

# **Special Report on a Referendum in Republika Srpska against Bosnia and Herzegovina State Constitutional Court Decisions**

## **Summary**

In my capacity as the final authority for the interpretation of the General Framework Agreement for Peace (GFAP), I wish to inform the UN Security Council of serious violations by the Republika Srpska (RS) of its obligations under the GFAP and, in particular, of the Constitution of Bosnia and Herzegovina (BiH) as set forth in Annex 4 thereof, through the holding of the referendum on 25 September on the territory of the RS in disregard of final and binding decisions of the state Constitutional Court of BiH (Constitutional Court).

Despite the fact that on 17 September the Constitutional Court adopted an interim measure suspending the 15 July 2016 decision by the Republika Srpska National Assembly (RSNA) to hold a referendum until the Constitutional Court adopts its final decision in a dispute concerning the said decision of the RSNA, the RS conducted said referendum on 25 September, thereby violating a final and binding decision of the Court. The referendum asked RS citizens whether they support the 9th of January to be observed and celebrated as the “Day of Republika Srpska”.

In rejecting the applicability of the final and binding decisions of the state Constitutional Court, both in explicit public statements and in conducting the referendum, the RS President has acted outside the framework of the BiH Constitution and the GFAP.

This referendum follows the long-standing policy of the RS of opting out of the judicial system of BiH when it suits the entity leadership’s political ends, and rejecting the sovereignty of the State and its key institutions, in particular by continued attacks against the highest Court in BiH and its decisions.

In 2011, RS authorities first decided to organize a referendum on the BiH judiciary and the High Representative’s decisions, with the aim of affirming this policy through a popular vote. Following high-level diplomatic efforts, the RS authorities decided at that time not to hold the referendum. However, in 2015, despite the fact that the EU-BiH Structured Dialogue for Justice, a forum in which judicial issues were to be resolved, was established, the RS authorities again decided to organize a referendum on the same issue. Even though the referendum was not held, the decision of 15 July 2015 to hold such a referendum has never been withdrawn, nor was it published in the RS Official Gazette. In other words, there are no legal impediments to holding this referendum and in fact RS President Milorad Dodik recently announced that it could be reactivated. I reported on this in further detail to the UNSC in my 48th regular report on 11 September 2015 and in my special report on 4 September 2015.

The pattern of directly rejecting the authority and applicability of decisions of the BiH state judicial institutions has not been confined to the mentioned referenda. For example, the RS authorities have made statements indicating that they will ignore the decision of the Constitutional Court of 13 July 2012, related to the ownership and distribution of publically-owned state property. The Constitutional Court clearly established that under the relevant provisions of the Constitution of BiH, the State of Bosnia and Herzegovina is the title holder of State Property and that pursuant to the Constitution of BiH, Bosnia and Herzegovina has exclusive responsibility to regulate the issue of State Property for which it holds title, while taking into account the needs of the entities. As a consequence there has been little progress on the issue of how State Property assets are to be apportioned among the levels of government.

A more recent example of the RS authorities directly rejecting the applicability of BiH-level judicial decisions for the entity is the Court of BiH (State Court) decision on a prospective defense property location in Han Pijesak, located in the RS, which is being ignored by the RS authorities. In that case, the RS has similarly refused to abide by a 27 July final order issued by the State Court to register property in the name of the BiH State. In a statement given on 6 September 2016, the RS President said that there will be no property registration, adding “*the RS National Assembly will decide on this matter very soon and I, as the RS President, will issue an order not to register this because there are no grounds for this*”.<sup>1</sup> The deadline for the RS Geodetics Institute to implement the Court decision expired as this report was being finalized.

## **RS Policy of Opting Out of the State Judicial System**

By organizing the entity referendum in direct contravention of the state Constitutional Court's decision, the RS has affirmed its continued policy of questioning and disregarding the authority of the decisions of a key institution set up by the GFAP, the Constitutional Court, which is vested with the exclusive jurisdiction to resolve disputes between the levels of government that arise under the Constitution by its final and binding decisions.

