

# **59th report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations**

## *Summary*

This report covers the period from 16 October 2020 through 15 April 2021. After more than one year since the global outbreak of the COVID-19 pandemic, Bosnia and Herzegovina (BiH) is in the midst of the latest wave of infection, with daily new cases and deaths from the virus at an all-time high, especially in the region of the capital Sarajevo. Restrictive measures, including curfews, have been reintroduced in most areas. Vaccines have only been trickling in, largely through donations, and a coordinated immunization effort is still in the very early stages. As of 15 April, there have been a reported total of ca. 182,000 confirmed cases of COVID-19 infection and ca. 7,250 deaths from virus in BiH since the first outbreak last year.

Though it must be noted that BiH is hardly alone in the world in terms of experiencing difficulties in procuring vaccines and rolling out a vaccination program, the pandemic nonetheless continues to reveal serious dysfunctionality in the country, whereby political leaders and authorities in BiH too frequently sacrifice a unified and coordinated approach to combating the pandemic and easing its impact on the population and the economy in favor of scoring political points against one another. This has led to a situation in which, in the

absence of measures pursued by the relevant State-level authorities, the entities have taken unilateral and uncoordinated measures, resulting in different solutions being undertaken in different parts of the territory of BiH. Frustration amongst citizens has led to protests calling for urgent effort by the authorities in the procurement of vaccines and other measures to stem the pandemic, or otherwise to resign.

Recent challenges by the Republika Srpska (RS) authorities – led de facto by BiH Presidency member and leader of the main Serb party, the Independent Union of Social Democrats (SNSD), Milorad Dodik – to the fundamentals of the General Framework Agreement for Peace (GFAP), including my office, the decisions of my predecessors, and the appointment of my successor, as well as to the sovereignty and territorial integrity of BiH, as part of their longstanding policy aiming roll back reforms and reclaim competences from the State, as I have enumerated in my reports, including my special report in 2016, are a cause for concern. In March, the RS National Assembly (RSNA) adopted several conclusions in this regard, which also call for an end to the military component of the international mission in BiH under Annex 1A of the GFAP. Most troubling, the RSNA calls on local political actors to engage in discussions on the future of BiH and warns that if the issue is not tabled on the agenda soon, “talks on peaceful dissolution should be launched.”

The mention of “peaceful dissolution” while also calling for the withdrawal of the international military presence in the country can only be interpreted as a threat to the sovereignty and territorial integrity of BiH, and thus to the peace and stability of the country, which is assuredly how a great many of its citizens understood it. I must reiterate that the Peace Implementation Council Steering Board (PIC SB) has consistently reaffirmed its unequivocal commitment to the territorial integrity and fundamental structure of BiH as a

single, sovereign state comprising two entities. There will be no redrawing of the map of BiH.

While the leaders of the RS focused their attacks against the GFAP and the State of BiH, the Federation remained barely functional. A new Federation Government is still not appointed, two and half years since the October 2018 General Elections, which is inconceivable in a democratic state based on the rule of law, under free and fair elections.

The sitting Government from the previous mandate is missing two ministers, and their replacements cannot be appointed because the main Croat party, the Croat Democratic Union of BiH (HDZ BiH), and the main Bosniak Party, the Party of Democratic Action (SDA), remain mired in a stalemate over electoral reforms, and the former has vowed not to support any new appointments in the Federation until an agreement is reached. I deplore the fact that one of these elements has become a precondition to discuss the other. The formation of authorities should be an absolute priority for all political parties in democratic societies. BiH should be no exception. Meanwhile, the Federation Prime Minister (SDA) and Deputy Prime Minister (HDZ BiH) are embroiled in a corruption scandal, on trial for the dubious procurement of 100 ventilators at the start of the pandemic, the suitability of which in critical COVID-19 cases has frequently been disputed and is being investigated by the competent authorities.

At the State level, there is complete stagnation, evidenced by the poor legislative output of the BiH Council of Ministers (CoM) and the BiH Parliamentary Assembly. During the current mandate, apart from budget acts, only one new law has been fully adopted. This is part of a general decline in legislative output over the past several mandates but is nonetheless a new low.

In such an environment, it should come as no surprise that the BiH authorities have made no progress in implementing the 5+2

Agenda, with the exception of the continued positive trend in Brčko District. Not only is there no progress on the other objectives, there are frequent attempts to roll back existing reforms in crucial areas.

Incredibly enough, against this bleak backdrop, there were some positive developments.

In November, citizens voted in the 2020 Local Elections for mayoral candidates and local assemblies in cities and municipalities in the Federation and the RS, and for the Assembly in Brčko District. A month later, citizens of the City of Mostar voted in the first elections for the Mostar City Council since 2008. The work of the BiH Central Election Commission (CEC) in successfully organizing two consecutive elections during a pandemic, and in the face of continued political attacks against the institution, taking appropriate safety measures into account and organizing mobile polling teams for quarantined voters, while also reacting promptly to reports of fraud and malfeasance, is commendable. I continue to oppose any attempt to undermine the professionalism and legitimacy of this crucial BiH institution.

These recent elections have shown that goodwill in the institutions charged with conducting elections is not enough to make up for flaws in the system. 2021 constitutes a window of opportunity for electoral reform, which must result in the implementation of the technical recommendations by the Office of Democratic Institutions and Human Rights (ODIHR) following the 2018 General Elections, as well as earlier recommendations of the Group of States against Corruption (GRECO) and the Council of Europe's (CoE) Venice Commission. The adoption of amendments to the BiH Constitution and the BiH Election Law are also required to implement decisions of the European Court of Human Rights (ECtHR) in the "Sejdić and Finci" group of cases and bring an end to ethnic-based and residence-based discrimination in the electoral process. All these changes are crucial, and must be implemented in a manner that makes the

electoral system more transparent and more open. I have made clear that changes cannot result in further ethnic or territorial divisions in BiH. There is no legal reason that would justify such divisions and I strongly believe that the implementation of the Sejdić and Finci group of cases gives us an historic opportunity to move the BiH institutions away from discrimination and closer to openness.

In October, the members of the frequently-divided tripartite BiH Presidency marked the 25<sup>th</sup> anniversary of the initialing of the GFAP in Dayton, Ohio, with a rare joint statement expressing commitment to respect provisions of the Agreement and the BiH Constitution and to creating a society in BiH tailored to all its peoples and citizens.

In December, after several public calls by me – including in my address to the UN Security Council in November – for the RS authorities to remove the plaque bearing convicted war criminal Radovan Karadžić's name from the student dormitory in the town of Pale, the plaque was finally and formally removed.

December also marked the 15<sup>th</sup> anniversary of the establishment of the Armed Forces of BiH, one of the most meaningful and successful post-Dayton reforms. Members of the BiH Armed Forces serve with distinction in peacekeeping missions around the world.

In March, Brčko District authorities demonstrated their commitment to reforms by adopting a Law on the Prevention of Conflict of Interest, which establishes clear guidelines, reporting requirements, and sanctions to ensure that public office holders carryout their activities in line with the public's interest and not their personal interests. The enactment of this law will accelerate other good governance reforms in Brčko District, ensure the responsible expenditure of public funds, and establish a welcoming environment for private sector investment, all good examples of what is

possible in BiH.

## **I. Introduction**

1. This is my twenty-fifth regular report submitted since my appointment in 2009 as High Representative for BiH. It is a narrative description of progress made towards previously outlined goals, with factual information on developments, relevant citations, and my impartial assessment of the degree of implementation of the GFAP in key areas within my responsibility to uphold the civilian aspects of the Agreement.
2. I continue to focus on fulfilling my mandate in accordance with Annex 10 to the General Framework Agreement and relevant Security Council resolutions. Specifically, I continue to encourage the authorities of BiH to make progress on the five objectives and two conditions necessary for the closure of the Office of the High Representative, which necessarily entails full compliance with the Agreement. The authorities must focus on full compliance or otherwise risk encouraging further rollback of the reforms enacted to implement the Agreement. My office fully supports BiH's aspirations towards European Union integration, as reflected in decisions adopted by the institutions of BiH.

## **II. Political update**

### **A. General political environment**

3. On 15 November, citizens of BiH voted in the 2020 Local Elections for 143 units of local self-government (municipalities, cities and the Brčko District). On 15 December – despite various challenges in the process and allegations of fraud – particularly concerning out-of-country voter registration and mail-in ballots – the BiH CEC confirmed the results of the Local Elections in accordance with the deadline of 30 days following the

election date to do so. While opposition parties to varying degrees scored electoral wins over the main ruling parties in some urban areas, most notably in Sarajevo and Banja Luka, this development posed no immediate threat to the overall dominance of SDA, SNSD, and HDZ BiH, which remain the most powerful political forces in BiH.

4. Of the main parties, SDA endured the greatest loss, losing four mayoral races and municipal councils out of the nine municipalities comprising Sarajevo Canton to parties from the civic-oriented coalition known as “The Four,” comprised of Our Party (NS), People and Justice (NiP), the Social Democratic Party (SDP), and the Independent BiH List (NBL).
5. In the mayoral races in the de facto RS capital Banja Luka and the entity’s second largest city Bijeljina, SNSD-aligned incumbents were unexpectedly ousted by candidates from opposition parties Platform for Democratic Progress (PDP) and the Serb Democratic Party (SDS), respectively. SNSD nonetheless retained its dominance in most RS municipalities, while HDZ BiH was even less affected in Croat-majority cities and municipalities in the Federation.
6. The BiH CEC registered irregularities in three RS units of local self-government: the municipality of Srebrenica, and the cities of Doboj and Zvornik. The CEC ultimately confirmed the results in Zvornik, but in January it annulled the results in Srebrenica and Doboj. Following the BiH Court’s rejection of several appeals against the annulments, the CEC announced repeat elections for most polling stations in Doboj and Srebrenica in February. Objecting to the CEC decision not to include allegedly ca. 1,000 mail-in votes in the repeat elections, Bosniak/pro-Bosnian parties gathered under the “My Address Srebrenica” coalition announced

their boycott. Repeat elections were held under increased scrutiny on 21 February. Although the “My Address Srebrenica” parties did not participate in the repeat elections in Srebrenica, they ultimately accepted the six municipal assembly mandates won in the polling stations in which the results had not been annulled.

7. In unprecedented circumstances, the victorious mayoral candidates in the Federation municipalities of Travnik and Foča-Ustikolina both passed away due to complications from COVID-19. In Travnik, the winning candidate from SDA actually died on election day, prompting HDZ BiH to demand the CEC declare its mayoral candidate, the runner-up, as the winner. The CEC certified the results in both mayoral races and announced early mayoral elections. HDZ BiH appealed the CEC decision to the BiH Court, which rejected the appeal, clearing the way for the BiH CEC to set the early election date for 11 April in both municipalities.
8. I must commend the BiH CEC in this regard for being resolute and dedicated to prevent, investigate and sanction electoral fraud, in particular through ensuring transparency of out-of-country voter registration.
9. On 20 December, for the first time in eight years, citizens of the City of Mostar cast their votes for a new City Council. After the appeals procedure and several recounts, the BiH CEC published the election results on 20 January. Expectedly, HDZ BiH and the SDA-dominated “Coalition for Mostar” won the most seats in the 35-seat council – 13 and 11, respectively – but with a healthy showing by opposition parties and the first councilor elected from a joint Serb list.
10. The Mostar City Council held its inaugural session on 5 February, electing the Council leadership and peoples’ caucuses. Unfortunately, the City Council decided by a



wide majority to conduct the election of the mayor by public ballot – despite the stipulation in the Statute of the City of Mostar that the mayor is to be elected by secret ballot – and proceeded with the first round of voting. Thus, I was forced to intervene, and addressed a letter to the City Council advising them to remedy the situation by adhering to the Statute and electing the mayor by secret ballot, including a repeat of the first round accordingly.

11. Following my intervention, the Mostar City Council proceeded to elect the mayor by secret ballot in accordance with the Statute. In the third round of voting on 15 February, the City Council elected the HDZ BiH candidate, Dr. Mario Kordić.
12. The elections in this cycle revealed significant opportunities for manipulation in the process and illustrate the need to implement the technical recommendations by ODIHR following the 2018 General Elections, as well as earlier recommendations of GRECO and the CoE's Venice Commission. In addition to these crucial reforms, the adoption of amendments to the BiH Constitution and the BiH Election Law are required to implement decisions of the European Court of Human Rights (ECtHR) in the "Sejdić and Finci" group of cases, of which the judgment in the eponymous case remains unimplemented for nearly 12 years.
13. To this end, and in the context of EU integration, the international community in BiH has persistently underlined the importance of establishing an Interagency Working Group (IAWG) to work on amendments to the BiH Election Law. On 17 March, the Joint Collegium of the BiH Parliamentary Assembly adopted a conclusion on the establishment of the IAWG, to include representatives from both houses of the Parliamentary Assembly and the BiH CoM, but excluding the BiH CEC from full

participation (though it would be invited “as needed”), due to opposition from HDZ BiH and SNSD, despite the urging of the international community to include the BiH CEC. On 30 March, the BiH House of Representatives (HoR) failed to support the Joint Collegium’s proposal, instead returning it to the Joint Collegium with additional proposals, including the inclusion of the BiH CEC and opposition political parties. On 15 April, the Joint Collegium agreed to include in the IAWG one member from each of the political party clubs in the BiH HoR, thus ensuring the participation of opposition parties, but again declined to include the BiH CEC. The Joint Collegium returned the proposal to the BiH Parliamentary Assembly for further consideration.

