

OHR comments related to the observation of January 9 as Republika Srpska Day



The OHR would like to address the deliberately erroneous statements and actions, in particular of some Republika Srpska authorities, in the past few days in relation to the unconstitutional observation of the RS Day on 9 January.

Celebrating the RS Day on 9 January shows clear disregard for the rule of law and open contempt for decisions of the court. The BiH Constitutional Court addressed the compatibility of 9 January as the RS Day with the BiH Constitution and found it unconstitutional.

Reiterating that he does not oppose the RS Day as long as it is organized and celebrated in accordance with the existing legal framework, High Representative Valentin Inzko noted that “respect for the rule of law is a prerequisite for any modern democracy. Rule of Law is not an a la carte option. Decisions of the BiH Constitutional Court are final and binding and must be respected on the entire territory of BiH.” He further stressed that “commemorating the RS Day in a manner that insults or intimidates other citizens, including returnee communities, is beyond comprehension and must be sanctioned by the competent judicial authorities.”

The past few days have also seen frequent false representations of the status of the State of Bosnia and Herzegovina and the Entities' relation to the State. The Constitution clearly defines Bosnia and Herzegovina as a State "consisting" of two Entities, the Federation of BiH and the Republika Srpska. It is not composed of two entities as repeatedly and wrongly claimed. "Bosnia and Herzegovina is an internationally recognized State whose sovereignty and territorial integrity is guaranteed by the GFAP, the BiH Constitution and international law – everything that entities are not. Accordingly, Republika Srpska is not a state, as claimed by member of Presidency Dodik. Under the Peace Agreement, the entities have no right to secede and exist only by virtue of the Constitution of BiH. Entities are not states, regardless of how often one claims otherwise," said High Representative Inzko. False claims about the statehood of Republika Srpska will therefore be reported to the UN Security Council.

Finally, regardless of attempts to twist facts about the state judiciary, it is firmly grounded in the Dayton Peace Agreement and the Constitution. "The Constitutional Court is a key Dayton institution with exclusive jurisdiction to resolve disputes between different layers of authority. The presence of international judges in the Constitutional Court of BiH has been supported in Dayton by everybody and remains critical when the fundamentals of the Constitution are challenged. Disrespect for the rule of law in relation to the unconstitutional celebration of the RS Day on 9 January speaks volumes in favor of continuing the current arrangements", High Representative Inzko said.

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