The fact that, following the referendum, RS President Milorad Dodik (SNSD) ignored a summons by the BiH Prosecutor for questioning in relation to his role in violating the Constitutional Court's interim measure, and has thus far refused to appear, constitutes further evidence of that policy.

I am particularly concerned about the fact that, by rejecting final and binding decisions of the state Constitutional Court, and in particular the Court's decision ordering interim measures, the RS authorities have set a precedent by which they are to use referenda as a tool to justify violating their obligations under the GFAP, irrespective of any eventual decision(s) of the Constitutional Court. In that respect, the referendum organized by the RS goes beyond the usual political rhetoric and pre-election campaign efforts by a political party, and beyond the issue of holidays, challenging the fundamentals of the GFAP as well as the sustainability of the structures established pursuant to the GFAP.

In addition to the above mentioned attempt to organize a referendum on the BiH judiciary and the HR powers, which falls outside the competencies of the RS, RS President Dodik has already mentioned the possibility of organizing a referendum on BiH's membership in NATO. Furthermore, the SNSD, the governing party in the RS, led by the RS President, has also made a referendum on secession in 2018 a part of its party platform.

For the reasons outlined above, I feel that these actions are de-stabilizing and seriously call into question the sustainability of efforts made to implement the civilian aspects of the GFAP.

## **Developments Leading to the Holding of a Referendum on 25 September**

### *Adoption of a Decision by the RS National Assembly to Hold a Referendum*

On 15 July 2016, the RSNA adopted a decision to hold a referendum in the RS on 25 September 2016. The Decision on Referendum provides that the referendum question posed to RS citizens shall read as follows:

*"Do you support that 9 January be observed and celebrated as the Day of Republika Srpska?"*

### *Decision of the BiH Constitutional Court on the RS Law on Holidays*

The RSNA referendum decision was a response to the 26 November 2015 Constitutional Court decision on the same issue, in which the Constitutional Court granted the request of BiH Presidency member Bakir Izetbegovic for review of the constitutionality of Article 3(b) of the *RS Law on Holidays*. In its decision, the Constitutional Court determined *among others* that the designation of 9 January as the Day of the Republic and the practice of celebrating the Day of the Republic on that date, violated a number of provisions of the Constitution of BiH, in particular those related to non-discrimination.<sup>2</sup> The Constitutional Court ordered the RSNA to harmonize the challenged provision of the Law with the BiH Constitution within six months following the delivery of the Constitutional Court's decision to the RSNA and to inform the Constitutional Court on the measures taken to execute this decision.

Prior to that, on 17 April 2015, the RSNA had adopted a Declaration regarding the *RS Law on Holidays*, expressing its intent not to implement the then pending decision of the Constitutional Court if it did not support the publicly-expressed RS view, as well as its intent to review past decisions of the Constitutional Court. The Declaration questioned the presence of international judges on the Constitutional Court, as provided for in Article VI of the BiH Constitution, and the legitimacy of decisions taken by the Constitutional Court with those judges present. Also, the Declaration requested the BiH Parliamentary Assembly to adopt a *Law on the BiH Constitutional Court*, which would prescribe the composition, election, organization, jurisdiction and procedure, as well as other issues of relevance for the operation of the Constitutional Court.

On 23 November 2015, three days prior to the plenary session of the Constitutional Court, the RS President, the RS Prime Minister, and the RSNA Speaker signed a joint statement regarding the *RS Law on Holidays* case stating, *inter alia*, that any decision of the Constitutional Court, which would go in the direction of annulling the RS law on Holidays would represent a political and not a legal decision and would not be enforceable on the territory of the

RS. They stated further that “[n]either the Constitutional Court nor any other court in the world can destroy the people’s will as manifested in the decision of the Republika Srpska National Assembly to celebrate 9 January as Republic Day. On January 9, 1992 Republika Srpska was established, and it is quite natural that this day is celebrated as Republic Day.”<sup>3</sup>