14. Parallel to these crucial reforms, when SDA leader Bakir Izetbegović and HDZ BiH leader Dragan Čović signed the agreement in June of last year that enabled the holding of elections in Mostar, they signed a second agreement on principles for amending the BiH Election Law, committing to implement relevant court decisions aimed at eliminating inequality and discrimination in the electoral process and to secure the legitimate political representation of constituent peoples and citizens at all levels in the BiH Presidency, the BiH House of Peoples (HoP), and the Federation HoP within six months and secure adoption of the relevant amendments by the end of 2021.
15. Owing to the party leaders’ opposing views of the existing constitutional arrangements in BiH, differing interpretations of ECtHR judgements and BiH Constitutional Court decisions, as well as the manner of their implementation, views on how to proceed differ widely. HDZ BiH favors models based on ensuring the equality of three constituent peoples, in which each constituent peoples is equally represented by

“legitimate” representatives. This would require further ethnicization of the system by redefining electoral constituencies in the Federation on the basis of ethno-territorial division or ethnic declaration of voters declared in the 2013 Census, while SDA favors a model whereby representation extends to others and to citizens, in which a balance between collective rights and individual rights must be ensured and the role and responsibilities of the Federation HoP should be diminished to match those of the RS CoP.

16. Moreover, until recently, HDZ BiH maintained the position that the political conditions for amendments to the BiH Constitution do not exist, which limited implementation of the agreement to amending the BiH Election Law, which cannot alone implement the judgments in the “Sejdić and Finci” group of cases, for which constitutional reforms are necessary. In a letter to the international community in October, Izetbegović said that implementing HDZ BiH’s proposals would permanently prevent the implementation of the ECtHR judgments.
17. As a result, unsurprisingly, the six-month deadline for reaching an agreement passed on 17 December with no agreement.
18. HDZ BiH continues to condition the formation of the Federation Government on electoral reform, while SDA has suggested formation of the Federation Government should precede such an agreement. Thus, at the Federation level, the results of the 2018 General Elections remain unimplemented and a new government is not appointed. Likewise, a new government in Herzegovina-Neretva Canton, where the political balance between SDA and HDZ BiH is similar to that at the Federation level, has not been appointed yet. In Canton 10, which had also been without a new government following the 2018 General Elections, the Canton 10 Assembly finally confirmed a

new Government in December, led by Prime Minister Ivan Vukadin of the Croat National Advancement (HNP), a breakaway party from HDZ BiH.

19. On 17 February, the RSNA adopted a conclusion requesting the High Representative to present a report within 90 days to the RSNA on the implementation of the civilian implementation of the peace agreement for the period 1995-2020. In reaction to reports of the imminent appointment of my successor as High Representative, the RSNA also adopted a conclusion calling on representatives of the international community to use their authority to prevent the appointment of a new High Representative. I note that this session was held not long after I addressed a letter to RSNA Speaker Nedeljko Čubrilović (Democratic Alliance-DEMOS) requesting that the RSNA within three months revoke decorations awarded by an RSNA ad hoc committee in 2016 to convicted war criminals Radovan Karadžić, Momčilo Krajišnik, and Biljana Plavšić.
20. On 10 March, in a special session convened at the request of SNSD President Milorad Dodik, who insisted that the RSNA declare its position on the reports of the imminent appointment of my successor as High Representative, the RSNA adopted a set of 10 conclusions that undermine and distort the fundamentals of the GFAP. Among other things, the conclusions assert that a new High Representative cannot be appointed without the approval of the RS and that appointments of High Representatives to date, with the exception of first High Representative Carl Bildt, are contrary to Annex 10 of the GFAP, and that my office should be closed. Further, the RSNA calls for an end to the military component of the international mission in BiH under Annex 1A, which would mean a withdrawal of EUFOR ALTHEA. The RSNA also calls on political actors to discuss the

future of BiH and warns that if this does not happen, “talks on peaceful separation should be launched, in line with the UN Charter.” Further, the conclusions call for the establishment of legal teams to initiate legal proceedings against High Representatives and conduct a review of constitutional competences with the aim of restoring them to the RS. I note that the RS opposition parties did not participate in the vote.

21. Regarding the RSNA’s position that the appointment of the High Representative requires the consent of the Parties to Annex 10 of the GFAP, in Annex 10 the Parties requested the designation of a High Representative, “to be appointed consistent with relevant United Nations Security Council Resolutions.” The first such Security Council Resolution was Resolution 1031, which was adopted one day after the signing of the GFAP. In Resolution 1031, the Security Council welcomed the establishment of the PIC and its Steering Board and agreed to the PIC’s designation of Carl Bildt as High Representative in London six days earlier. A similar procedure has been used for the appointment of other High Representatives. The relevant Security Council resolutions do not require the consent of the Parties to Annex 10. It is also clear that the “request for the designation of a High Representative” provided for in Annex 10 is made for as long as the implementation of civilian aspects of the GFAP requires.
22. While many elements of the RSNA conclusions directly relate to positions set forth in previous documents adopted by the RSNA, in many ways, they go beyond. By calling into question the legality of nearly everything that was undertaken under Annex 10 to the GFAP, they constitute an extension of the RS policy towards BiH as a State. The strategy reflected in these conclusions concerning Annex 10 are no different than the views the

RS institutions have taken towards Annex 4, the BiH Constitution. The RS' views on the BiH Constitution have led to the RS opting out of many aspects of the BiH Constitution that they do not support by rejecting numerous decisions taken by the BiH institutions, particularly the BiH Constitutional Court. Likewise, these conclusions concerning civilian implementation aim to allow the RS to opt out of Annex 10 by claiming that everything undertaken since 1997 – the year the Bonn Powers of the High Representative were endorsed by the PIC (and affirmed by the UN Security Council in 1998) – was illegal.

23. The positions concerning the High Representative's mandate and rejection of decisions under that mandate not only challenge actions undertaken on the basis of the GFAP and UN Security Council Resolutions adopted under Chapter VII of the UN Charter, but have far-reaching consequences. Rejecting past High Representative decisions would roll back many reform achievements of the last 25 years, including laws regulating various institutions, such as the BiH CoM, the Mostar City institutions, the State-level judicial institutions, many Federation and cantonal institutions, the State Border Service; or various other fields, including State symbols, BiH Citizenship, and the unified BiH Ministry of Defense and Armed Forces. This is a threat to the State, its competences and institutions, and their ability to take and enforce decisions.
24. While I urge the Security Council to take these threats seriously, more than anything I urge the political leaders in BiH, particularly in the RS in this case, to stop playing these dangerous games and instead take seriously the responsibilities in which the people have entrusted them, as well as their stated commitments to

upholding the GFAP and to BiH's EU path.

25. 1 April marked the one-year anniversary of the deadline for implementing the October 2019 decision of the ECtHR in the case of "Orlović and Others v. BiH" related to the Serbian Orthodox church illegally constructed in 1998 on the private property of the Orlović family in the village of Konjević Polje, near Bratunac, in the RS. In its judgment, the ECtHR ruled that BiH must take the necessary measures to ensure the enforcement of earlier decisions by official bodies and remove the church from the property. When the judgment was announced, SNSD President Milorad Dodik publicly indicated his support for implementing the decision.[\[i\]](#) However, as the deadline approached several months later, he reversed his position,[\[ii\]](#) and nothing has been done since to implement the judgment. The illegally constructed church remains in the yard of elderly Bosniak returnee Fata Orlović, a few meters from her front porch. Again, I underline that the ECtHR judgment in the "Sejdić and Finci" case is pending implementation for 12 years. Likewise, Fata Orlović has been pursuing justice in her case for 20 years, and does not have another 20 years to wait.
26. In this regard, authorities at all levels continue to disregard or reject final and binding decisions of the judiciary, including, for example, in the Federation with regard to decisions of the Federation Constitutional Court requiring a number of cantons to harmonize their constitutions with the Federation Constitution to ensure, among other things, the equality of Serbs as a constituent people.
27. The RS authorities persistently reject judgments of the BiH Constitutional Court and the BiH State Court concerning the registration of defense property and the decisions of the BiH Constitutional Court regarding the

9 January “Republika Srpska Day” holiday, observing the holiday again this year.

28. The rule of law is a crucial tenet of the GFAP, and the current level of contempt for international and domestic court decisions cannot remain unchecked without an increased risk of BiH sliding further towards a state of legal anarchy. It is difficult to give a positive assessment of BiH when its leaders persistently and openly refuse to respect binding court rulings. Claiming respect for the rule of law is meaningless if it is not followed with action.
29. In April, East Sarajevo (RS) City Mayor Ljubiša Ćosić (SNSD) addressed a letter to the Sarajevo City authorities calling for the removal of the plaques on Sarajevo City Hall and Ferhadija Street, which he said characterize the Serb people as criminals and aggressors. Mayor Ćosić also requested the renaming of several streets in Sarajevo, which he said now bear the names of members of fascist movements. According to him, these plaques and street names insult and instill fear in the Serb people. Recently elected Sarajevo City Mayor Benjamina Karić (SDP) rebuffed this request but invited Ćosić to discuss development and joint projects.
30. The issues raised are worthy of discussion, as an important step towards reconciliation, which is a sorely missing element in the current public discourse. However, an honest and open discussion of these issues cannot be one-sided, and should also address public displays that glorify convicted war criminals, such as the plaque dedicated to Ratko Mladić at the entrance to East Sarajevo, at the Vraca Memorial Park, a protected national monument.
31. Similar issues exist in other parts of the country, and the authorities and citizens should be open in



discussing them, with the aim of finding a resolution for each municipality and city in BiH, in which every citizen, and every visitor, may feel secure, welcome, and respected.

32. In December, the plaque dedicating a student dormitory in Pale in the RS Radovan Karadžić, wartime president of the RS who was convicted by the ICTY to 40 years of imprisonment for genocide, crimes against humanity and war crimes, was finally removed. I have been calling for its removal since it was placed in 2016, the latest occasion being my 5 November address to the UN Security Council, which may have accelerated the removal. Following this welcome development, earlier this year I requested that the RSNA revoke decorations one of its committees awarded to three convicted war criminals in 2016.
33. Near the end of the reporting period, on 13 April, the Independent International Commission of Inquiry on the Suffering of Serbs in Sarajevo released its concluding 1,250-page report (the English translation is 1,420 pages), dated October 2020. The Commission was appointed by the RS Government in early 2019, pursuant to conclusions of the RSNA from August 2018, when it repealed the RS Government's 2004 Srebrenica Report, in which the RS Government had acknowledged the involvement of RS military and police forces in the July 1995 events in Srebrenica. Despite the Commission's claim of independence, it is impossible to disregard the political factors behind this report, including challenging the established narratives regarding the outbreak of war in BiH in 1992, as well as attempting to establish an equivalence between the genocide in Srebrenica and Serb victims in Sarajevo. Nevertheless, the humanitarian issues concerning Serb individuals and families still missing 25 years after the war warrant

further review, and assistance from the appropriate authorities in bringing closure to these and all such tragic matters.

34. As a key transit country on the migration route towards the EU, BiH continues to see a constant inflow of migrants and refugees, nearly all of whom enter from neighboring Serbia. There are between approximately 6,000 to 8,000 migrants within the country at any given time. Migrants and refugees are accommodated in the Federation, primarily in Una-Sana Canton due to its proximity to the Croatian border, with fewer numbers in Sarajevo and Tuzla Cantons. While the burden of providing shelter and food assistance has fallen entirely on the Federation, the RS authorities remain adamant in refusing to allow the establishment of any reception centers within their entity, again preventing the State from exercising its responsibilities. A number of incidents involving migrants over the past six months have further stirred tensions between the authorities, the migrants and the local population. While the State-level authorities continue to seek the means to return individuals who irregularly entered BiH to their countries of origin, including signing a readmission agreement with Pakistan in November, they must nonetheless continue to uphold their obligations under international and domestic law to provide access to rights, including the right to seek asylum, in accordance with humanitarian standards.

## **B. Decisions of the High Representative during the reporting period**

35. Although there have been frequent challenges to the core principles of the GFAP during the reporting period, I have refrained from using my executive powers – despite increasing calls from citizens to do so – pursuant to the PIC SB's policy advocating local ownership over

international decision-making.

## **C. Five objectives and two conditions for the closure of the Office of the High Representative**

### **1. Progress on objectives**

36. My office has continued to seek progress by the domestic authorities in the full implementation of the five objectives and two conditions established in 2008 by the PIC SB as essential for the closure of the Office of the High Representative and BiH's graduation from international supervision. The aim of setting the so-called 5+2 Agenda was for the leaders of BiH to assume responsibility and demonstrate their credibility, and progress on the Agenda remains up to the authorities to deliver. With the exception of the generally positive trends in Brčko District, the authorities elsewhere show no commitment towards the 5+2 Agenda, and have even pursued rollbacks in many key areas.

