolj, Mladen	Head of Department of Urban Planning and	Removal and ban from official, elective or appointive public

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			Housing, Bratunac Municipality	office and from running in elections, and from office in political parties
79.	26-Jun-2001	Djogic, Ivan	Chief of Cabinet, Ministry of the Interior of Canton 7	Removal and ban from any official, elective or appointive public office
80.	26-Jun-2001	Prskalo, Zvonko	Deputy Head of Finance, Ministry of the Interior of Canton 7	Removal and ban from any official, elective or appointive public office
81.	26-Jun-2001	Tolj, Mladen	Head of Department of Urban Planning and Housing, Bratunac Municipality	Removal and ban from any official, elective or appointive public office
82.	15-Jan-2002	Mandic, Ivan	Head of Mostar Municipality, South West	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
83.	23-May-2002	Borovac, Omer	Judge, Municipal Court of Gorazade	Suspension pending further determination
84.	23-May-2002	Bralo, Mirko	President of the Municipal Court, Livno	Suspension pending further determination
85.	23-May-2002	Djunik-Bajramovic, Fatima	Judge, Municipal Court of Zenica	Suspension pending further determination
86.	23-May-2002	Draskovic, Nedjo	Judge, RS Supreme Court	Suspension pending further determination
87.	23-May-2002	Gvozdic, Nenad	Judge, Municipal Court I Mostar	Suspension pending further determination
88.	23-May-2002	Jankovic, Jevto	Judge, Banja Luca Basic Court	Suspension pending further determination
89.	23-May-2002	Lalic, Zeljko	Judge, Banja Luca Basic Court	Suspension pending further determination
90.	23-May-2002	Pijanac, Hasan	Judge, Unsko-Sanski Cantonal Court	Suspension pending further determination
91.	23-May-2002	Silic, Davor	Deputy Minister of Justice and Administration, Herzegovina-Neretva Canton; suspended from position as Judge on leave of absence	Removal and ban from any official or elective office and from running in elections. Also suspension from position as judge on

### Attachment 3

			from Cantonal Court of the Herzegovina-Neretva Canton	leave of absence and from any future judicial or prosecutorial office pending further determination by the High Judicial and Prosecutorial Council of the Federation
92.	23-May-2002	Tadic, Katica	Judge, Municipal Court of Livno	Suspension pending further determination
93.	23-May-2002	Tomic, Milenko	Public Prosecutor, Basic Public Prosecutor's Office at Prijedor	Suspension pending further determination
94.	23-May-2002	Zovko, Kata	Judge, Herzegovina-Neretva Cantonal Court	Suspension pending further determination
95.	14-Jun-2002	Grabovac, Nikola	Minister of Finance of FBiH	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
96.	24-Jun-2002	Terzic, Kemal	Head of Municipality of Donji Vakuf	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
97.	16-Jul-2002	Brekalo, Ivan	President, Municipal Court in Siroki Brijeg	Suspension pending further determination
98.	16-Jul-2002	Katic, Marinko	President, Capljina Municipal Court	Suspension pending further determination
99.	16-Jul-2002	Stanojevic, Svetislav	Judge, RS Supreme Court	Suspension pending further determination
100.	2-Sep-2002	Stojcinovic, Mirko	Head of the Municipality of Doboj	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
101.	16-Sep-2002	Lukic, Radomir	Constitutional Court of BiH	Appointment nullified

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102.	16-Sep-2002	Simovic, Miodrag	Constitutional Court of BiH	Appointment nullified
103.	21-Oct-2002	Alibabic, Munir	Director of the Federacija Bosne i Hercegovine Obavjestajno-Signumosna Sluzba	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
104.	13-Nov-2002	Islamovic, Mirsad	Member of Interim Assembly of Brcko District	Revocation of Appointment by Brcko Supervisor
105.	13-Nov-2002	Mujkanovic, Mustafa	Member of Interim Assembly of Brcko District	Revocation of Appointment by Brcko Supervisor
106.	14-Nov-2002	Markovic, Pero	General Manager, Sume Herceg Bosne	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
107.	26-Feb-2003	Acimovic, Svetozar	General Manager, Elektroprivreda Republika Srpska	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
108.	26-Feb-2003	Lemez, Bosko	Member of the Board, Elektroprivreda Republika Srpska	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
109.	7-Mar-2003	Bjelica, Milovan	Chairman of the Municipal Assembly of Srpsko Sarajevo	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
110.	7-Mar-2003	Bjelica, Milovan		Blocked Bank Accounts