On 29 November 2015, in response to the Constitutional Court’s 26 November decision on the RS Law on Holidays, RS political leaders signed a joint statement expressing their support for the aforementioned RSNA Declaration of 17 April 2015 regarding the RS Law on Holidays. The statement further demanded the BiH Parliamentary Assembly to adopt within 120 days a Law on the BiH Constitutional Court, which would prescribe that the Constitutional Court would no longer have international judges in its membership. The statement also called on the RSNA to adopt a decision on holding a referendum, through which the RS citizens would decide whether to accept the 26 November Decision of the BiH Constitutional Court on the RS Law on Holidays.<sup>4</sup>

On 20 June 2016, six days before the expiry of the deadline set by the Court for the RSNA to implement its decision, the RS submitted to the Constitutional Court a request for review of its 26 November 2015 decision, submitting what they believed were facts that the Court had not known or considered when taking its decision.

#### *Adoption by the RS National Assembly of the Decision to Hold a Referendum and Reactions*

On 15 July 2016, the RSNA adopted a decision to hold a referendum in the RS on 25 September 2016. In the attached Reasoning to the RSNA referendum decision, the proponents referred to the selection of the date ‘9 January 1992’ as an undisputable historic and political fact, and further referenced both the 17 April 2015 RSNA Declaration and the 29 November 2015 statement by RS political leaders. I addressed both the 17 April 2015 Declaration and 29 November 2015 statement as challenges to the GFAP in my 47th and 49th reports to the UNSC.

I also made clear in my public statements that asking citizens in the RS to declare themselves on an issue which has already been decided by the BiH Constitutional Court is a challenge to the Dayton Peace Agreement and I called upon the RS authorities to respect the fundamentals of the Peace Agreement, and to seek a resolution of this issue in accordance with the law.

On 19 August, the Brcko District Supervisor informed the Brcko District Mayor that pursuant to a 2007 Supervisory Order that requires referenda on the Brcko District territory to be subject to the prior written consent of the Supervisor, he would not give his consent to holding the referendum within the Brcko District.

On 30 August 2016, the Steering Board Ambassadors of the Peace Implementation Council (PIC SB), with the exception of the Russian Federation, issued a statement urging the RS authorities not to hold the referendum. It stated:

*“The BiH Constitution states unambiguously that decisions of the BiH Constitutional Court are final and binding, and that the entities are bound to comply with the decisions of BiH institutions. In this context, the proposed referendum in the Republika Srpska (RS), by asking voters to declare themselves on a matter already decided by the BiH Constitutional Court, is destabilizing, and is creating political tensions, which are an unhelpful distraction from the very serious economic and social challenges facing BiH. We urge the RS authorities not to hold the referendum.”*

The same day, BiH Constitutional Court President Mirsad Ceman said in a broadcast interview that the RS referendum was a politically motivated attempt to obstruct its authority through non-legal means, explaining, “[t]he use of these non-legal means, which were created through legal decisions such as the declaration and implementation of a referendum, is clear and direct political pressure on the Constitutional Court.”<sup>5</sup>

Following a meeting in Belgrade with Dodik and other RS officials, Serbian President Tomislav Nikolic and Serbian Prime Minister Aleksandar Vucic issued a joint press release, in which they said that they did not extend their support for the RS referendum, but “did not want in any way to facilitate a change of attitude of the legally elected officials of the RS.”<sup>6</sup>

On 1 September, the BiH Central Election Commission (CEC) rejected the request from the RS Referendum Commission for the lists of RS voters from the Central Voters Register as unfounded and inadmissible. Consequently, the referendum was not held on the basis of an official voters register provided by the Central Election Commission.