### **2. State and defense property**

37. There have been some developments related to State and Defense Property, but unfortunately no substantial progress towards achieving "Acceptable and Sustainable Resolution" as defined by the 5+2 Agenda. As emphasized on several occasions, only the adoption of comprehensive state-level legislation on State Property, which fully complies with legal principles established by the BiH Constitution and relevant decisions of the BiH Constitutional Court, can lead to the acceptable and sustainable resolution of the issue of State Property. In the meantime, the OHR continues to monitor developments, including the adoption and implementation of various relevant property-related laws and regulations, with the aim of ensuring enforcement of the State Property Disposal Ban, thereby protecting the

property interests of the State of BiH and other relevant stakeholders prior to the enactment of appropriate State Property legislation.

38. No significant progress can be reported in the process of registration of prospective defense property under the ownership of the State of BiH. Particularly in the RS, this process remains completely blocked, regardless of several court decisions clearly establishing that such property belongs to the State of BiH and shall be registered as such in relevant public records. As the responsible RS authorities continue to ignore the existing legal framework and reject legal arguments and reasoning found in final and binding court decisions, declining registration under the ownership of the State of BiH for political reasons, this has become a pressing issue of the rule of law.
39. On 13 November in Banja Luka, RS Prime Minister Radovan Višković (SNSD) and Serbian Prime Minister Ana Brnabić, signed a Joint Statement related to the construction of three hydropower plants in the upper Drina River basin, in the Foča area in the eastern RS. Brnabić stated that the investment totals EUR 520 million and that Serbia had already allocated resources needed for work through 2021. Meanwhile, the RS Government issued the Decision Approving the Change of Ownership Structure of the Concessionaire "HES Gornja Drina," thus allowing transfer to the Serbian electric company "Elektroprivreda Srbije" of 51 percent shares of this company, which holds concession to build three hydropower plants on the Upper Drina.
40. In reaction, some Federation-based primarily Bosniak political parties issued statements dismissing the signed Joint Statement and planned construction of hydropower plants as an attack on BiH sovereignty, insisting that such agreements may only be concluded

with the State-level authorities. They claimed that the construction plans are legally deficient, as they rely on RS legislation that designates all rivers in RS territory as property of that entity, which the BiH Constitutional Court previously declared unconstitutional and annulled. In the 7 February 2020 decision of the BiH Constitutional Court in Case No. U-9/19, which also refers to the relevant jurisprudence of the Court's 13 July 2012 decision in Case No. U-1/11, waters, as public goods, are considered State Property, i.e., property of the State of BiH. This includes river water and riverbeds, lakes, running water, etc. Further, the Court established that decisions concerning State Property are to be made at the BiH State level, considering that the decision on the status of State Property is within the exclusive competence of the State.

41. Following these developments, on 28 December, 24 members of the BiH HoR submitted a request to the BiH Constitutional Court initiating a constitutional dispute over the planned construction. In their submission, representatives claim that the RS, primarily the RS Government, violated the constitutional competencies of the State of BiH, since the concession decisions and related contracts issued and concluded by the RS Government constitute acts of disposing State Property. Referencing conclusions and principles in previous Court decisions, the representatives claim that the RS violated several provisions of the BiH Constitution. In that regard, they request the BiH Constitutional Court to annul the relevant decisions and contracts of the RS Government, and to issue a temporary measure suspending their implementation, considering that continuation of related activities would cause harmful legal effects.

42. In January, the BiH HoR adopted an Initiative submitted

by SDA representative/Deputy Speaker Denis Zvizdić regarding the use and disposal of non-prospective immovable military property, tasking the BiH CoM to prepare and submit to the parliamentary procedure a proposed *Law on the Method of Use and Disposal of Non-Prospective Immovable Military Property* within 30 days of the Initiative's adoption. The Initiative is based on the principle whereby certain property that is no longer required for exercise of the constitutional and legal competences of the BiH Institutions should be assigned for use or disposal to a local self-government unit on the territory where that property is situated, for the purpose of protecting it from further decay, or reconstructing it for use in the development of local communities in BiH. In principle, the Initiative is welcome, as it revives a public, institutionalized discussion on the issue of State and Defense Property. Generally, the Initiative complies with the two basic principles established by the BiH Constitutional Court that: a) the State of BiH is the titleholder of all State Property, including so-called "non-prospective defense property" and b) that the BiH Parliamentary Assembly has the exclusive responsibility to regulate the issue of (apportionment of) State Property. The Initiative is currently with the BiH CoM, which is tasked with its implementation.

43. In February, seven Bosniak delegates of the RS Council of Peoples (CoP) submitted a request for review of constitutionality of the RS *Law on Forests* to the BiH Constitutional Court, claiming that the contested Law violates several provisions and principles of the BiH Constitution. The primary legal argument is the constitutional principle of "Continuation of Laws" based on which the *Law on Forests* adopted by the former Republic of BiH is still in force and part of the legal system of BiH, as it is consistent with the BiH

Constitution and never abolished by a competent body. Further, there is the legal argument related to State Property, according to which forests and forestland represent a public good and – pursuant to previous decisions of the BiH Constitutional Court regarding succession assets, agricultural land, waters, etc. – a category of State Property that belongs to the State of BiH. To prevent reregistration and further disposal of forests and forestland, as well as other harmful legal effects for this category of property, the delegates requested the issuance of a temporary measure forbidding the application of the RS *Law on Forests* until the BiH Constitutional Court issues a final decision.

44. The submission of this request to the BiH Constitutional Court was followed by harsh public statements from several RS politicians, who said the appeal constitutes a direct violation of the Annex 4 of the Dayton Peace Agreement, which, as they continue to erroneously claim, regulates that property belongs to the entities.

### **3. Brčko District**

45. My office has continued to provide expert and technical support to the Brčko District Supervisor in encouraging and guiding good governance, infrastructure development and private sector growth reforms so as to achieve a functional, sustainable and resilient District in line with the stated objectives of the Final Award. The Supervisor, with the support of OHR staff, actively engaged international community partners to ensure a coordinated and results-oriented approach to help accelerate this outcome.
46. The fiscal reforms from the previous period – including the successful completion of the fiscalization process and the adoption of a new budget law aimed at improving fiscal discipline, transparency and responsibility in

spending – prompted District authorities to focus on the bylaws required for the full application of the budget law in the 2021 budget cycle. Their adoption was finalized in mid-March. Due to the local elections on 15 November and the subsequent process of formation of new authorities in the District, and the delayed adoption of the bylaws, the District did not meet the 30 November deadline for the adoption of the 2021 budget. Nonetheless, the continuity of financing of the District institutions was secured through the adoption of the decision on temporary financing for the first quarter of the year. On 31 March, the District Assembly, under the defining parameters of the bylaws, adopted the draft 2021 budget in the amount of BAM 238 million.

47. Additional good governance measures enacted in the previous reporting period – notably the Law on Peaceful Assembly, the Law on Foundations and Associations, the Law on National Minorities, and the online registry of public sector employees and appointees and their assets – encouraged District authorities towards new complementary initiatives. The Law on Prevention of Conflict of Interest, adopted in its final form on 24 March, is the first such law in BiH in line with international standards and best practices and will further strengthen good governance in the District. Preparations for public administration reform are ongoing, while improving oversight of state-owned enterprises in the District through monitoring their financial position, identifying and managing fiscal risks will proceed in line with the International Monetary Fund recommendations from 2020, and thus, as with the laws and public administration reform, will serve as a model of reform for the entities.
48. Several steps were also undertaken to ensure a credible and issues-based electoral process as key to



reestablishing voter trust in elected officials, again as a model for BiH. This included updating the list of voters in Brčko District, curbing the abuse of public funds for election purposes, investigating and prosecuting allegations of election fraud, which included the arrest of the three sitting Assembly representatives, and organizing the presence of independent observers for each polling station in Brčko.

49. These steps not only helped dissuade 3,000 suspicious overseas voters from casting their ballots, but also helped foster a new quality of politics and governance in the District. A new multiethnic majority was formed on 23 December, a mere two weeks after the certification of the 15 November elections. The agenda for their mandate has been the rapid implementation of reforms injected as deliverables into the issue-based election campaign. On 8 April, three opposition parties in Brčko District Assembly, also reflecting different ethnic groups, signed an agreement on political collaboration, with a focus on the rule of law, fight against corruption and adoption of economic reforms. In a first, the Assembly has committed to adopting legislation in two readings and has placed opposition representatives on committees, thus fostering transparent political and public debate on reform legislation adopted in the District.
50. Despite being impeded by the COVID-19 pandemic throughout much of 2020, key infrastructure projects resumed and accelerated towards the end of the year. Preparations for the modernization of the Brčko Port and the construction of the Brčko-Gunja Bridge were largely completed, paving the way towards commencing construction works. The District and the European Bank for Reconstruction and Development reached an understanding on a EURO 6.5 million project of ensuring

a sustainable, clean water supply, while establishing a start date for the project in Q3 2021. The District authorities are also pursuing negotiations for an array of infrastructure projects under World Bank “Sava and Drina Rivers Corridors Integrated Development Program.”

51. The District also took steps towards mitigating the uncertainty of electricity supply by securing a two-year electricity supply contract with the RS power utility company, “Elektroprivreda RS”. In parallel, it moved to diversify and strengthen its energy security by preparing legislation on electricity, renewable energy sources and energy efficiency to create a modern, EU-compliant legal framework for the energy sector. To further complement such efforts, the District allocated BAM 1.5 million for electricity infrastructure expansion and commenced construction preparations, while the transfer by the District of ownership rights over the electricity transmission facilities to the BiH Electricity Transmission Company – aimed at ensuring continued maintenance of key electricity transmission infrastructure and contributing to the security of electricity supply – is expected to be completed in 2021.
52. While the District leadership’s efforts, with the extensive engagement of the Supervisor and my office in cooperation with other international organizations, are crucial for maintaining the positive reform trend in the District, there is also the requirement of the entities to facilitate the establishment of the District.
53. Regrettably, as in previous years, the commemoration of 9 January as the “RS Day” was held in Brčko District on 10 January organized on the basis of decision(s) by the RS authorities as part of the overall commemoration activity for the RS, and this year included the presence of the band of the RS Ministry of Interior. As such, the

commemoration organized in Brčko by the RS authorities interferes with the Final Award and the obligation of both entities not to exercise any authority within the District boundaries. On 1 February, I set out my views on the implications of commemorating the “RS Day” on the basis of unconstitutional legislation, including in Brčko District, to RS President Željka Cvijanović, RS Prime Minister Radovan Višković (both SNSD) and RSNA Speaker Nedeljko Čubrilo (DEMOS), reminding that all citizens of BiH, particularly public officeholders, are obliged to adhere to and to ensure respect for the constitutional order of BiH.

54. The 10 March RSNA conclusions are an attack on the constitutional order of BiH that build on the previously articulated positions of the RS authorities towards the State, and thus are also a threat to Brčko District, given its unique status and its dependence on the constitutional order and institutional structure of BiH developed over the last 25 years, including through the exercise of the High Representative’s mandate.
55. Concerns over the status and powers of Brčko District additionally arise from the 26 November decision of the BiH Constitutional Court rejecting admissibility of the request of the Brčko District Appellate Court in the case concerning the Brčko District Law on Attorney’s Profession. The Court’s decision in the case – the first case brought before the Court under Amendment I to the BiH Constitution – has far-reaching consequences regarding the possibility to challenge acts that could affect the status and powers of Brčko District, since it limits the possible applicants who may approach the BiH Constitutional Court on questions concerning the compatibility of laws with Amendment I to the BiH Constitution. As such, the decision narrows the level of protection of the status and powers of Brčko District

before the BiH Constitutional Court. The Brčko District Supervisor has notified the Presiding Arbitrator of the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brčko Area of the substance of the decision and its implications, recognizing that the Tribunal clearly retains its authorities to enforce or modify its Final Award if any party is in serious non-compliance with its obligations under the Award.

#### **4. Fiscal sustainability**

56. My office continued to follow, analyze and report on developments and legislative actions relevant to fiscal sustainability, including monitoring and reporting to the PIC SB on the activities of the Governing Board of the BiH Indirect Taxation Authority (ITA), in which the Office of the High Representative is the only international community representative, and the BiH Fiscal Council. The trends in both institutions continue to raise concerns over the ability of governments at all levels, particularly the State level, to ensure the unimpeded functioning of institutions and the discharge of their constitutional and legal obligations.
57. During the reporting period, the BiH Fiscal Council held only three sessions, all in December, attempting to agree on a new three-year International Monetary Fund (IMF) Extended Fund Facility (EFF) program. No such agreement was reached due to, among others, the continued opposition of the RS officials in the Council to reforms perceived as strengthening State competences and institutions. The opposition was mostly evident in two areas singled out by the IMF: promoting a single economic space through reforms aimed at, among others, creating a single energy market, and strengthening financial stability, both necessary for strengthening BiH's resilience to an economic or financial crisis and to BiH's accelerated development and its aspirations

towards EU accession. RS officials also opposed reforms needed to efficiently fight money-laundering and the financing of terrorism, such as the establishment within the BiH Central Bank of a nationwide banking accounts registry for individuals. My office closely followed all developments related to the EFF program and was at the disposal of the IMF and members of the PIC SB for all inquiries and requests for political, economic and legal guidance during the negotiations, and will remain engaged.