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111.	7-Mar-2003	Mandić, Momčilo		Blocked Bank Accounts
112.	14-Mar-2003	Bicakcic, Edhem	Employee or advisor, JP Elektroprivreda (Sarajevo)	Removal and ban from involvement in JP Elektroprivreda (Sarajevo) and its subsidiaries and "any employed or advisory position in any public company, whether paid or unpaid, which enables or might enable him to obtain a role in . . . management decisions"
113.	28-Mar-2003	Tuka, Mijat	Member, House of Representatives of FBiH; former FBiH Minister of Refugees and Displaced Persons	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
114.	7-Jul-2003	Arsenovic, Djojo	Member, RS National Assembly	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
115.	7-Jul-2003	Arsenović, Đjojo		Blocked Bank Accounts
116.	7-Jul-2003	Bajagic, Zvonko		Blocked Bank Accounts
117.	7-Jul-2003	Đogo, Jovan		Blocked Bank Accounts
118.	7-Jul-2003	Karadžić, Aleksandar Saša		Blocked Bank Accounts
119.	7-Jul-2003	Karadžić, Ljiljana Zelen		Blocked Bank Accounts
120.	7-Jul-2003	Karadžić, Luka		Blocked Bank Accounts
121.	7-Jul-2003	Karadžić, Sonja		Blocked Bank Accounts
122.	7-Jul-2003	Lalović, Dragan		Blocked Bank Accounts

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123.	7-Jul-2003	Nikolić, Žarko		Blocked Bank Accounts
124.	7-Jul-2003	Roguljić, Slavko		Blocked Bank Accounts
125.	7-Jul-2003	Spasojević, Dragan		Blocked Bank Accounts
126.	7-Jul-2003	Subotić, Bogdan		Blocked Bank Accounts
127.	7-Jul-2003	Vasić, Dragomir		Blocked Bank Accounts
128.	7-Jul-2003	Vračar, Milenko		Blocked Bank Accounts
129.	9-Jul-2003	Vasic, Dragomir	Member, RS National Assembly; Councillor, Zvornik Municipal Assembly	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
130.	12-Nov-2003	Kisic, Sinisa	Mayor of Brcko District	Revocation of Appointment by Brcko Supervisor
131.	9-Feb-2004	Bašević, Dragan		Blocked Bank Accounts
132.	9-Feb-2004	Borovčanin, Veljko		Blocked Bank Accounts
133.	9-Feb-2004	Đorda, Samoško		Blocked Bank Accounts
134.	9-Feb-2004	Ećim, Ljuban		Blocked Bank Accounts
135.	9-Feb-2004	Kojić, Radomir		Blocked Bank Accounts
136.	9-Feb-2004	Kovač, Tomislav		Blocked Bank Accounts
137.	9-Feb-2004	Kujundžić, Predrag		Blocked Bank Accounts
138.	9-Feb-2004	Marijanović, Milovan		Blocked Bank Accounts
139.	9-Feb-2004	Šarac, Ivan		Blocked Bank Accounts
140.	9-Feb-2004	Šarović, Mirko		Blocked Bank Accounts
141.	10-Feb-2004	Basevic, Dragan	Police official, Srpsko Sarajevo	Removal and ban from official, elective or appointive public office and from