On 2 September, RS President Dodik said, *“There is the possibility that the referendum could be banned, or there may be a temporary injunction, but we will hold the referendum.”*<sup>7</sup>

#### *Constitutional Court Case on the Holding of a Referendum and Decision on Interim Measures*

In the period between 24 August and 3 September 2016, numerous officials in the institutions of Bosnia and Herzegovina and the Federation BiH submitted motions to the Constitutional Court seeking a resolution of the dispute with the RS over its decision to organize a referendum on a matter previously adjudicated by the Court (in November 2015).<sup>8</sup> The applicants argued that the RSNA referendum decision challenging a Constitutional Court decision violated the BiH Constitution, and requested the Constitutional Court to put the RSNA referendum decision out of force, and to order the RSNA to annul all decisions and activities stemming from referendum decision. They also asked the Constitutional Court to issue an interim measure to suspend the implementation of the RSNA referendum decision until the final ruling of the Constitutional Court on the constitutionality of the RSNA referendum decision.

At its 17 September plenary session, the Constitutional Court rejected the 20 June RSNA request for review of the November 2015 Constitutional Court decision. In rejecting the RSNA’s request, the Constitutional Court said that no new facts had been presented that would warrant a review.

On the same date the Court issued an interim measure suspending the RSNA referendum decision, pending the Constitutional Court’s final decision on the constitutionality of the referendum decision pursuant to the motions filed by BiH Presidency Chair Izetbegovic and members of the BiH and Federation parliaments. The Constitutional Court noted that there was sufficient reason to suggest that conducting a referendum prior to the Constitutional Court’s decision on these applications would cause serious and irreparable damage for the execution of its previous decision, for the smooth and efficient operation of the Constitutional Court in the particular case, and for the constitutional order in general. The Constitutional Court emphasized that the protection of the constitutional order and stability in Bosnia and Herzegovina are in the interest of all parties in this case.

#### *Public Statements and Reactions in the Week Preceding the Referendum*

Public statements made in response to the 17 September decisions of Constitutional Court, contributed to tensions in the country. The RS President said that he would not postpone the referendum, and added that the Constitutional Court did not have the authority to suspend a decision of the RSNA.<sup>9</sup>

Speaking at an SNSD campaign rally on the day of the Constitutional Court’s session, the RS President said that *“[n]ot even five ambassadors could convince me (to cancel the referendum). I did not expect any different behavior from the political body that calls itself the BiH Constitutional Court. Having seen the repeatedly incorrect political decisions to the detriment of Serbs, nothing is surprising. I call on all citizens of the RS to vote in the referendum on 25 September. **They cannot suspend our decision. Our decision can only be suspended by the RSNA, but the RSNA will not deliberate on the issue, and we will definitely hold the referendum.**”*<sup>10</sup>

Just prior to the BiH Constitutional Court’s 17 September decisions, SNSD Vice President Nebojsa Radmanovic suggested in an interview that the “RS Day” referendum could be a prelude to an eventual referendum on RS secession from BiH. Referring to the April 2015 SNSD Congress, in which the party affirmed its stance on an independence referendum in 2018, Radmanovic said *“[t]he independence referendum does not have to be in 2018, as SNSD said in its congress, but it can be then. Many things can be changed, but it should not be hidden that the people think they should not be living in this kind of BiH.”*<sup>11</sup>

RS opposition leaders, however, partly expressed concern over the heightened tensions surrounding the referendum. SDS President Mladen Bosic said that the Court’s decision could create *“a dangerous situation,”* and accused Dodik and Izetbegovic both of using the referendum for political goals. Serb member of the BiH Presidency Mladen Ivanic (PDP) noted: *“We are currently in a complex political moment, and we will have a very serious political situation in the coming days. It is my obligation to ensure that the security aspect of this situation remains under control.”*<sup>12</sup>

Tensions further increased due to the 19 September comments by wartime Army of the Republic of BiH Commander (currently the president of BPS and a delegate in the BiH House of Representatives) Sefer Halilovic, who warned in a TV interview that in case of a return to war the RS would be defeated quickly. Halilovic said,

*"...citizens need to know that on the territory of Bosnia and Herzegovina there is no longer the Yugoslav People's Army, with its five, or almost six thousand pieces of heavy artillery. There aren't 200,000 Chetniks armed to their teeth. That Serbia cannot help anymore. There is no Yugoslavia. There is no Tadjman-Milosevic deal on partitioning of BiH anymore. Montenegro has seceded, and the Republika Srpska, in its parameters, could be maintained for only 10 to 15 days in a conflict. My plea is that it's better to talk for a hundred years than to go to war for one day. If they put us in a situation that they secede from Bosnia and Herzegovina, they should know that it would not pass peacefully."*<sup>13</sup>