58. My office also continued to closely follow, report and advise on developments related to the single indirect tax system and its institutional structure, including activities of the BiH ITA Governing Board. The Board held four sessions, the most recent one in late March. While the sessions demonstrated a higher degree of compliance with Board regulations, resulting in the adoption of the indirect tax revenue allocation coefficients for Q4 2020 and Q1 2021, other longstanding issues remained unresolved.
59. One example is the financial threat faced by the BiH ITA, as a result of the RS lawsuit against it for damages stemming from the Federation debt to the RS in 2009 and 2010 (settled in 2011) and, following a 2015 BiH Court decision in its favor, the attempted enforcement by the RS of those damages against public revenue accounts managed by the BiH ITA. The consequences, which the BiH Court somewhat mitigated by suspending the attempted enforcement, include financial damage to all indirect tax revenue beneficiaries, including both entities and Brčko District, as well as recipients of value-added tax refunds and customs insurance depositors, and are again attributed to and sought from the BiH ITA as the indirect tax system operator. Moreover, the lawsuit created a precedent that

opened the door to future entity lawsuits against the BiH ITA over their mutual debts, as well as for financial damages resulting from their enforcement.

60. Another longstanding inter-entity dispute that the Governing Board failed to resolve in the reporting period concerns the manner of distribution of the accumulated road toll revenue reserves (approximately BAM 120 million) intended for highway and road construction.
61. The failure to address those and similar issues burdens inter-entity relations and affects the unimpeded functioning of and the confidence in the single indirect tax system and its State-level institutional structure. By extension, this provides a pretext for challenging the State's competence for indirect taxation and for advocating the return of this competence to the entities. Such a threat was renewed in the 10 March conclusions of the Republika Srpska National Assembly, which task the RS Government to establish expert teams of national and international experts in each area where the responsibility has been taken away and transferred from the RS and propose procedures for enactment of new laws and acts in order to restore those responsibilities at the RS level. If pursued in the case of indirect taxation, this action by the RS authorities would roll back one of the most important reforms of the last 25 years, which safeguards the macroeconomic and thus also the political stability of BiH.
62. My office continued to closely follow and inform the PIC SB of other developments relevant to the fiscal stability of BiH, including the adoption and details of 2021 budgets at all levels of government. Particular attention was paid to developments related to the BiH Central Bank, given its importance for maintaining the financial and overall macroeconomic stability of BiH.

## **5. Issues related to the rule of law**

63. The mandate of the current Director General of the BiH Intelligence-Security Agency (OSA) has expired and a new appointment must be made. The appointment has apparently been postponed, seemingly due to suspicion of the accuracy of the current Director General's evidence of the education required for the position by law. In October, the BiH Prosecutor's Office accused the Director General of abuse of office, for allegedly obtaining under false pretenses a video recording of the post office from which a criminal report against him was mailed to the prosecutors, in order to find who filed the report. In February, he was acquitted, while the Prosecutor's Office continues with other cases against him.
64. In April, the Office of Disciplinary Counsel within the BiH High Judicial and Prosecutorial Council (HJPC) filed disciplinary complaints against BiH Chief Prosecutor Gordana Tadić and BiH Court President Ranko Debevec. The complaint against Tadić relates to the disciplinary offenses of lack of commitment in office, failure to act on decisions, orders or requests of the HJPC without justified reasons, and public conduct damaging to the reputation of the prosecutorial function. As for Debevec, the disciplinary complaint states that he intentionally provided false, misleading or insufficient information when applying for his position, as well as for abuse of office and recording private conversations with the OSA Director General during his trial.
65. The Federation legislation establishing a special prosecutor and court department for fighting corruption and organized crime, adopted in 2014, remains unimplemented.
66. In February, the Banja Luka District Court issued a

judgement that negated the legality of the High Representative's authority to make binding decisions in BiH. In concluding that neither the GFAP nor the UN Security Council have authorized the High Representative to impose legislation in BiH and that any law imposed by the High Representative is unconstitutional and cannot be enforced by the Banja Luka District Court, the judgement contradicts binding decisions of the UN Security Council, prior decisions of the BiH Constitutional Court and the ECtHR, as well as prior decisions of the High Representative. With the aim to disseminate the correct information, I informed the High Judicial and Prosecutorial Council of the correct legal references.

67. The adoption of amendments to the BiH *Law on the High Judicial and Prosecutorial Council* (HJPC), as well as a thorough reform of HJPC regulations, is a work in progress, with the international community's hope that BiH authorities recognize the HJPC as an institution essential to ensuring that BiH develops as a rule of law state, through accepting standards of judicial impartiality and integrity. Rule of law is a priority, and I strongly join the efforts of the European Union and the wider international community to strengthen the integrity of judges and prosecutors and the Council itself.
68. Following the 2019 scandal involving alleged bribery and then HJPC President Milan Tegeltija, of which audio and video was leaked to the public, and for which Tegeltija was not disciplined, in December yet another audio recording was released, in which he appeared to discuss the professional judicial advancement of the relative of another HJPC member outside the legal framework. Following a public outcry, Tegeltija submitted his resignation as HJPC President and member, and



subsequently became an advisor to BiH Presidency member Milorad Dodik.

69. In February, the HJPC elected its new leadership, raising hopes that the HJPC may now be unhindered in developing the integrity, professionalism, independence, impartiality, efficiency and accountability of judges, prosecutors and the HJPC members themselves. There remains an urgent need to improve the standards of the HJPC, primarily through changes to the *Law on the HJPC*. The international community strongly advocates technical changes to yield a properly functioning HJPC, while preserving it as a State-level body with jurisdiction throughout Bosnia and Herzegovina.
70. The ongoing failure to appoint four missing judges to the Federation Constitutional Court continues to have direct implications on the ability of the Court and its Vital National Interest (VNI) Panel to exercise its constitutional responsibilities. The Court continues to operate with five sitting judges out of nine required under the Federation Constitution, meaning that all five sitting judges must be present for quorum to exist, and requires consensus of all five judges for any decision to be adopted. This has also resulted in the VNI Panel being unable to function, as it presently has only four sitting judges and there is no quorum. The process of filling the vacant positions in the Court has been ongoing since the retirement of two judges in 2015 and 2016, and the retirement of another two in June 2019. In October 2019, the HJPC submitted to the Federation President and Vice Presidents candidates for three missing judges, pursuant to the vacancy published in February 2019. Federation President Marinko Čavara (HDZ BiH) has refused to proceed with the nominations and this process has been stalled ever since. The HJPC recently finalized the process for the fourth vacancy,

and submitted proposed candidates to the Federation President and Vice Presidents on 26 February 2021. Should the Federation President and Vice Presidents finally decide to forward the nominations to the Federation Parliament, all four judges could be appointed, and the Federation Constitutional Court returned to full functionality.

71. I must note that in the absence of a functional VNI in the Federation Constitutional Court, I am increasingly called upon to provide legal interpretations in the disputes involving challenges to constitutional provisions governing VNI procedures in the Federation cantons.
72. Although the Revised National War Crimes Processing Strategy was adopted in the previous period, establishing a new deadline of 2023 for the completion of “category A” cases (those for which the International Tribunal for the Former Yugoslavia assessed as having sufficient grounds for prosecution), members of the new Strategy Supervisory Board were not appointed. The Board, which should include representatives of the BiH Prosecutor’s Office and the BiH State Court, should serve to increase the speed of prosecutorial work and the prioritization of the most serious cases, enable the efficient transfer of cases within BiH to allow more cases to be processed in less time and improve regional cooperation, particularly where “category A” cases are concerned. While I commend all efforts in war crimes prosecution, members of the Supervisory Board must be appointed without further delay.
73. Twice in 2020, in accordance with the relevant provisions of the BiH Constitution, the President of the ECtHR selected replacements for departing International Judges of the Constitutional Court of BiH. Most recently, in December, Judge Helen Keller of Switzerland

replaced Judge Margarita Tstatsa-Nikolovska of North Macedonia, whose mandate expired at the end of November. Earlier, in April, Judge Angelika Nußberger of Germany replaced Judge Giovanni Grasso, whose mandate expired the same month.

74. While I recognize that there will come a time in the future when the Constitutional Court is comprised entirely of domestic judges, it is my assessment that the country has a very long way to go before that should happen. In any case, political leaders and above all, citizens, demand “more Europe” and more European values. Therefore, the presence of the international judges are the heralds of things to come and to welcome. Their presence remains highly beneficial.
75. To assess the perception of the situation in the BiH judiciary, in March, my office commissioned a public opinion poll, which show that two-thirds of BiH citizens over age 15 consider the current situation in the judiciary unsatisfactory, and believe it is necessary to return international judges and prosecutors to the BiH Court and Prosecutor’s Office, who worked in those bodies until 2009. We did not extend their mandates thereafter. It is clear that the judiciary remains ineffective and that strong international engagement remains desirable to accelerate changes in that respect. I have long supported the notion of having international judges and prosecutors again in key domestic institutions.

## **D. Challenges to the General Framework Agreement for Peace**

### **1. Challenges to BiH’s sovereignty and territorial integrity, competences and institutions**

76. *In addition to the challenges raised by the RSNA conclusions, statements challenging the sovereignty and territorial integrity of BiH continued, with SNSD leader*

*Milorad Dodik again being the most frequent exponent of such proclamations, including renewed threats to organize an RS referendum on secession<sup>[iii]</sup> <sup>[iv]</sup> and more recently the notion of a “peaceful dissolution” of BiH.<sup>[v]</sup> <sup>[vi]</sup> He frequently predicts the eventual demise of BiH,<sup>[vii]</sup> and even while publicly supporting BiH’s EU path has disparaged that as well.<sup>[viii]</sup>*

77. *At least one Croat political leader, HDZ 1990 President Ilija Cvitanović, raised the specter of resurrecting “Herzeg-Bosnia,”<sup>[ix]</sup> <sup>[x]</sup> the wartime Croat proto-state within BiH, much of the leadership of which the International Criminal Tribunal for the former Yugoslavia convicted in 2017 for, among others, participating in a joint criminal enterprise to “cleanse Bosnian Muslims from areas claimed to be Herzeg-Bosnia.” While I acknowledge that Mr. Cvitanović sometime later offered an apology for his remarks,<sup>[xi]</sup> the damage was already done.*

## **2. Glorification of war crimes**

78. *Nationalist leaders continue to deny war crimes, glorifying convicted war criminals and leading divided commemorations that perpetuate the notion of group victimhood while ignoring or downplaying empathy and compassion for the suffering and loss of others. The attitude and behavior of political leaders gives a green light to the general population that such behavior is acceptable, when in reality it only prolongs the suffering of all peoples of BiH and further dampens the prospects for meaningful reconciliation in the country.*
79. *On 7 March, a banner was placed above the main crossroads in Bratunac, on the road to Srebrenica, congratulating convicted war criminal Ratko Mladić and BiH Presidency Chair/SNSD President Milorad Dodik on their upcoming birthdays.<sup>[xii]</sup> In 2017, the*

International Criminal Tribunal for the former Yugoslavia convicted Mladić for war crimes, crimes against humanity, and genocide in Srebrenica.

80. On 29 November, a Croat cultural association in Mostar organized a commemorative display dedicated to convicted war criminal Slobodan Praljak,[\[xiii\]](#) and on the same date a candle light vigil in Praljak's honor was organized in Kiseljak.[\[xiv\]](#) On the same date in November 2017, the International Criminal Tribunal for the former Yugoslavia (ICTY) upheld Praljak's conviction for war crimes, including crimes against humanity, immediately after which he proclaimed his innocence, drank poison, and died.
81. On 27 January, a public rally was held in support of Sakib Mahmuljin, former commander of the Third Corps of the Army of the Republic of BiH (ARBiH), whom the BiH Court convicted and sentenced in the first instance on 22 January to 10 years in prison for failing to prevent Islamic volunteer fighters from torturing and killing Serb prisoners.[\[xv\]](#) Earlier, BiH Minister of Foreign Affairs Bisera Turković (SDA) hailed Mahmuljin as a defender of BiH and denounced the Court's ruling.[\[xvi\]](#)

### **3. Genocide denial**

82. The denial of the genocide in Srebrenica, particularly by the RS authorities, remains another stumbling block on the path to reconciliation. While I face increasing calls to use my authority to impose a law on genocide denial, such a law would have more meaning and value if it were the result of a domestic initiative. In this regard, I regret that on 8 April, when the BiH HoP had the opportunity to consider such a proposal, in the form of amendments to the BiH Criminal Code, the HoP rejected it through the opposing votes of all present Croat delegates and most Serb delegates.