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				running in elections, and from office in political parties
142.	10-Feb-2004	Borovcanin, Veljko	Chief of Center for Public Security, Srpsko Sarajevo	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
143.	10-Feb-2004	Sarac, Ivan	Police Station Commander, Pale	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
144.	10-Feb-2004	Sarovic, Mirko	Vicepresident, Serb Democratic Party	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
145.	20-Apr-2004	Miletic, Dejan	Head of RS Secretariat for Relations with the International Criminal Tribunal in The Hague and Research of War Crimes	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
146.	20-Apr-2004	Savic , Cvetko	Chief of the General Staff of RS, Member of the RS Army	Removal and ban from (1) holding military or executive public office (2) any position in the Ministry of Defense and (3) running in elections
147.	30-Jun-2004	Beric, Dusan	Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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148.	30-Jun-2004	Curguz, Pantelija	Vice President of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
149.	30-Jun-2004	Damjanovic, Pantelija	President of the Srpska Radikalna Stranka RS Executive Board	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
150.	30-Jun-2004	Delic, Mirko	Director of Research, Development and Coordination Srpske Sume	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
151.	30-Jun-2004	Djekanovic, Nedjeljko	Vice President of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
152.	30-Jun-2004	Djeric, Zoran	Minister of Interior of RS	Removal and ban from holding (1) any law enforcement or executive public office and (2) any position within a Ministry of Interior or equivalent
153.	30-Jun-2004	Djukanovic, Rodoljub	Member of RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
154.	30-Jun-2004	Djurasinovic, Drago	Director of Regional Telekom Srpske in Prijedor	Removal and ban from official, elective or appointive public

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				office and from running in elections, and from office in political parties
155.	30-Jun-2004	Drpa, Ilija	General Director of Oil Refinery Bosanski/Srpski Brod	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
156.	30-Jun-2004	Ecim-Zlojutro, Vesna	Deputy in RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
157.	30-Jun-2004	Eric, Ljubomir	Mayor of Sokolac and Member of Municipal Board of SDS in Sokolac	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
158.	30-Jun-2004	Gligic, Vojislav	Member of RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
159.	30-Jun-2004	Jungic, Zeljko	General Director of RS Telekom	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
160.	30-Jun-2004	Kalinic, Dragan	Chairman of the National Assembly of RS and President of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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161.	30-Jun-2004	Keserovic, Dragomir	Head of Department for Intelligence and Security, RS Ministry of Defense	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
162.	30-Jun-2004	Komljenovic, Momcilo	Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
163.	30-Jun-2004	Kornjaca, Dusko	Mayor of Cajnice and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
164.	30-Jun-2004	Krunic, Savo	Director Srpske Sume, Forestry Company Sokolac RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
165.	30-Jun-2004	Lazovic, Milos	Director of Regional Telekom Srpske, Foca/Srbinje and Vice President of SDS Municipal Board Foca/Srbinje	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
166.	30-Jun-2004	Ljubojevic, Dragomir	Mayor of Bijeljina and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
167.	30-Jun-2004	Lukic, Radomir	Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from

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				running in elections, and from office in political parties
168.	30-Jun-2004	Mijanovic, Mihajlo	Mayor of Trebinje and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
169.	30-Jun-2004	Nikic, Cvjetan	Vice President of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
170.	30-Jun-2004	Ninkovic, Milan	Member of RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
171.	30-Jun-2004	Pejicic, Mile	Chief RS Ministry of Internal Affairs/Police Support Unit in Bijeljina	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
172.	30-Jun-2004	Pejčić, Mile		Blocked Bank Accounts
173.	30-Jun-2004	Petric, Zoran	Chief of Crime Department in Bijeljina PSC	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
174.	30-Jun-2004	Petrić, Zoran		Blocked Bank Accounts
175.	30-Jun-2004	Popovic, Goran	Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from