In response, Dodik said that any new conflict would accelerate the RS path to independence, stating, *"(i)f any move of that sort takes place, we are out of BiH at that very moment."*<sup>14</sup>

Serbian Foreign Minister Ivica Dacic also reacted to Halilovic's provocative comments warning, *"Serbia is strong enough to defend itself, and will not allow the destruction of the RS if attacked."*<sup>15</sup>

On 20 September 2016, the PIC SB Ambassadors, with the exception of the Russian Federation, issued a second statement where they emphasized that decisions taken by the Constitutional Court must be respected and noted *"that on 17 September, the BiH Constitutional Court decided to suspend the decision on the referendum adopted by the RSNA until the Court decides on its constitutionality. There is therefore no legal basis for the Republika Srpska to hold an entity-wide referendum on September 25. We once again urge the RS authorities not to hold the referendum."*

On the eve of the RS referendum, Dodik told media in Banja Luka that the RS would also hold a referendum on BiH accession to NATO, telling journalists, *"If the people in the RS, which was bombed by NATO, decide that they want (to join NATO), I have nothing against it. But the people will be asked."*<sup>16</sup>

#### *Holding of the Referendum*

On 25 September, the RS authorities conducted a referendum on the territory of the RS in line with the 15 July RSNA referendum decision in direct contravention of the 17 September interim measure issued by the state Constitutional Court.

On 11 October, the RSNA considered the report of the RS Referendum Commission on the "RS Day" referendum held on 25 September. Despite the clear requirement provided under the RS Constitution that acts taken in the RSNA need to be also considered by the RS Council of Peoples for an eventual Vital National Interest (VNI) procedure before they can be considered adopted and in force, the RSNA decision determining the referendum results on the basis of the considered RS Referendum Commission report, together with additional decisions of the RSNA concerning the RS Commission for Referendum, were published in the Official Gazette of the RS on 12 October. This was done without giving the RS Council of Peoples the time prescribed under the RS Constitution to raise VNI.

In accordance with the *RS Law on Referendum and Citizens' Initiative*, the RSNA is obliged to pass the relevant acts implementing the referendum results within the deadline of six months following the day of holding the referendum.

#### **RS Refusal to Register Property in the Name of the BiH State as Ordered by the BiH Court**

Fundamentally, I view the holding of the referendum on 25 September against a direct order of the BiH Constitutional Court to be a failure to respect the rule of law and the validity of the decisions of BiH-level judicial institutions. In this regard, I also wish to highlight the previously mentioned refusal by the RS authorities to implement a decision by the BiH Court in regard to the registration of a piece of defence property, as it suggests a larger, more insidious pattern. As with the referendum on the "RS Day" holiday it is not so much the specific issue addressed by the court that concerns me, but the open defiance of the applicability of the decisions of courts with which the RS authorities disagree.

By way of background, on 27 July 2016, the Appellate Division of the State Court rendered its second-instance judgment in the property dispute between the BiH State and the RS regarding the prospective defense location "Veliki Zep" in Han Pijesak, in the RS. In the judgment, the State Court upheld the first-instance judgment from 3 July 2015 in the part establishing the right of ownership of the BiH State over said property and directed the RS Administration for Geodetic and Property-Related Legal Affairs to register the ownership of the property to the BiH

State. The judgment stipulated that the RS shall meet all obligations stemming from the judgment within 30 days of the day of receiving the second instance verdict.

One of the first public reactions came from the RS Public Attorney's Office, which officially announced that they would request a revision of the decision of the State Court, and file an appeal with the Constitutional Court, demanding that the implementation of the decision be put on hold until the State Court reached a decision on the requested revision. It should be explained that, as such, the second-instance judgment of the State Court is final and subject to enforcement. Although there are certain extraordinary legal remedies, the use of these legal remedies, *per se*, does not stay the enforcement of the final judgment.