### **III. State-level institutions of Bosnia and Herzegovina**

#### **A. Presidency of Bosnia and Herzegovina**

83. The BiH Presidency was minimally active throughout the reporting period, but maintained its regular protocol duties, receiving dignitaries, ambassadors and delegations, making official visits abroad, as well as jointly marking the 25<sup>th</sup> anniversary of signing of the GFAP. The Presidency held only two regular sessions while holding an unreported number of extraordinary sessions via telephone, focused on the COVID-19 pandemic, the migrant crisis, the EU integration process, and regional cooperation. The Presidency took other decisions within its competencies, relating to the adoption of reports and information, and the conclusion and ratification of international agreements. Serb member Milorad Dodik has been BiH Presidency Chair since November, assuming the position from Bosniak member Šefik Džaferović (SDA) in accordance with the eight-month rotation between the three Presidency members.
84. In December, a scheduled meeting of the Presidency, under the chairmanship of Milorad Dodik, with Russian Federation Minister of Foreign Affairs Sergey Lavrov, which had been originally scheduled for October but delayed due to COVID-19 measures, exposed existing divisions within the Presidency. Presidency members Džaferović and Željko Komšić (Democratic Front-DF) boycotted the meeting, which they said was due to Lavrov's remarks on BiH's NATO aspirations and the continued presence of the OHR following his private meeting with Dodik the day before. A meeting between Lavrov and BiH Minister of Foreign Affairs Bisera Turkovic took place as scheduled.
85. In early March, the Presidency greeted Serbian President Aleksandar Vučić at the Sarajevo Airport to formally

receive a donation of 5,000 COVID-19 vaccines from Serbia to the Federation. Later that month, the Presidency considered the draft 2021 budget of the BiH institutions in its capacity as formal proponent, and decided to return it to the Council of Ministers of Bosnia and Herzegovina for reconsideration.

86. In April, Presidency member Komšić sent a non-paper to the EU institutions in Brussels, complaining about the increasing level of interference of Croatia and Serbia in BiH internal affairs. Komšić further warned of a growing threat of Russia to Bosnia and Herzegovina's NATO path, but also cautioned about the lack of leadership and coordination of both the EU and the US in electoral reform processes in Bosnia and Herzegovina and what he characterized as their "worrisome servitude" towards the demands of SNSD and HDZ BiH.

## **B. Bosnia and Herzegovina Council of Ministers**

87. The BiH CoM met regularly throughout the reporting period, holding 16 regular and 17 urgent sessions. The CoM adopted only one new Law (the *Law on Protection of Right to a Trial in a Reasonable Timeframe before the BiH Court*) and three amendments to existing legislation, including to the *Law on Public Procurement* as one of 14 priorities from the EC Opinion, the *Law on Litigation Before the BiH Court*, and the *Law on Excise Tax*.
88. In its 2020 work program, the CoM planned for the adoption of 49 laws, yet in the same timeframe the CoM's Legislative Office issued opinions for only 13 draft laws. In fact, throughout the entire current mandate of the BiH CoM and the BiH Parliamentary Assembly, minus budget acts, only a single new law has been fully adopted, which is part of a general downward trend in legislative output over the past several mandates, but which represents a new low. This suggests stagnation on

the part of the ministries of the CoM in terms of submitting legislative proposals and poor leadership in terms of insisting that the ministries live up to their obligations. The failure of the CoM to propose new legislation has been the cause of persistent criticism by representatives in the BiH Parliamentary Assembly. Defending himself against such criticism, CoM Chair Zoran Tegeltija (SNSD) has stated that without political consensus, there is no point in proposing legislation destined to fail.

89. In February, the CoM adopted the draft *Law on Budget of Institutions of Bosnia and Herzegovina and International Obligations for 2021* and forwarded it to the state-level Presidency, which is the official proponent of the law to the BiH Parliamentary Assembly. The CoM adopted the draft without consensus, as all ministers from the RS voted against it, due to the exclusion of funds to mitigate the consequences of the COVID-19 pandemic. As anticipated, the Presidency returned the draft to the CoM, which adopted a new draft on 25 March, this time with funds to address the pandemic, and returned it to the Presidency.
90. In the absence of an adopted budget, the CoM adopted two decisions on temporary financing of the State institutions and its international obligations at the level of the 2020 State Budget. The most recent decision on temporary financing was adopted on 17 March, and covers the period from April through June.
91. In March, CoM Chair Tegeltija took a decision on the removal of Minister of Human Rights and Refugees Miloš Lučić (Democratic People's Alliance-DNS) and submitted it to the BiH Parliamentary Assembly for approval. The removal was the direct result of DNS leaving the RS ruling coalition, as the seat previously allocated in the CoM as part of the so-called RS Serb quota was to be



substituted with a member of SNSD.

92. On 24 February, the CoM agreed to establish the Commission for Cooperation with NATO – changing the name from the Commission for NATO Integration, in keeping with Serb parties' opposition to BiH joining NATO – and installing voting rules which resemble those of the CoM itself. NATO integration remain an issue for which political consensus is lacking, despite it being a component of the BiH *Law on Defense*, which has not been changed.

### **C. Parliamentary Assembly of Bosnia and Herzegovina**

93. The BiH Parliamentary Assembly met on average less than once a month and with very little output. The BiH HoR held five regular sessions, and the BiH HoP held four regular sessions and one urgent session. Only two laws were adopted, which were amendments to existing laws, while six laws were rejected.
94. In all cases, legislative initiatives were lacking, due to the failure of the **CoM** to exercise its capacity to propose legislation, as outlined in the previous section. Continued disputes between key political stakeholders, including between the parties forming the governing State-level coalition, do not justify the absence of adoption of legislation by the Parliamentary Assembly as its key responsibility under the BiH Constitution.
95. Agendas in both houses mostly consisted of various delegates' initiatives, requests and conclusions, primarily from opposition parties, but also some from the ruling coalition, which aimed to pressure the CoM, which was a frequent target of criticism due to its failure to propose legislation, address the pandemic and migrant crisis, and to engage in fulfillment of conditions needed for Bosnia and Herzegovina to acquire

EU candidate status. This led to formal calls for removal of the CoM as whole as well as individual ministers and deputy ministers, none of which succeeded.

96. In February, in an effort to expedite the purchase of COVID-19 vaccines, the BiH HoR unanimously adopted amendments to the *Law on Public Procurement* and the *Law on Medicines and Medical Devices*. However, the HoP subsequently rejected the amendments, with delegates from SNSD claiming the amendments were unnecessary, insisting that the RS authorities had succeeded in purchasing vaccines within the existing legal framework and the Federation authorities should follow their example.

#### **IV. Federation of Bosnia and Herzegovina**

97. As a new Federation Government has still yet to be appointed following the 2018 General Elections, the Government from the previous mandate (2014-2018) remains in place, albeit reduced from 16 to 14 ministers (from SDA, HDZ BiH and SBB), due the death of one minister and the departure of another last year and the lack of any political agreement on their replacements. Additionally, Federation Minister of Interior Aljoša Čampara left SDA last September and is now an independent, leaving SDA in a weakened position with only three ministers to four from rival mostly-Bosniak party Union for a Better Future (SBB) and six from HDZ BiH.
98. Regarding the non-implementation of the 2018 General Election results at the executive level in the Federation, in February, Čampara – in his capacity as Federation HoP Deputy Speaker, having been elected in 2018 to the Sarajevo Cantonal Assembly and subsequently to the HoP – requested the three caucuses of the constituent peoples in the House of Peoples to submit their candidates for Federation President and Vice

Presidents. In his request, Čampara underscored that the BiH CEC cannot legally affirm that the 2018 General Elections results are implemented until the Federation President and Vice Presidents have been appointed.

99. As a further complication, Federation Prime Minister Fadil Novalić (SDA) and Federation Deputy Prime Minister and Minister of Finance Jelka Miličević (HDZ BiH) have been under criminal indictment since late last year. In December, the BiH Court confirmed the earlier indictment by the BiH Prosecutor's Office against Novalić, Miličević and others for their roles in the controversial May 2020 BAM 10 million procurement of 100 ventilators and BAM 3 million procurement of protective medical equipment from China during the first wave of the COVID-19 pandemic. Novalić is accused of abuse of power, influence peddling, money laundering and document forgery, while Miličević is accused of negligence. They, and the others accused, have pleaded not guilty. The Court has twice rejected the motions of the Prosecutor's Office to prohibit Novalić and Miličević from performing official duties during their trial, which began on 24 February.
100. The case recently took a new turn. When the ventilators in question arrived in May of last year, medical experts with the Federation Crisis Headquarters had assessed them as unusable for COVID-19 cases. Several months later, the BiH Institute of Metrology assessed the respirators as being of high quality and suitable for COVID-19 treatment. However, in early April, medical staff at the main hospital in Sarajevo renewed claims that the ventilators are unsuitable and that their use had resulted in deaths of COVID-19 patients, prompting the Sarajevo Canton Prosecutor's Office to open a new investigation.
101. Nevertheless, the Federation Government continued to

meet regularly, holding 24 regular and 26 urgent sessions. Both houses of the Federation Parliament, however, met infrequently, with the HoR holding five regular sessions and one extraordinary session, while the HoP held only two regular sessions. Legislative output remained poor, with the adoption of only two new laws and four amendments to the existing laws.

102. Additionally, the collegiums of both houses remain incomplete. The HoP has not appointed the Deputy Speaker from the Serb peoples since its inaugural session, while the HoR has also been without a Deputy Speaker from the Serb peoples since a reshuffling of the parliamentary majority in July 2019.

#### **A. Failure to appoint members of the Securities Commission**

103. On 4 March, the Federation HoP rejected the issuance of approval for the *Decision on Appointment of Members to the Federation Securities Commission*. In accordance with provisions of the *Federation Law on the Securities Commission*, the decision on appointment was originally taken by the Federation President Marinko Čavara (HDZ BiH) with the consent of Vice Presidents Melika Mahmutbegović (SDA) and Milan Dunović (DF) on 24 June 2018 and submitted to the Federation Parliament for approval. Although the Federation HoR adopted it on 18 December 2019, when it finally considered the decision almost 15 months later, the Federation HoP ultimately did not support it, due to the objection of the Serb Caucus over the lack of a candidate from the ranks of the Serb people, and the Caucus' view that the candidates did not possess the required professional qualifications and experience.
104. As the 2018 decision on appointment thus reached the end of the legislative procedure, it is now the responsibility of the Federation President, with the

consent of the Vice Presidents, to reinitiate both the selection and the appointment of members of the Securities Commission, and submit the new decision to the Federation Parliament for approval. To this end, on 6 April, the EU Special Representative, the US and UK ambassadors and I met with the Federation President and Vice Presidents to urge an expedient process in full accordance with the *Law on the Securities Commission*. Our interlocutors reported that the vacancy notices had been published the previous week and their tasks in the process would be fulfilled within two months, after which it again falls to the Federation Parliament to finalize the appointments.

105. Meanwhile, the Securities Commission has no quorum for decision-making and cannot meet its key responsibilities, thus, among others, blocking joint stock companies from increasing or decreasing their capital, registering management changes and issuing shares. As a consequence, the capital market in the Federation and by extension the overall economy face serious problems.

## **B. Reshuffling of Sarajevo and Tuzla Canton Governments**

106. Late last year, the civic-oriented coalition known as “The Four” (NS, NiP, SDP, NBL), most of whose representatives had formed the majority in the Sarajevo Canton Assembly following the 2018 General Elections and led the Sarajevo Canton Government until being ousted by an SDA-led majority earlier in the year, again took majority control and ousted the SDA-dominated Sarajevo Canton Government, appointing the new Government in January. “The Four” would go on to have the majority in the Sarajevo City Council following the 2020 Local Elections but did not hold together long enough to elect their preferred candidate as Sarajevo City Mayor in April. Thus, NBL exited the coalition, leaving “The

Four” as “The Three.”

107. Similarly, a coalition led by SDP in the Tuzla Canton Assembly ousted the SDA-led Tuzla Canton Government in January.

### **C. Appointment of Federation Chief Prosecutor**

108. In October, the HJPC decided to delay the appointment of a new Federation Chief Prosecutor for 60 days. The HJPC President said that the vacancy for this position was issued in 2018 and that, before the final selection is made, certain dilemmas about the constitutionally mandated ethnic representation in key Federation offices must be resolved. According to the Federation Constitution, out of the six key positions in the Federation Authority Structure – the Prime Minister, the Speaker of the HoR, the Speaker of the HoP, the President of the Constitutional Court, the President of the Supreme Court, and the Chief Prosecutor – cannot be filled by more than two representatives of any one constituent people or the group of Others.
109. The implementation of the provision of the Federation Constitution, governing the assignment of six key functions in the Federation Authority Structure, follows the election of the Federation Legislature and the appointment of the Prime Minister. However, since the Federation Government has been functioning under a technical mandate, the HJPC decided to consult with the Federation Constitutional Court and my office before engaging in the final stage of selection of the Federation Chief Prosecutor. Relying on my stance that only positions allocated after 2018 General Elections could be counted in this quota, that relevant provisions of the Federation Constitution must be interpreted and applied in a way to ensure functionality of the competent institutions and to make the exercise of their

constitutional and legal responsibilities possible, including upholding provisions guaranteeing the independence and autonomy of the judiciary, the HJPC appointed Munib Halilović as first ranked to the position of Chief Prosecutor of the Federation Prosecutor's Office in December.