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				running in elections, and from office in political parties
176.	30-Jun-2004	Radulovic, Svetozar	Director of the RS Health Fund	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
177.	30-Jun-2004	Saraba, Slobodan	Vice President of SDS and Director of Hydroelectric Power Plants Trebisnjica	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
178.	30-Jun-2004	Savic, Aleksandar	Mayor of Visegrad and Member of Municipal Board of the SDS in Visegrad	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
179.	30-Jun-2004	Simic, Ljubisav	SDS Member Bratunac Municipal Assembly	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
180.	30-Jun-2004	Spasojevic, Zoran	Member of House of Peoples of the Parliamentary Assembly of BiH	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
181.	30-Jun-2004	Stanic, Milenko	Member of RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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182.	30-Jun-2004	Tosic, Momir	Deputy Minister of Foreign Trade and Economic Relations of BiH and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
183.	30-Jun-2004	Tupajic, Milan	Member of RS National Assembly and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
184.	30-Jun-2004	Vucurevic, Bozidar	Vice President of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
185.	1-Jul-2004	Bajagic, Zvonko	Member of the SDS Board in Vlasenica	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
186.	1-Jul-2004	Bogicevic, Milan	Minister of Economy, Energy and Development of RS and Member of Main Board of SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
187.	1-Jul-2004	Bulic, Djuro	a position within the Indirect Tax Administration	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
188.	1-Jul-2004	Celikovic, Slavo	Member of SDS Municipal Board in Vlasenica	Removal and ban from official, elective or appointive public office and from

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				running in elections, and from office in political parties
189.	1-Jul-2004	Cizmovic, Jovan	Legal Advisor to the President of RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
190.	1-Jul-2004	Damjanovic, Radenko	Financial Director of RS Health Fund	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
191.	1-Jul-2004	Dobrilovic, Dragan	Mayor of Han Pijesak and President of the Municipal Board of SDS in Han Pijesak	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
192.	1-Jul-2004	Glogovac, Milos	President of SDS Municipal Board Srpsko Sarajevo	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
193.	1-Jul-2004	Gojkovic, Novak	Mayor of Modrica and President of the Municipal Board of SDS Modrica	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
194.	1-Jul-2004	Jokic, Svetislav	Chief of Organized Crime Unit, Ministry of Internal Affairs of RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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195.	1-Jul-2004	Kosmajac, Jovo	Director of RS Pension Fund and Member of Municipal Board of SDS in Pale	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
196.	1-Jul-2004	Kujundzic, Slavko	Pale Mayor and Member SDS Pale Municipal Board	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
197.	1-Jul-2004	Misanovic, Ratko	Position within RS Roads Directorate	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
198.	1-Jul-2004	Perkovic, Predrag	Member of SDS Municipal Board Bijeljina	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
199.	1-Jul-2004	Sakota, Pero	Head of RS Crime Police within the Ministry of Internal Affairs of RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
200.	1-Jul-2004	Tadic, Stevan	Member of Novi Grad/Bosanski Novi SDS Municipal Board	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
201.	1-Jul-2004	Tadic, Zeljko	Member of Municipal Board of SDS in Banja Luka and Member of	Removal and ban from official, elective or appointive public office and from

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			RS Telekom Steering Board	running in elections, and from office in political parties
202.	1-Jul-2004	Tomovic, Milos	Member of Municipal Board of SDS in Foca	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
203.	1-Jul-2004	Tosovic, Slavko	Mayor of Srpsko Novo Sarajevo and President of Municipal Board of SDS in Srpsko Novo Sarajevo	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
204.	1-Jul-2004	Vasic, Nemanja	Director of RS Roads Directorate	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
205.	1-Jul-2004	Vojinovic, Mirko	Chief of Personnel Unit of Ministry of Internal Affairs of RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
206.	1-Jul-2004	Vuckovic, Dragan	President of the Municipal Board of SDS in Bijeljina	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
207.	1-Jul-2004	Zuza, Zoran	Chief of Cabinet of the Speaker of the RS NA	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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208.	2-Jul-2004	Krunić, Savo		Blocked Bank Accounts
209.	22-Sep-2004	Atic, Esad	Head of Department for Education, Brcko	Suspension (indefinite)
210.	16-Dec-2004	Beara, Ljubiša		Blocked Bank Accounts
211.	16-Dec-2004	Bralo, Miroslav		Blocked Bank Accounts
212.	16-Dec-2004	Đorđević, Vlastimir		Blocked Bank Accounts
213.	16-Dec-2004	Hadžić, Goran		Blocked Bank Accounts
214.	16-Dec-2004	Lazarević, Vladimir		Blocked Bank Accounts
215.	16-Dec-2004	Lukić, Sreten		Blocked Bank Accounts
216.	17-Dec-2004	Bilbija, Milorad	Deputy Head Operative Administration of the Intelligence and Security Agency in Banja Luka	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
217.	17-Dec-2004	Jovicic, Predrag	a position within the Pale Public Security Centre	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
218.	17-Dec-2004	Malis, Milomir	Chief of Foca Public Security Station	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
219.	17-Dec-2004	Maric, Milorad	Chief of Zvornik Public Security Station	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
220.	17-Dec-2004	Ostojic, Zoran	Deputy Chief of Foca Public Security Station	Removal and ban from official, elective