On 27 August, The RS President publicly rejected the Court's decision, saying *"The Court that was formed outside the provisions of a constitution violates the [BiH] Constitution, since it is a fact that property in BiH was divided by the Dayton Peace Agreement, which clearly stipulates that what is explicitly given to BiH actually belongs to BiH and that everything else has to be agreed by the parties. Such a deal has never existed, while the [State] Court continues to pass rulings. This is violence...I think we are approaching a moment when the RS will pass its own law and say that it will no longer implement decisions of the BiH [State] Court, as it did not turn out to be a place of justice, but a place of injustice."*<sup>17</sup>

### **Additional Considerations**

I would kindly refer you to my 4 September 2015 Special Report, in which I carefully catalogued the longstanding policy of the ruling RS authorities, and in particular the current RS President, to undermine the authorities of the BiH state and to openly advocate for RS secession and state dissolution. I have documented this trend of challenges to the fundamentals of the GFAP, including the territorial integrity and sovereignty of BiH extensively, in my regular biannual reports to the UN Secretary General.

In this context, I would remind you that the RSNA took similar steps to organize a referendum on the state-level judiciary in April 2011, when it adopted a decision on a referendum as well as a series of conclusions challenging the High Representative and his authorities, as well as all decisions and laws enacted by the High Representative pursuant to his mandate, and the authority of key state-level institutions. While the 2011 referendum initiative was subsequently repealed by the RSNA following the intervention of the then European Union High Representative for Foreign Affairs and Security Policy, the 2011 RSNA conclusions have remained in force.

On the issue of secession, it is worth mentioning the April 2015 Declaration issued by SNSD, the ruling political party in the RS. In this party document, SNSD clarified its political agenda as working to focus on the status of the RS as an *"independent State within its current borders"* and condemned the alleged usurpation of its competencies by *"the legal violence of the Office of the High Representative."* In this same document, SNSD stated the party's intention to organize a separate referendum on the independence of the RS in 2018 if the party's conditions related to the distribution of competencies between the entities and the BiH state are not met by 2017.

### **Conclusion**

The referendum held by the RS entity authorities on 25 September, against a direct order of the BiH state Constitutional Court, has had serious and negative political repercussions, and led to a marked increase in tense rhetoric on all sides, including in some cases references to the potential for renewed conflict. Politically speaking, the January 9th holiday refers to the pre-Dayton founding of the Republika Srpska at the start of the war in 1992, and the referendum is viewed by observers on both sides as a possible prelude to further referenda on status questions for the Republika Srpska. Beyond these political tensions, I remain concerned by the precedent set by the RS authorities, in particular the RS President, for openly defying the authority of court's to review the constitutionality of legal acts adopted by the entities.

I have repeatedly emphasized the importance of the Constitutional Court as an institution responsible for resolving disputes between levels of government. In light of the international community's policy to rely on domestic institutions, I believe that the Constitutional Court's jurisdiction is of the utmost importance. Following the eventual departure of the High Representative, the Court will be the only domestic body which has broad powers to decide on disputes arising under the Constitution between the entities, between BiH and an entity or between institutions of BiH. Developments in BiH over the last five years have shown that these disputes are likely to be more and not less frequent.

The BiH Constitutional Court has played and continues to play a very positive role in strengthening the BiH institutions and ensuring respect for the Rule of Law over the last fifteen years. In a complex institutional landscape, where challenges to institutions, particularly at the State-level, including institutions established to implement the Peace Agreement and to enable BiH to progress towards EU and NATO membership, its role will continue to increase in importance.

The rule of law is a crucial tenet of the GFAP. If the current course of action initiated by the RS authorities remains unchecked, there will be increased risk that BiH will slide further toward disintegration and legal anarchy, which could have significant international peace and security implications.