#### **D. Failure to adopt Law on Forestry**

110. No progress has been made in addressing the issue of adoption of the Federation *Law on Forestry*, which the Federation has been without since 2009. The adoption of the Law is not only crucial to the development of the forestry sector but represents a legal obligation to a ruling of the Federation Constitutional Court from 2009. The Federation Government attempted to address the issue through a decree, but in March 2010 the Federation Constitutional Court determined that the Government had neither the constitutional nor legal basis to regulate the field of forestry by decree. The Court instructed the legislative bodies to regulate it within six months, which still has not been done.

#### **E. European Court of Human Rights ruling on discrimination of Serbs in the Federation**

111. On 8 December, the ECtHR ruled on the issue of the discrimination of Serbs residing in the Federation through their ineligibility to run for the BiH Presidency. The Court delivered its judgment in the case of the late Svetozar Pudarić, a Serb residing in the Federation and senior official of SDP, who in 2018 had not been allowed to stand for election to the BiH Presidency. Although Mr. Pudarić died in March of last year while the case remained pending before the Court, his widow, as his heir, informed the Court of her wish to continue to pursue the case.

112. In its judgment, the Court recalled previous case law on

the subject, mentioning “Sejdić and Finci v. BiH” and particularly “Pilav v. BiH,” which concerned the ineligibility of the applicant, a Bosniak residing in the RS, to stand for election to the BiH Presidency, in which the Court confirmed discrimination against the applicant. Accordingly, the Court determined that, in this case as well, Article 1 of Protocol 12 of the European Convention on Human Rights (ECHR) had been violated.

113. In its judgment, the Court also noted that the BiH Constitution itself does not expressly make the exercise of passive electoral rights conditional on residency requirements, and that such a condition was introduced by the Elections Act in 2001, reiterating that no legal provision of domestic law should be interpreted and applied in a manner incompatible with states’ obligations under the ECHR, particularly if it would be inconsistent with the prohibition of discrimination and more broadly with the principles underlying the ECHR.

#### **F. Constitutional equality of Serbs in the Federation cantons**

114. The 2002 decision of the High Representative enacting amendments to the Federation Constitution to implement the earlier decision of the BiH Constitutional Court on the equality of constituent peoples, which determined that all three constituent peoples were equal in the Federation, that the official languages of the Federation were Bosnian, Croatian and Serbian and that the official scripts were Latin and Cyrillic. The cantons remain obliged to harmonize their constitutions with the Federation Constitution. In 2018, the Federation Constitutional Court determined that several provisions of the constitutions of Posavina, Herzegovina-Neretva and West Herzegovina cantons did not conform with the Federation Constitution in that regard and ordered their assemblies to amend them accordingly.



West Herzegovina recognized Serbs as constituent peoples but not recognized the Serb language or the Cyrillic script, while Posavina and Herzegovina-Neretva Cantons have not taken any steps in this regard.

115. The non-implementation of the Federation Constitutional Court decision continues, and I urge those cantons to fully harmonize their constitutions with the Federation Constitution and provide for the constitutional equality of all three constituent peoples.

#### **G. Expiration of four-year mandates of the Heads of Municipalities and City Mayors**

116. On 29 October, I received a letter from the Federation Association of Municipalities and Cities concerning the problems related to the expiration of the four-year mandates of the Heads of Municipalities and City Mayors in the Federation due to the postponement of the 2020 Local Elections. Since the applicable legal framework does not explicitly regulate the rights and duties of directly elected heads of municipalities and mayors in the Federation in the period following the expiration of their four-year mandates, I issued a legal opinion restating my office's consistent view that in situations such as this and in the absence of explicit provisions to the contrary, the principle should be that authorities, at least those exercising executive functions, continue to function beyond the expiration of their mandate until they are replaced in their position. My legal interpretation was well-received, as it clarified a situation that could otherwise have had serious consequences.

#### **H. Expiration of the mandate of the Mayor of the City of Sarajevo**

117. On 9 March, I received a letter requesting my legal opinion concerning the rights and duties of the Mayor of

the City of Sarajevo in the period following the expiration of the mandate and the date when the newly elected City Mayor of Sarajevo assumes duty. Considering the urgency of the matter, I replied with my legal interpretation on 10 March, reiterating my opinion provided earlier to the Federation Association of Municipalities and Cities that in situations such as this one and in the absence of explicit provisions stating otherwise, the principle of continuity of public office should apply and therefore that the functioning of the executive power and the exercise of its functions in the City of Sarajevo as the local self-government units must be secured at any time.

## **I. Crisis in Tuzla Canton**

118. Late last year, a crisis emerged in Tuzla Canton, in which a power struggle between the two coalition blocks – the former SDA-led majority and the new SDP-led majority – resulted in a series of actions and decisions by both sides in defiance of the constitutional and legal framework. This included an attempt by the new majority to convene and hold a “parallel Assembly session” to remove the Tuzla Canton Assembly leadership and the Tuzla Canton Government, and a declaration of a state of emergency by the Government to assume the decision-making authorities of the Assembly and adopt, among others, the 2021 budget. To prevent escalation of the crisis and its far-reaching implications, and following numerous requests from both blocs, on 8 January I addressed a letter to the leadership and members of the Tuzla Canton Government and Assembly with my legal interpretation of the actions and decisions taken by both sides, while providing a path towards unblocking the situation. As a result, on 15 January, the Tuzla Canton Assembly held a session in which the peaceful transfer of power between the two blocs was

conducted and key decisions restoring functionality were adopted within the constitutional and legal framework.

## **V. Republika Srpska**

119. While SNSD continued to lead the RS ruling coalition, a rift between SNSD and the new leadership of longtime coalition party DNS led to the exit of that party from the coalition in November. The exit of DNS also reduced the ruling majority's seats in the RSNA to below two-thirds – which, among others, is required to support a veto raised by the Serb member of the BiH Presidency. Further, one DNS minister in the RS Government was replaced by a candidate from coalition leader SNSD.
120. Nonetheless, the RS Government met regularly throughout the period, holding 26 sessions, while the RSNA held three regular sessions and two special sessions.
121. SNSD, prompted by party leader Milorad Dodik, initiated discussions in the RSNA on the Office of the High Representative on two occasions, in February and March. Both sessions resulted in the adoption of conclusions by the National Assembly calling into question the competences of the High Representative and the validity of the High Representative's decisions, as well key aspects of the GFAP, including the presence of international military forces under Annex 1A.
122. The RSNA conclusions are consistent with frequent public statements by Dodik, RS President Zeljka Cvijanović and RS Prime Minister Radovan Višković (both SNSD), and other leading ruling majority politicians over the past several years. SNSD also publicly pursued the adoption of a new RS Constitution to be adopted by a referendum, which would eliminate the RS CoP, an institution under the current RS Constitution that exists to protect the vital interests of the constituent peoples in the entity.

123. While SNSD was the overall victor in the 15 November Local Elections, the party lost mayoral races to opposition candidates in the two biggest RS municipalities, Banja Luka – significantly, the de facto entity capital, where its candidate was the longtime incumbent – and Bijeljina.

#### **A. David Dragičević Case**

124. New Banja Luka Mayor Drasko Stanivukovic (PDP) and his administration launched an anti-corruption campaign and focused on civil freedoms, particularly the freedom of assembly, allowing “Justice for David” activists to freely protest in the city center. The activists have protested the unsolved mysterious death in March 2018 of Banja Luka student David Dragičević for three years but were increasingly pushed out of public view and harassed by the RS authorities. Although the RS Ministry of Interior continues to refuse to grant permits to the protestors, for the time being police are not interfering with the protests in the city center, due at least in part to the attitude of the new city administration.

125. Possibly as a result of the increased profile of the protests, in February the BiH Prosecutor’s Office requested the transfer of the Dragičević case file to it from the Banja Luka Prosecutor’s Office – which has issued no indictments in the case – which was done in March. Closure for David’s parents is long overdue.

#### **B. Criminal Indictment Against RS Minister of Interior**

126. On 26 March, the Banja Luka District Prosecutor filed a criminal indictment against RS Minister of Interior Dragan Lukač (SNSD) for endangering security in connection with the criminal offense of physical injury inflicted against Drasko Stanivukovic, at the time a representative in the RSNA, during a December 2019 RSNA

session. During the session, Lukač allegedly punched Stanivukovic in the face. To proceed to trial, the Banja Luka Basic Court must confirm the indictment.

### **C. Srebrenica**

127. The November 2020 local elections in Srebrenica were preceded by a heavy voter registration drive. As in previous cycles, local political actors grouped along ethnic lines, with each side backing a joint mayoral candidate. While both the Serb and Bosniak political blocs facilitated the registration of supporters in Srebrenica, enabling them to vote, each bloc accused the other of attempting election fraud. As a result, the voter registry in Srebrenica was inflated with Serb voters residing in Serbia and Bosniak voters residing in the Federation.
128. Due to numerous reports and allegations of suspected fraud before and during the election day in Srebrenica, the BiH CEC delayed the confirmation of the election results, and eventually annulled the results from 26 out of 28 polling stations and announced repeat elections on 21 February. The Bosniak/pro-Bosnian coalition “My Address Srebrenica” filed numerous appeals during the process, claiming fraud by the Serb side and procedural violations by the BiH CEC. Faced with the rejection of their appeals, “My Address Srebrenica” opted for a boycott of the repeat elections.
129. While the boycott was successful in terms of a decreased turnout of Bosniak voters for the repeat elections, it also expectedly led to poor results and a lower level of Bosniak participation within the Srebrenica municipal institutions. Even with the boycott of the repeat election, on the basis of the confirmed results from the 15 November election, Bosniaks won six of 21 mandates in the Srebrenica Municipal Assembly. Despite calls by some

coalition representatives to reject those mandates, the “My Address Srebrenica” coalition eventually accepted them in order to participate in decision-making in the municipality.

130. Bosniak representatives walked out of the inaugural session of the Srebrenica Municipal Assembly in late March, due to a lack of agreement on the appointment of the Municipal Assembly Secretary. However, in mid-April the Bosniak and Serb blocs signed a coalition agreement defining the distribution of positions, and finally completed the inaugural session. Almost immediately, the two parties who benefit most from the agreement, SNSD and SDA, came under attack from other parties. As of the end of the reporting period, the coalition agreement nonetheless still stood.

#### **D. Non-cooperation with the High Representative**

131. Consistent with its now 17-year practice, the RS Government continued to actively refuse access by my office to official information and documents as required under Article IX of the GFAP and Annex 10 to the Agreement, which obliges all authorities in BiH to fully cooperate with the High Representative. Repeated calls by the PIC SB reminding the Republika Srpska authorities of their obligations in this regard have so far had no impact.

#### **E. Commission on Suffering of Serbs in Sarajevo**

132. On 13 April, the Independent International Commission on the Sufferings of Serbs in Sarajevo Between 1991 and 1995 issued its final report, dated October 2020. The RS Government appointed the six members of the Commission in February 2019.
133. According to the general conclusions outlined at the end of the Report, 800 Serbs were reported missing from

Sarajevo and 260 have yet to be found. The authors suggest that the numbers may be higher and that entire families disappeared with no one to report them missing.

134. The Report is comprised of seven chapters, which, apart from the chapter on Sarajevo Serbs, are devoted to the history of BiH during the Ottoman and Austro-Hungarian Empires, the Kingdom of Yugoslavia, the WWII and post-WWII period, and role of radical Islamists in the BiH conflict.

## **VI. Public security and law enforcement, including intelligence reform**

135. The practice of improper political interference in operational policing has not diminished during the reporting period.
136. In October, the Brčko District Assembly adopted, in an urgent procedure, significant changes to the Brčko Law on Police, which were assessed to undermine the existing transparent, merit-based, and open competition procedures and rules for appointing the police chief, deputy police chief, and members of the independent board. The amendments also extended their mandates without the prescribed legal processes, and appeared to violate the Brčko District Statute in several instances. The Brčko District Supervisor, with technical support from my office, the U.S. Embassy, the OSCE, and the EU Delegation, pointed out the shortcomings to the Brčko authorities, while also underscoring that these changes were out of sync with the new reform approach adopted in the District. The authorities subsequently drafted legislation to be submitted to the Brčko District Assembly in late April to repeal the changes adopted in October and restore the Brčko Law on Police to the previously existing state of affairs.
137. In October, the Federation Government (in technical

mandate since 2018) adopted a long-dormant update to the Federation *Law on Police Officials*. Subsequent analysis showed, inter alia, a new provision stating the Federation Police Director and Federation Deputy Police Director cannot be from the same constituent peoples, which differed from the draft law endorsed by my Office in July 2017. In December 2020, the Federation Government withdrew the law from the parliamentary procedure due to objections by the Federation-level police union.