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				or appointive public office and from running in elections, and from office in political parties
221.	17-Dec-2004	Pavlovic, Petko	Commander of the Zvornik Field Office of the State Border Service	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
222.	17-Dec-2004	Popovic, Cedomir	Head of the Department of Veterans-Invalid Care, in Bileca, of the Ministry of Labour and Veterans of the RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
223.	17-Dec-2004	Radovic, Nade	Delegate in the BiH House of Peoples, Member of the main board of the SDS, President of the Foca Board of the SDS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
224.	17-Dec-2004	Skocajic, Mrksa	Chief of Public Security Centre in Trebinje	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
225.	29-Mar-2005	Covic, Dragan	Member of the Presidency of BiH	Removal and ban from "holding ministerial office and other office in an executive branch of government, until such time as the [HR] may expressly authorize him so to do or until such time as the judicial process terminates, whichever event occurs first."

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226.	8-Jul-2005	Lovrinovic, Nikola	Minister of Education, Central Bosnia Canton	Removal and ban from official, elective or appointive public office and from running in elections
227.	28-Oct-2005	Pecelj, Milovan R.	Minister of Education and Culture, RS	Removal and ban from official, elective or appointive public office and from running in elections
228.	23-Mar-2007	Dedeic, Ismet	advisor to Brčko mayor on economic issues	Removal and ban from public office in Brčko
229.	23-Mar-2007	Jovanovic, Desanka	President of the Appellate Commission of the Brčko District Government	Removal and 5-year ban from holding any position in a Brčko public institution
230.	23-Mar-2007	Korjenic, Ljerka	officer of Brčko Division for Spatial Planning, Urban Development and Environmental Protection	Removal and 3-year ban from holding any position in a Brčko public institution
231.	23-Mar-2007	Lugonjic, Olivera	head of Brčko Division for Spatial Planning, Urban Development and Environmental Protection	Removal and 5-year ban from holding any position in a Brčko public institution
232.	23-Mar-2007	Mitrovic, Sladjana	officer of Brčko Division for Spatial Planning, Urban Development and Environmental Protection	Removal and 3-year ban from holding any position in a Brčko public institution
233.	8-May-2007	Sakovic, Semso	Councilor, Brcko District Assembly	Fine by Brcko Supervisor
234.	10-Jul-2007	93 individuals (names not made public)		Seizure of Travel Documents
235.	10-Jul-2007	Andan, Dragomir	Deputy Head of Administration for Police Education of Ministry of Interior of RS	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

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236.	4-Dec-2007	Members of Brcko Government and Councilors of the Brcko Assembly		Suspension of Payments of Salaries by Brcko Supervisor
237.	9-Jan-2008	Jovičević, Branislav	Persons Who Obstruct or Threaten to Obstruct the Peace Implementation Process	Seizure of Travel Documents
238.	9-Jan-2008	Karadžić, Aleksandar	Persons Who Obstruct or Threaten to Obstruct the Peace Implementation Process	Seizure of Travel Documents
239.	9-Jan-2008	Karadžić-Jovičević, Sonja	Persons Who Obstruct or Threaten to Obstruct the Peace Implementation Process	Seizure of Travel Documents
240.	9-Jan-2008	Karadžić-Zelen, Ljiljan	Persons Who Obstruct or Threaten to Obstruct the Peace Implementation Process	Seizure of Travel Documents
241.	15-Feb-2008	Katanic, Slobodan	Head of Professional Standards Unit, Brcko District Police	Removal and ban from holding any position in Brčko police or holding any position in any other Brčko District public institution
242.	15-Feb-2008	Popovic, Djordje	position in Brcko District Police	Removal and ban from holding any position in Brčko police or holding any position in any other Brčko District public institution
243.	30-May-2008	16 individuals (names not made public)		Seizure of Travel Documents
244.	30-May-2008	Ceranic, Predag	Intelligence and Security Agency of BiH	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
245.	19-Sep-2008	All Councilors of the Brcko Assembly	Councilors, Brcko District Assembly	Fine by Brcko Supervisor

