

# **Declaration of Members of the Board of Principals (Council of Europe, Office of the UN Resident Coordinator, NATO, EUFOR, OSCE, EU Delegation, EUPM, UNHCR and Office of the Prosecutor of ICTY join this statement)**

On 13 April, the Republika Srpska (RS) National Assembly adopted a set of conclusions that call for a referendum on the legitimacy of the Court and Prosecutor's Office of Bosnia and Herzegovina (BiH). We believe that such a referendum would be a dangerous setback for the country's European and Euro-Atlantic ambitions.

The Board of Principals insisted on full compliance with General Framework Agreement for Peace and decisions of the High Representative, thanks to which many reforms necessary for this country to move towards EU and NATO have been achieved.

The establishment of the Court over 10 years ago was an important step forward in overcoming the challenge of BiH's fragmented justice system with regard to some of the most serious crimes – including organized crime and terrorism and, later, war crimes.

There is no foundation to allegations that the Court and Prosecutor's Office are illegitimate. On the contrary the BiH

Constitution enables the State to establish the institutions it needs to carry out its constitutional responsibilities. The legislation regulating these institutions was adopted by the BiH Parliament, including the RS representatives. The BiH Constitutional Court has ruled twice in support of the constitutional status of the 'Law on the Court of BiH'. The Council of Europe's Venice Commission has similarly endorsed the Court.

Calling a referendum to challenge its jurisdiction would make no difference to these facts. The RS Constitution allows for a referendum only on issues that fall within its competence. The legitimacy of state-level institutions is not such an issue.

A referendum on the legitimacy of BiH's state-level judicial bodies would send a clear message that the basic principle of the rule of law is now being questioned. This would also damage the country's European aspirations, since effective and independent judiciary is a key element for EU accession. Instead, BiH should focus at strengthening rule of law, including the institutions responsible for its implementation in an effort to prepare the country for European and Euro-Atlantic integration.