138. In December, the Zenica-Doboj Canton Assembly adopted amendments to the Zenica-Doboj Law on Internal Affairs which, yet again, led to the postponed implementation of a separate police budget necessary to buttress police independence and accountability, over the strident objections of myself along with the U.S. Ambassador in our joint letter sent prior to the Assembly session. Implementation of the separate police budget has been pending since the passage of the provision in 2017.
139. In March, a representative in the Zenica-Doboj Canton Assembly introduced under expedited procedure proposed amendments to the Zenica-Doboj Canton Law on Internal Affairs that would seriously undermine police professionalism and usher in political interference in professional policing. In my joint letter with the U.S. Ambassador, we asked for the withdrawal of the amendments and their further consideration by a body of experts.
140. In January, the new ruling majority in Sarajevo Canton publicly issued its plan of activities, which entails the full implementation of the Sarajevo Initiative adopted by the Sarajevo Canton Assembly in June 2020. The Initiative encompasses far-reaching reforms of the public security arrangement in the Canton by eliminating the Sarajevo Canton Ministry of Interior, while the



Sarajevo Canton Police Administration remains in place. In January, in my joint letter with the U.S. Ambassador addressed to the Sarajevo Canton authorities, I emphasized the importance of achieving the Sarajevo Initiative.

141. The Posavina Canton authorities failed to insert a prescribed provision in the relevant police law required by the letter of the President of the Security Council of 2007 on police denied certification by the former United Nations International Police Task Force, despite repeated assurances from canton authorities.
142. Controversial appointments and dismissals of police commanders and independent boards continued to be strong indicators of improper political interference in operational policing.
143. The Herzegovina-Neretva Canton authorities have not yet appointed a new independent board, police commissioner, public complaints bureau or police board. The Canton has not had a duly appointed police commissioner since October 2018, nor a functioning independent board since March 2017.
144. The Federation Government has not yet appointed the Federation police director, even though the Federation Independent Board completed the selection process for this position in April 2019. In February, the Federation Minister of Interior forwarded the top-ranked candidate selected by the board to the Federation Government, which sparked media controversy. In March, the Federation House of Representatives Security Commission called for the cancellation of the appointment process and reissuance of a vacancy announcement. The security commission does not have a role in the selection and appointment process.
145. In February, the Tuzla Canton Government reinstated

Dževad Korman to the position of police director following a Tuzla Canton municipal court ruling, that the January 2020 dismissal of Korman, was not in compliance with the law. Prior to Korman's return to his former position, my Office and the U.S. Embassy criticized the dismissal as improper political interference in professional policing.

146. In December, the West Herzegovina Canton Assembly appointed a new independent board, and in February, the BiH Parliamentary Assembly appointed a new independent board for overseeing the work of the directors of SIPA, Border Police, and the Directorate of Police Coordination. The mandate of the previous board had expired in March 2018.
147. The BiH Council of Ministers has not yet appointed the next Director General of the Intelligence-Security Agency of BiH. The mandate of the current Director General (serving in technical mandate) expired in November 2019.
148. In March, together with the Heads of the EU Delegation, the CoE, the OSCE, and the Ambassadors of the Netherlands, Sweden, the UK and the US, I sent a joint letter to all Ministers of Interior in BiH encouraging them to initiate the procedure aimed at advancing legislation governing the enjoyment of freedom of peaceful assembly in their respective jurisdictions by using the model of the new Brčko District *Law on Peaceful Assembly* adopted in July 2020, as it is in line with European and international human rights standards.

## **VII. Economy**

149. The COVID-19 pandemic has seriously disrupted the BiH economy. In its February 2021 Report on Macroeconomic Indicators for January-October 2020, the BiH Council of Ministers' Directorate for Economic Planning notes a 3.7

decline in BiH's GDP in the first half of 2020 compared to the same period in 2019, while the International Monetary Fund (IMF) and the World Bank forecast the GDP decline for 2020 at 5.5 percent and 3.2 percent, respectively. Industrial production in the period decreased by 7.5 percent, while exports and imports decreased by 8.5 percent and 13.4 percent, respectively. At the annual level, BiH registered deflation. The price level in 2020 decreased by 1.6 percent over the previous year.

150. According to the BiH Agency for Statistics, the number of employed persons in BiH in December was 813,942, which is 2 percent lower than December 2019. At the same time, the number of unemployed persons was 413,627, which is 2.9 percent higher than a year earlier. The registered unemployment rate in December was 33.7 percent. The share of unemployed youth in total unemployment is estimated at 60 percent. The number of pensioners now totals 699,121 persons, an increase of 1.7 percent.
151. The average net salary of BAM 988 and the average pension of BAM 415 remain significantly below the average basket of goods price of BAM 1,998 for a four-member family, suggesting that even those with steady income struggle to make ends meet, particularly pensioners with the lowest pension payments. The COVID-19 pandemic has further aggravated poverty levels in BiH. The World Bank's *Economic and Social Impact of COVID-19* report forecasts a poverty increase of 35,000 to 85,000 persons. While the number of poor in BiH before the pandemic was 600,000 to 700,000 persons, this is now estimated at 800,000 persons.
152. The negative trends apply also to corruption levels. Transparency International's Corruption Perceptions Index 2020 ranked BiH as 111th of 180 countries, which

is 10 places down from 2019 and significantly below the ranking of BiH's neighbors (Croatia is 63rd, Montenegro is 67th and Serbia is 94th). During the pandemic, the country experienced numerous violations of human and labor rights, as well as discrimination in economic aid distribution, and alleged unlawful procurement of medical equipment.

153. The COVID-19 pandemic has also had a negative effect on foreign direct investments. Preliminary estimates indicate a decline of over 10 percent in 2020 and forecast a further decline of 5 to 10 percent in 2021. The estimates are especially worrisome, considering that the 2020 decline is calculated in comparison with 2019, when foreign direct investments totaled a modest BAM 699 million and were already 26.6 percent lower than in 2018.
154. Under the circumstances, the March affirmation of BiH's credit rating by Standard & Poor's Rating Services (B with stable outlook) is positive news. Likewise, although the commercial banking sector recorded a profit decline of almost 40 percent in 2020, it is still assessed as generally stable and liquid.

#### **A. Fiscal issues**

155. The COVID-19 pandemic has not disrupted debt servicing or regular monthly budget payments, largely due to continuous indirect tax revenue inflows and domestic borrowing. Although indirect taxes remained the vital revenue source for all levels of government and thus the backbone of their budget stability, their inflows have significantly declined. For the first time since the 2009 global financial crisis, the BiH Indirect Taxation Authority recorded a decrease in the collection of indirect tax revenues. In 2020, the gross collection totaled BAM 7.23 billion, 9.5 percent less than in 2019.

156. Domestic borrowing also contributed to budget stability in the reporting period, primarily at the entity level, but it also contributed to the country's overall indebtedness. According to the BiH Ministry of Finance and Treasury, the overall BiH public debt at the end of 2020 totaled BAM 12.1 billion, of which 71.3 percent was foreign debt and 28.7 percent domestic debt. The Federation share of the debt was 51.1 percent, while the RS share of the debt was 47.9 percent. Compared to 2019, the overall BiH public debt at the end of 2020 increased by 8.5 percent, with foreign debt increased by 6.4 percent and domestic debt increased by 14 percent.
157. BiH did not benefit from international budget support during the reporting period. An agreement on a new three-year IMF Extended Fund Facility (EFF) program was not reached due to, among others, the continued opposition of the RS authorities to reforms perceived as strengthening the State competences and institutions, which was mostly evident in two areas singled out by the IMF: promoting a single economic space and strengthening financial stability, both necessary to strengthen BiH's resilience to an economic and/or a financial crisis, as well as for BiH's accelerated development and its aspirations towards accession to the European Union.
158. The reforms opposed by the RS authorities also included those needed to efficiently fight money-laundering and the financing of terrorism. The RS' persistent views on the aforementioned matters but also the subsequent lack of progress on other measures within the original Extended Fund Facility program – including, among others, the failure of the State authorities to ensure timely adoption of a State budget for 2021 and the failure of the Federation authorities to appoint a new Securities Commission – signal little prospect for prompt agreement between BiH and the IMF.

159. As for the 2021 budget process, the State institutions and one Federation canton – Una-Sana – still operate on temporary financing, while both entities and the other nine cantons have 2021 budgets in place.
160. It has become the practice that the 31 December deadline for the adoption of a State budget for the following year is not met, with the State institutions consequently forced into temporary financing as of 1 January. Despite expectations that the 2021 budget would be adopted prior to the end of Q1 2021, this did not happen, as on 11 March the BiH Presidency denied support for the draft budget previously adopted by a majority vote in the BiH CoM. The BiH Presidency objected to the absence of funds for mitigating the consequences of the COVID-19 pandemic, and – disregarding all other options – instructed that the funds for this purpose be taken from those planned for adjustments of the employee salary base that would revert the base to the 2012 level. Although such adjustments would still keep the salary base below the 2009 level and would be crucial to narrowing the gap between State-level salaries and salaries at lower levels of authority and to address capacity deficiencies of the State institutions and support their functionality, political party calculations prevailed. This was condemned by employees of the State institutions – including those in the BiH security sector – and was followed by employee protests and threats of strikes. On 25 March, the BiH CoM unanimously adopted a new draft 2021 budget of BAM 1.87 billion, including BAM 21.7 million for mitigating the consequences of the pandemic. The draft is still subject to consideration by the BiH Presidency. The uninterrupted financing of the State institutions – albeit on the basis of temporary financing – is provided for through 30 June.

161. The 2021 Federation budget was adopted by the Federation HoR on 29 December and by the Federation HoP on 11 January. The budget amounts to BAM 5.48 billion, a 0.5 percent decrease from the 2020 rebalanced budget. Total domestic revenues are projected in the amount of BAM 4 billion, an increase of 6 percent, and include, among others, indirect tax revenues of BAM 1.44 billion (approximately the same as 2020), revenues from pension contributions of BAM 1.99 billion (a 13 percent increase) and non-tax revenues of BAM 499.1 million (a 1 percent decrease). The budget shows a deficit of BAM 1.36 billion, a 1 percent decrease compared to the rebalanced 2020 budget, to be covered by short-term domestic borrowing (BAM 410 million), long-term domestic borrowing (BAM 210 million), loans received through the State (BAM 640.9 million) and receipts from financial assets (BAM 100 million). For expenditures, the budget foresees, among others, BAM 252 million for gross salaries (a 5 percent increase), BAM 107.8 million for material and service expenditures (a 10 percent decrease) and BAM 3.67 billion for current transfers (a 5 percent decrease), which include transfers for social welfare and veterans, pension funds, transfers for economic stabilization, and transfers to lower levels of government. The Federation debt payment in 2021 totals BAM 1 billion (an 8 percent increase), of which the foreign debt payment is BAM 486.3 million.
162. In December, the RSNA adopted the second rebalance of the 2020 RS budget. The original budget foresaw a budget surplus of BAM 20 million based on the estimated 3.5 percent GDP growth in 2020, but due to the COVID-19 pandemic, the rebalanced budget foresaw instead a deficit of BAM 394 million. The budget deficit was covered from the IMF Rapid Financing Instrument and from additional borrowing from the local capital market, amounting to BAM 244 million and BAM 157 million,

respectively. Due to the pandemic, the RS' borrowing in 2020 more than doubled, increasing from BAM 315 million to BAM 716 million.

163. The 2021 RS budget was adopted by the RSNA on 17 December. It amounts to BAM 3.8 billion, a 4 percent increase over the rebalanced 2020 budget. More than a half of the budget funds are planned for pension payments and civil servant salaries. The main budget beneficiaries are the Ministry of Education, the Ministry of Labor and Veterans and the Ministry of Interior. To cover budgetary needs, the 2021 budget foresees BAM 834 million from long-term borrowing and BAM 224 million from short-term borrowing.
164. The long-term borrowing sources are local and foreign capital markets, as well as international financial institutions, while short-term borrowing is planned through the issuance of treasury bills at the local capital market. In the same session, the RSNA adopted the 2021-2023 Economic Reform Program, projecting annual economic growth between 2.6 and 3.2 percent. The program also projects borrowing of BAM 3.1 billion. Both the budget and the reform program are focused on mitigating the negative consequences of the COVID-19 pandemic in the RS.
165. Fiscal challenges at the entity level arise mainly from the continued absence of agreement on the IMF EFF program, underperformance of domestic revenue and/or a lack of interest in government securities. Any deterioration of fiscal stability at the entity level, manifested primarily in suspended or delayed budget payments, poses serious risks to overall political stability, as it inevitably opens the door to inter- and intra- entity disputes and challenges to the State institutions and competences, especially those transferred by the entities to the State.



## **B. International obligations**

166. Following its 18<sup>th</sup> session on 17 December, the Ministerial Council of the Energy Community – an international organization comprised of the European Union and the neighboring countries from Southeast Europe – suspended several rights enjoyed by BiH under the Energy Community Treaty, specifically BiH's participation in decision-making on matters of budget and enforcement. The Council decision is due to of BiH's persistent failure to comply with the requirements of the Second Energy Package in the gas sector, the Sulphur in Fuels Directive, and the Third Energy Package in the electricity and gas sectors. The suspension is for two years, unless BiH rectifies the breaches. BiH has been under Energy Community sanctions since 2015, when it was first sanctioned for its non-compliance with Energy Treaty requirements in the natural gas sector. This breach remains unresolved and stems from a longstanding entity dispute over regulating aspects of the gas sector at the State level, which continues to prevent the requisite adoption of State-level legislation.
167. The mandates of members of the management and the management board of the BiH Electricity Transmission Company expired three years ago. The management board consists four members from the Federation (two Croat and two Bosniak members) and three members from the RS, all of whom are subject to confirmation by the BiH Council of Ministers. In December, the Federation Government nominated two Croat and two Bosniak members to the BiH Electricity Transmission Company's management board but the BiH Council of Ministers decided on 29 December not to proceed with a partial appointment and invited the RS to also nominate its three members, so that all members of the Company's management board could be confirmed at the same time. Further delays of these appointments

could additionally complicate decision-making on issues of relevance for the Company and electricity transmission in general. They could also provide a pretext for renewed challenges to the Company, which was established by the *BiH Law Establishing the Electricity Transmission Company* adopted by the BiH Parliamentary Assembly in 2004, following June 2003 agreement of the entities on the establishment of a transmission company and independent system operator, concluded on the basis of Article III (5) (b) of the BiH Constitution.