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246.	8-Oct-2008	All Members of the Brcko District Government	Members of Brcko District Government	Fine by Brcko Supervisor
247.	6-Feb-2009	All Councilors of the Brcko Assembly and Mayor of Brcko	Councilors, Brcko District Assembly, and Mayor of Brcko	Fine by Brcko Supervisor
248.	6-Jun-2009	Đonko, Himzo	Police Commissioner for Herzegovina-Neretva Canton	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties
249.	6-Jun-2009	Jovičić, Radislav	position in the State Investigation and Protection Agency of BiH	Removal and ban from official, elective or appointive public office and from running in elections, and from office in political parties

**Attachment 4****List of Imposed Appointments Decreed by the High Representative**

	<b>Date</b>	<b>Decree</b>
1.	5-Aug-1998	Decision on the appointment of members of the Council and of the Enforcement Panel of the Independent Media Commission
2.	15-Apr-2000	Decision on the appointment of the Transfer Agent and the Expert Team for the establishment of public service broadcasting
3.	27-Jul-2000	Decision on the appointment of the Board of Governors of Radio-Television of the RS
4.	5-Apr-2001	Decision appointing a Provisional Administrator for the Hercegovacka Banka
5.	27-Sep-2001	Decision Appointing International Members Of The Election Commission Of Bosnia And Herzegovina
6.	16-Nov-2001	Decision appointing the four national members of the Election Commission of BiH
7.	29-Nov-2001	Decision appointing new members to the Council of the Communications Regulatory Agency (CRA)
8.	23-May-2002	Decision appointing Mr. Jakob Finci to the position of first Head of the Civil Service Agency
9.	6-Aug-2002	Decision on Appointment of Members of the High Judicial and Prosecutorial Councils.
10.	7-Oct-2002	Decision Appointing a Director and Deputy Directors of the Agency of Bosnia and Herzegovina for Information and Protection
11.	7-Oct-2002	Decision Appointing Members of the Independent Selection and Review Board under the Law on Internal Affairs of the Federation of Bosnia and Herzegovina
12.	6-Dec-2002	Decision On Appointment of a New Member of the High Judicial and Prosecutorial Councils of BiH, of the Federation of BiH and of the RS
13.	19-Mar-2003	Decision On Appointment of an International Judge and Prosecutor to the Court of BiH and the Prosecutor's Office of BiH
14.	7-Apr-2003	Decision On Appointment of a New Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
15.	8-May-2003	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
16.	3-Jun-2003	Decision On Appointment of a New Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
17.	14-Jul-2003	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
18.	1-Sep-2003	Decision On Appointment of New Members of the High Judicial and Prosecutorial Councils of the Federation of BiH and of the Republika Srpska
19.	9-Sep-2003	Decision On Appointment of an International Judge to the Court of BiH
20.	9-Sep-2003	Decision On Appointment of an International Judge to the Court of BiH
21.	3-Oct-2003	Decision On Appointment of an International Prosecutor to the Prosecutor's Office of Bosnia and Herzegovina
22.	1-Dec-2003	Decision on Appointment of an International Judge to the Court of BiH