For those reasons, I am duty-bound to conclude that the RS has effectively opted-out of the judicial system of the BiH State, and thus has fundamentally rejected the sovereignty of BiH. These actions seriously call into question the durability of the implementation of the civilian aspects of the GFAP and represent a direct threat to international peace and security.

## Notes

<sup>1</sup> “Ripping off part of Dayton Territory,” EuroBlic, 6 September 2016

<sup>2</sup> The Court determined that Article 3(b) of the challenged Law is not in accordance with Article I/2 of the BiH Constitution, Article II/4 of the BiH Constitution in conjunction with Article 1.1, Article 2.a) and c) of the International Convention on the Elimination of All Forms of Racial Discrimination, and Article 1 of Protocol No. 12 to the European Convention on Human Rights (ECHR).

<sup>3</sup> “RS leadership: We will celebrate our day regardless of the Constitutional Court ruling,” N1 online, 23 November 2015. <http://rs.n1info.com/a111798/Svet/Region/RS-ce-slaviti-Dan-Republike-bez-obzira-na-odluku-Ustav-nog-suda-BiH.html>

<sup>4</sup> “Joint statement dismisses ruling of BiH Constitutional Court,” Srna, 30 November 2015

<sup>5</sup> M.B., “Ćeman: BiH Constitutional Court under direct political pressure,” Fena, 30 August 2016.

<sup>6</sup> “Nikolić and Vučić neither support nor reject the referendum decision,” Srna, 01 September 2016.

<sup>7</sup> “Dodik: It is possible referendum will be banned,” N1 online, 02 September 2016, <http://rs.n1info.com/a190037/Svet/Region/Dodik-o-eventualnoj-zabrani-referenduma.html>

<sup>8</sup> BiH Presidency Chair Izetbegovic, BiH House of Peoples Speaker, Safet Softic, BiH House of Representatives First Deputy Speaker, Sefik Dzaferovic, four delegates in the BiH House of Peoples, twenty-five members of the BiH House of Representatives, thirty-five members of the Federation House of Representatives as well as 16 delegates to the Federation House of Peoples all filed motions with the court.

<sup>9</sup> “There will be no postponing of referendum,” Srna, 17 September 2016.

<sup>10</sup> Milorad Dodik, telephone interview for N1’s central news programme “Dnevnik u 19,” 17 September 2016, <https://youtu.be/aMcLc4BHcY4?t=6m3s>

<sup>11</sup> Žarko Marković, “Former BiH Presidency member on referendum: If we fail to preserve January 9, they will strike at Srpska’s name,” interview with Nebojša Radmanović in Nedeljnik, 15 September 2016, <http://novinedeljnik.edeja.com/nedeljnik/portalnews/bivsi-clan-predsednistva-bih-o-referendumu-ako-ne-sacuvamo-deveti-januar-udarice-i-na-ime-srpske/>

<sup>12</sup> Mladen Ivanić, pre-recorded statement aired in BNTV’s central news programme “Dnevnik 2”, 18 September 2016, <https://youtu.be/KayY9krQ1ME?t=2m43s>

<sup>13</sup> Sefer Halilović, interview by Nikolina Veljović, “Dnevnik u 19,” TV1, 19 September 2016, <https://youtu.be/qL7j2DCftW4?t=4m14s>

<sup>14</sup> Milorad Dodik, interview by Ljubinka Milinčić, Sputnik Serbia, 21 September 2016, [https://youtu.be/8FtpY0\\_v\\_u8](https://youtu.be/8FtpY0_v_u8)

<sup>15</sup> "Srbija will not allow a military attack and destruction of the RS," Srna, 20 September 2016.

<sup>16</sup> Milorad Dodik, interview by Mirjana Hrga, RTL Croatia, 24 September 2016, transcript available at: <http://pressrs.ba/vijesti/video-dodik-u-intervjuu-sa-urednicom-rtl-ovaj-entitet-ima-volju-da-prezivi-i-ce-ostati-24-09-1>

<sup>17</sup> "Court of BiH Taking Away Military Property in Srpska," Glas Srpske, August 26, 2016, p. 2.