168. After the RS' unilateral withholding of contributions to the BiH Public Railways Corporation in 2016 and 2017, which deprived the Corporation of funds equivalent to one RS annual contribution, the Federation – wishing to compensate for the difference in funds paid to the Corporation by the two entities – decided not to provide funding for the Corporation in its 2020 budget. While the RS 2020 budget included an allocation for the Corporation, the entity again withheld payment and only in Q1 2021 transferred the remaining 40 percent of the budgeted amount. At the same time, an adequate entity transfer by the RS to the Corporation for 2021 has not yet been secured, while the Federation Government secured adequate funds for the Corporation only at its 1 April session. This uncertainty of funding poses a risk to the sustainability of the Corporation, which is the only State-level corporation established under Annex 9 of the GFAP. Additionally, it jeopardizes the only mechanism for a harmonized approach to the reconstruction of railway routes, which would benefit the railway companies of both entities, all citizens of BiH, and the country's economy.

#### **VIII. Return of refugees and displaced persons**

169. The return of refugees and displaced persons to their homes of origin, a right guaranteed under Annex 7 to the

GFAP, requires the authorities at all levels to establish on their territories political and socioeconomic environments conducive to voluntary returns and the integration of returnees into the communities.

170. Returns have been negatively impacted by the divisive rhetoric mentioned elsewhere in this report, as well as persistent, unresolved issues relevant for returns in general. Thus, despite the return of Bosniak children from Liplje near Zvornik in the RS to classes last October, the issue of the official name of the Bosnian language within the RS educational remains unresolved.
171. The glorification of war criminals and the promotion of controversial narratives related to historical events remain an open source for provocation. Despite its intrinsic controversy, as well as an ongoing court case against the Ravna Gora Chetnik Movement for inciting hatred during their March 2019 gathering in Višegrad, in February this year the local assembly in the RS town of Bijeljina supported the construction of a bust dedicated to the WWII Chetnik commander Draža Mihailović in a central square of the city.
172. In this regard, throughout BiH there are streets, squares and public buildings, including schools, named after WWII Nazi collaborators and supporters, as well as signs and plaques honoring convicted war criminals, which represent not only intimidation to those in the minority, including returnees, but also a trend of historical revisionism, and is not only contrary to fundamental European values but also to basic human decency.
173. Religious property has also been targeted by wanton attacks. On 18 February, the UNESCO World Heritage-listed Aladza Mosque in Foča in the RS was damaged,

possibly by firearms. The incident is under investigation.

## **IX. Media developments**

174. The Public Broadcasting System remains heavily politicized. Years of obstruction in implementation of the relevant legislation has led to the abandonment of the system of joint collection of RTV tax and the *de facto* establishment of three completely separate and competitive public broadcasters. The appointment of Governing Board members is either carried out exclusively by the relevant parliament and serves the parliamentary majority, as is the case with RS broadcaster Radio-Television RS, or is obstructed by appointed authorities who oppose the proposed candidates, as is the case with BiH Radio Television (BHRT) and Radio-Television Federation (RTV FBiH). On 11 February, the BiH Communications Regulatory Agency (CRA) Council decided to readvertise positions for all four members of the Governing Board of BHRT, since the BiH Parliamentary Assembly failed to appoint the new governors from the list submitted by the CRA Council on 4 January. There is a lack of activity on the part of the Federation Parliament, with only of four members of the RTV FBiH Governing Board still working, and his mandate expired seven years ago.
175. Attacks and pressure on journalists continue to pose a threat to unhindered reporting. In the reporting period, the Free media helpline of the BiH Union of Journalists, functioning as a local project to provide support and assistance to journalists in their work, registered 23 cases of violations of the rights of journalists, 25 cases of free media violations, ranging from physical attacks, political pressure, different threats and verbal assaults. There is also a growing number of gender-based violence and attacks against female

journalists.

176. The BiH Press Council, a self-regulatory body for print and online media, has seen a marked increase in registered cases, particularly complaints against commentaries on web portals. This year to date, the Council has registered 135 such cases and 89 complaints against printed stories. The latest concerning trend is orchestrated cyberattacks against online media portals, which are ill-equipped to prevent or fend off such attacks. International organizations in BiH have condemned these attacks and called on the relevant BiH authorities to strengthen their networks and ability to detect, deter and investigate all attacks on media websites.
177. Although the licenses for analogue broadcasting for public broadcasting services expired in April of last year, the public broadcasters have neither fulfilled the obligation to establish a joint legal entity to enable digitalization nor purchased the equipment necessary for its introduction. The BiH CRA extended licenses in terms of broadcasting programs of public services for an additional five years, stipulating that all transmitters that interfere with the digital radio frequency spectrum both within and across the BiH border will be disabled in case of interference reports.
178. The licenses of commercial broadcasters for analogue broadcasting expire in December this year. Those broadcasters announced their transition to the digital platform Multiplex C, which was initiated and approved by the CRA at their request.
179. On 4 February, the BiH Parliamentary Assembly adopted the audit report "Effects of the Digitalization of the TV signal in BiH," issued by the Audit Office of the BiH Institutions, and instructed the competent BiH Ministry

of Communications and Transport to implement the auditor's recommendations. Specifically, the competent ministry is expected to determine a plan of activities with deadlines and steps to be taken to finalize the process of digitalization in BiH.

## **X. European Union military mission in Bosnia and Herzegovina**

180. The European Union military mission in BiH (EUFOR), with its continued executive mandate, is vital to supporting BiH's efforts to maintain a safe and secure environment, which enables my office and other international organizations to fulfill our respective mandates. EUFOR's presence in the field, including its liaison and observation teams, undoubtedly contributes to stability and security and provides an early warning system for potential security issues, which is particularly crucial in the current turbulent political climate.

## **XI. Future of the Office of the High Representative**

181. Fundamentally, policy considerations regarding BiH must be the basis for assessing the resource requirements of the OHR. As the present report demonstrates, there is still considerable work to be done to move the country forward. My office continues to responsibly streamline its operations. At its peak in 2002, the OHR budget was €25 million, with around 700 staff, compared with the current €5.3 million budget and only 89 staff.

182. During my tenure as mandate holder, the OHR budget has decreased by 53 percent and the staff by over 58 percent. However, while the organization has faced substantial reductions to staff and funding, tasks have largely remained the same. As the budget decreases over time, it becomes exponentially more difficult to further reduce costs without cutting essential expertise and capacity. Given the numerous challenges, the OHR must retain the effective capacity to mitigate risks to

stability and encourage irreversible progress. Staff reductions pose a greater risk for the organization, which relies on its human capital, institutional memory, expertise and long-standing contact networks. The diminishing of financial resources only exacerbates the issue.

## **XII. Reporting schedule**

183. I submit this report in accordance with the requirement in Council Resolution 1031 (1995) for the High Representative to submit regular reports to the Secretary-General for transmission to the Security Council. I remain at the disposal of the Secretary-General or any Council member seeking additional information or clarification. The next regular report is scheduled for October 2021.

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### **Notes:**

[\[i\]](#) “I am in favor of agreeing operationally how the church should be relocated. I was for that five years ago. I prefer that attitude and I think the story needs to end.” *BiH Presidency member/SNSD President Milorad Dodik, FTV, 7 October 2019*

[\[ii\]](#) “I had said earlier [the church] should be relocated, now I think it should not. There you are. Until everything is solved, there is no solution. Until everything is clear, nothing should be done. I had said earlier publicly this should be done, as a human being, that is, but now as a responsible official I think it should not, until we resolve all open issues in our mutual relations, even if it concerns the European Court; let this European Court resolve the Sejdić-Finci issue.” *BiH Presidency member/SNSD President Milorad Dodik addressing RS National Assembly, Republika Srpska News Agency (SRNA), 28 February 2020*

[\[iii\]](#) “How are we going to leave? Of course, the international context is important here. We, the people in the RS, we are absolutely living the RS as our state, we are staring at Serbia, none of that is unknown. Formally speaking, I often hear from foreigners, from the High Representative, that it is not written anywhere that the RS can hold a referendum and determine its status.” *BiH Presidency member/SNSD President Milorad Dodik, RTV Pink, 25 October 2020* (<https://www.youtube.com/watch?v=x0omNnQPKJs&t=4089s>)

[\[iv\]](#) “Why then is my proposal not legitimate when I say that the Serbs will go to a referendum one day, they will decide where they want to go and what they want to do. Decide on their status, whether they are going to stay in Bosnia, etc. Why is this not legitimate, if we say it? *BiH Presidency member/SNSD President Milorad Dodik, RTRS, 21 January 2021* ([https://www.youtube.com/watch?v=p\\_rCnhNGiH8](https://www.youtube.com/watch?v=p_rCnhNGiH8))

[\[v\]](#) “Only the parties, the two parties that can decide what to change in this country are exclusively the RS and the Federation as entities. And no one else. No High Representative. And that is why Bosnia was brought before the collapse. Here, too, it is sought and I suggest a peaceful separation.” *BiH Presidency member/SNSD President Milorad Dodik, RTRS, 29 March 2021* (<https://www.youtube.com/watch?v=7AlyICg0oLE>)

[\[vi\]](#) “The RS is not thinking of gaining its independence in a way that would be a war conflict. And that is why we are persistently waiting for the moment when we will make this dissolution real in a peaceful way. In any case, until then, it is quite realistic that the option of a peaceful dissolution should be one of them and that it can be discussed equally.” *BiH Presidency member/SNSD President Milorad Dodik, RTRS, 13 April 2021* (<https://www.youtube.com/watch?v=IjaEjWdTs-k>)

[\[vii\]](#) “[BiH] will certainly fall apart and you will see that



it will be without war. It will simply collapse and only that what can work will function, and the only thing that can function on its own in BiH is Republika Srpska. Not BiH, nor the Federation.” *BiH Presidency member/SNSD President Milorad Dodik, TV Kurir, 31 October 2020* ([https://youtu.be/4ogg1\\_SX0dM](https://youtu.be/4ogg1_SX0dM))

[viii] “You know, I admit that I was a man who was in favor of the European Union and I thought we should be there and I was a big fan. But that was 15 years ago. Today everything has changed, the EU has changed.” *BiH Presidency member/SNSD President Milorad Dodik, TV Kurir, 31 October 2020* ([https://youtu.be/4ogg1\\_SX0dM](https://youtu.be/4ogg1_SX0dM))

[ix] “We know that 30 June is sort of a deadline and that [the BiH Election Law] should be amended by then. If that doesn’t happen, Croats have but one option left – Herzeg-Bosnia. Are we ready?” *HDZ 1990 President Ilija Cvitanović, Bild, 22 March 2021* (<https://www.bild.ba/lopovi-i-politika/Cvitanović-za-bild-ba-a-ko-bakir-zeli-herceg-bosnu-dobit-ce-je/>)

[x] “If [SDA President Bakir Izetbegović] wants BiH as a state of three constituent peoples equal in everything, then it is necessary to accept Croat proposals of amendments to the Election law. If he wants Herzeg-Bosnia, he will have it!” *HDZ 1990 President Ilija Cvitanović, Bild, 22 March 2021* (<https://www.bild.ba/lopovi-i-politika/Cvitanović-za-bild-ba-a-ko-bakir-zeli-herceg-bosnu-dobit-ce-je/>)

[xi] “If I have offended anyone, which was not my goal, I never have a problem apologizing. My goal was never to hurt anyone, but to show the seriousness of the situation we are in.” *HDZ 1990 President Ilija Cvitanović, Federation TV, 1 April 2021* (<https://federalna.ba/dnevnik-d-ilija-Cvitanović-01042021-dgy1q>)

[xii]

<https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/bratunac-cestitali-rodendan-zlocincu-Mladiću-stizu-ostre-osude/409184>

[xiii]

<https://www.bljesak.info/vijesti/flash/U-organizaciji-Tropleta-Mostarci-upalili-svijece-na-godisnjicu-Praljkove-smrti/331163>

[xiv]

<https://www.klix.ba/vijesti/bih/treci-godisnjica-presude-haskoj-sestorci-u-mostaru-i-kiseljaku-zapaljene-svijece-za-praljka/201129072>

[xv]

<https://www.klix.ba/vijesti/bih/skup-podrske-mahmuljinu-u-zenici-zrtva-ne-moze-biti-zlocinac/210127049>

[xvi]

<https://www.atvbl.com/vijesti/bih/skandalozna-izjava-bisere-turkovic-mahmuljin-je-heroj-25-1-2021>