

OHR comment on 7th November decision of the RS NA regarding Referendum on the Court and Prosecutor's office of BiH

The OHR took note of the today's Decision of the Republika Srpska National Assembly putting out of force its 2015 decision to hold a referendum on the Court and Prosecutor's Office of Bosnia and Herzegovina and on the authorities and decisions of the High Representative.

As mentioned in the High Representative's report to the UN Security Council, the 2015 Decision was problematic as it sought to address issues which are outside the RS authority. It constituted an open challenge to the sovereignty of Bosnia and Herzegovina and a violation of the RS's commitments and obligations arising under Annex 4 and 10 to the GFAP.

The OHR is also concerned with some additional conclusions passed at today's special RSNA session, in particular those calling for a reintroduction of the referendum decision "as soon as sufficient consensus of all relevant political subjects in RS is achieved" and giving support for the initiative for a citizens' petition on the same issue. In this respect, the HR would like to emphasize that the RS authorities only have the right to organize referenda on matters falling within their constitutional responsibilities. This is clearly not the case with regard to the laws establishing judicial institutions at the State level or decisions taken by the High Representative.

Furthermore, the High Representative would like to reiterate

that, under the GFAP, BiH entities legally exist solely by virtue of the BiH Constitution and have no right to interfere with the exclusive responsibilities of the institutions of BiH.

The High Representative calls upon all authorities in BiH to jointly and constructively engage in ensuring that the judicial institutions at all levels are strengthened and can operate independently.