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23.	3-Dec-2003	Decision On Appointment of an International Prosecutor to the Prosecutor's Office of BiH
24.	9-Dec-2003	Decision On Appointment of an International Prosecutor to the Prosecutor's Office of BiH
25.	14-Jan-2004	Decision On the appointment of the first Chairman of the Governing Board of the Indirect Taxation System
26.	15-Jan-2004	On Appointment of an international prosecutor as Deputy Chief Prosecutor and Head of the Special Department of the Prosecutor's Office of BiH
27.	3-Feb-2004	Decision On Appointment of a Member of the High Judicial and Prosecutorial Council of Republika Srpska
28.	31-Mar-2004	Decision on certain issues related to the HJPC of BiH, the HJPC of RS and the HJPC of the Federation of BiH
29.	1-Apr-2004	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
30.	7-May-2004	Decision on Appointment of an International Judge to the Court of Bosnia and Herzegovina
31.	7-May-2004	Decision on Appointment of an International Judge to the Court of Bosnia and Herzegovina
32.	4-Jun-2004	Decision On Appointment of Members of and Advisors to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
33.	8-Jun-2004	Decision appointing a Provisional Administrator for the "Privredna Banka a.d. Srpsko Sarajevo"
34.	18-Jun-2004	Decision Appointing a Supervisor for Intelligence Reform
35.	22-Jun-2004	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
36.	27-Aug-2004	Decision on Appointment of an International Prosecutor to the Prosecutor's Office of Bosnia and Herzegovina
37.	3-Sep-2004	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
38.	10-Nov-2004	Decision On Appointment of an International Judge to the Court of Bosnia and Herzegovina
39.	17-Dec-2004	Decision Extending the mandate of a Supervisor for Intelligence Reform
40.	17-Dec-2004	Decision Extending the mandate of Mr. David Upcher as an Adviser to the Office of the Disciplinary Counsel
41.	14-Jan-2005	Decision Extending the mandate of a first Chairman of Governing Board of the Indirect Taxation System
42.	24-Feb-2005	Decision on Appointment of an International Prosecutor to the Special Department for War Crimes in the Prosecutor's Office of BiH
43.	24-Feb-2005	Decision on Appointment of an International Prosecutor to the Special Department for Organized Crime, Economic Crime and Corruption in the Prosecutor's Office of BiH
44.	24-Feb-2005	Decision on Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of BiH
45.	24-Feb-2005	Decision on Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of BiH
46.	18-Mar-2005	Decision on Appointment of an International Judge to Section I for War

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		Crimes of the Criminal and Appellate Divisions of the Court of BiH
47.	18-Mar-2005	Decision On Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of BiH
48.	18-Mar-2005	Decision on Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of BiH
49.	19-Mar-2005	Decision on Re-Appointment of an International Prosecutor to the Special Department for Organised Crime, Economic Crime and Corruption
50.	31-Mar-2005	Decision Extending the mandate of Mr. David Upcher as an Adviser to the Office of the Disciplinary Counsel
51.	4-Apr-2005	Decision On Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of BiH
52.	5-May-2005	Decision On Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina
53.	5-May-2005	Decision On Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina
54.	5-May-2005	Decision On Appointment of an International Judge to Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina
55.	11-May-2005	Decision on Appointment of an International Prosecutor to the Special Department for War Crimes in the Prosecutor's Office of BiH
56.	11-May-2005	Decision on Appointment of an International Prosecutor to the Special Department for War Crimes in the Prosecutor's Office of BiH
57.	11-May-2005	Decision on Appointment of an International Prosecutor to the Special Department for Organised Crime, Economic Crime and Corruption in the Prosecutor's Office of BiH
58.	11-May-2005	Decision on Appointment of an International Prosecutor to the Special Department for War Crimes in the Prosecutor's Office of BiH
59.	3-Jun-2005	Decision Extending the Mandate of Mr. Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
60.	7-Jun-2005	Decision Further Appointing the Int. Judges previously appointed to the Section I for War Crimes of the Criminal and Appellate Divisions to Section II for Organised Crime, Econ. Crime and Corruption
61.	8-Jun-2005	Decision On Appointment of the Director of the State Investigation and Protection Agency
62.	4-Jul-2005	Decision Extending the mandate of a Supervisor for Intelligence Reform
63.	1-Aug-2005	Decision Appointing Richard S. Gebelein to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina
64.	10-Aug-2005	Decision Appointing Tore Ingvar Lindseth to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH

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65.	9-Sep-2005	Decision On Appointment of the Assistant Director for the Internal Control Department of the State Investigation and Protection Agency
66.	9-Sep-2005	Decision On Appointment of the Assistant Director for the Criminal Investigative Department of the State Investigation and Protection Agency
67.	9-Sep-2005	Decision On Appointment of the Deputy Director of the State Investigation and Protection Agency
68.	9-Sep-2005	Decision On Appointment of the Deputy Director of the State Border Service
69.	9-Sep-2005	Decision On Appointment of the Director of the State Border Service
70.	15-Sep-2005	Decision Appointing Shireen Avis Fisherto Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
71.	21-Sep-2005	Decision Appointing Roland Antonius Theodora Mathieu Dekkers to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Econ.Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
72.	29-Sep-2005	Decision Re-appointing Georg HaPLach to the Special Department for Organised Crime, Economic Crime and Corruption in the Prosecutor's Office of BiH
73.	29-Sep-2005	Decision Appointing Manfred Dauster to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
74.	17-Oct-2005	Decision Appointing Philip King Alcock to Special Department for War Crimes of the Prosecutor's Office of Bosnia and Herzegovina
75.	17-Oct-2005	Decision Appointing Peter Kidd to Special Department for War Crimes of the Prosecutor's Office of Bosnia and Herzegovina
76.	23-Nov-2005	Decision appointing David L. Upcher to the Special Department for Organised Crime, Economic Crime and Corruption in the Prosecutor's Office of BiH
77.	13-Jan-2006	Decision Extending the Mandate of a First Chairman of Governing Board of the Indirect Taxation System
78.	26-Jan-2006	Decision On Appointment of an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
79.	30-Jan-2006	Decision Appointing Peter Korneck as International Prosecutor in the Special Department for War Crimes of the Prosecutor's Office of BiH
80.	9-Feb-2006	Decision Appointing Jude R. Romano as International Prosecutor in the Prosecutor's Office of Bosnia and Herzegovina
81.	30-Mar-2006	Decision Appointing David Schwendiman as International Prosecutor in the Special Department for War Crimes of the Prosecutor's Office of BiH
82.	30-Mar-2006	Decision Appointing Kwai Hong Ip as International Prosecutor in the Special Department for War Crimes of the Prosecutor's Office of BiH
83.	7-Apr-2006	Decision Extending the mandate of a first Chairman of Governing Board of the Indirect Taxation Authority
84.	26-Apr-2006	Decision Appointing Marie Tuma to Section I for War Crimes of the

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		Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
85.	10-May-2006	Decision Further Appointing Malcolm Simmonsto Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
86.	2-Jun-2006	Decision Appointing Heikki Heinrich Wendorf as International Prosecutor in the Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH
87.	7-Jun-2006	Decision Appointing Merja Helena Halme-Korhonen to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
88.	7-Jun-2006	Decision Appointing Mitja Kozamernik to Section I for War Crimes of the Criminal and Appellate Divisions and to Section II for Organised Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
89.	7-Jun-2006	Decision Further Appointing Int.Judge Pietro Spera previously appointed to Section I for War Crimes of the Criminal and Appellate Divisions to Section II for Org.Crime, Econ. Crime and Corruption of the Criminal and Appellate Divisions of the Court of BiH
90.	30-Jun-2006	Decision Further Appointing International Prosecutor Peter Korneck previously Appointed to the Special Department for War Crimes to Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH
91.	30-Jun-2006	Decision re-appointing Drew G. Engel as International Prosecutor in the Special Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH
92.	5-Jul-2006	Decision appointing Mr. Peter Nicholl as an initial Chairman of Governing Board of the Indirect Taxation Authority
93.	1-Aug-2006	Decision Extending the Mandate of Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of BiH
94.	19-Dec-2006	Decision Extending mandate of Mr. Peter Nicholl as an initial Chairman of Governing Board of the Indirect Taxation Authority
95.	31-May-2007	Decision Extending mandate of Mr. Peter Nicholl as an initial Chairman of Governing Board of the Indirect Taxation Authority
96.	15-Jun-2007	Decision on Extending the Mandate of Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
97.	8-Jan-2008	Decision Extending mandate of Mr. Peter Nicholl as an initial Chairman of Governing Board of the Indirect Taxation Authority
98.	25-Jun-2008	Decision Further Extending the Mandate of Sven Marius Urke as an International Member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina