

The Constitutional Court of Bosnia and Herzegovina, sitting, in accordance with Article VI(3)(a) of the Constitution of Bosnia and Herzegovina, Article 57(2)(e) and Article 64(1) and (4) of the Rules of the Constitutional Court of Bosnia and Herzegovina – Revised text (*Official Gazette of Bosnia and Herzegovina*, 94/14), in plenary and composed of the following judges:

Mr. Mato Tadić, President

Mr. Miodrag Simović, Vice-President

Mr. Mirsad Ćeman, Vice-President

Ms. Helen Keller, Vice-President

Ms. Valerija Galić,

Ms. Seada Palavrić,

Mr. Zlatko M. Knežević,

Ms. Angelika Nußberger, and

Mr. Ledi Bianku

Having deliberated on the request filed by Mr. **Šefik Džaferović, Chairman of the Presidency of Bosnia and Herzegovina** in the case **U-17/22**, at its session held on 6 July 2022, adopted the following

DECISION ON INTERIM MEASURE

The request lodged by Mr. **Šefik Džaferović, Chairman of the Presidency of Bosnia and Herzegovina**, for the issuance of the interim measure is hereby granted.

The Law on Pharmaceuticals and Medical Devices of Republika Srpska (*Official Gazette of the Republika Srpska*, 118/21) and the Law on Amendments to the Law on Republic Administration (*Official Gazette of the Republika Srpska*, 15/22) are temporarily rendered ineffective.

This Decision shall enter into force immediately and shall have legal effect pending the final decision of the Constitutional Court of Bosnia and Herzegovina on the submitted request.

This Decision shall be published in the *Official Gazette of Bosnia and Herzegovina*, the *Official Gazette of the Federation of Bosnia and Herzegovina*, the *Official Gazette of the Republika Srpska* and the *Official Gazette of the Brčko District of Bosnia and Herzegovina*.

REASONING

1. On 28 June 2022, Mr. Šefik Džaferović, Chairman of the Presidency of Bosnia and Herzegovina (“the applicant”), submitted to the Constitutional Court of Bosnia and Herzegovina (“the Constitutional Court”) a request for a review of constitutionality of the Law on Pharmaceuticals and Medical Devices of the Republika Srpska (*Official Gazette of the Republika Srpska*, 118/21) and the Law on Amendments to the Law on Republic Administration (*Official Gazette of the Republika Srpska*, 15/22).

2. The applicant also lodged, based on Article 64 of the Rules of the Constitutional Court, a request for the adoption of *interim measure*, asking to temporarily render ineffective the Law on Pharmaceuticals and Medical Devices of Republika Srpska and the Law on Amendments to the Law on Republic Administration, pending the final decision of the Constitutional Court.

Relevant facts

3. The Constitutional Court notes that based on Article IV(4)(a) of the Constitution of Bosnia and Herzegovina, at the 29th session of the House of Representatives held on 14 May and 4 June 2008 and 18th session of the House of Peoples held on 17 June 2008, the Parliamentary Assembly of Bosnia and Herzegovina enacted the Law on Pharmaceuticals and Medical Devices (*Official Gazette of Bosnia and Herzegovina*, 58/08).

4. Article 1 of the Law on Pharmaceuticals and Medical Devices of BiH stipulates that that law regulates: definition of pharmaceuticals and medical devices; conditions and measures for ensuring quality, safety and efficiency of use of pharmaceuticals and medical devices; supervision over pharmaceuticals and medical devices as well as over legal entities engaged in production, testing or wholesale marketing of pharmaceuticals and medical devices; and any other issues of importance in the area of pharmaceuticals and medical devices (paragraph 1). Then it is stipulated that this Law applies also to pharmaceuticals containing narcotic drugs and psychotropic substances as well as raw materials used for their production, unless regulated by a separate Law, in compliance with international conventions regulating this type of pharmaceuticals (paragraph 2).

5. In addition, Article 1(3) of the Law on Pharmaceuticals and Medical Devices of BiH prescribes that that Law shall establish an Agency for Pharmaceuticals and Medical Devices of Bosnia and Herzegovina (“the Agency of BiH”) as an authority in the area of pharmaceuticals and medical devices used in the medical practices in Bosnia and Herzegovina. The purpose and scope of the Agency of BiH is determined by Articles 6 to 10 of the Law on Pharmaceuticals and Medical Devices of BiH. The Agency of BiH started operating on 1 May 2009 pursuant to Article 17(1)(1) of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina. The Agency of BiH has the status of an independent administrative organization at the level of Bosnia and Herzegovina.

6. In addition, the Constitutional Court notes that the provision of Article 14 of the Law on Pharmaceuticals and Medical Devices of BiH stipulates that both Entities and Brčko

District shall be required to harmonise legislation regarding pharmaceuticals and medical devices, in accordance with that Law, within 90 days after entering into force.

7. The National Assembly of the Republika Srpska (“the National Assembly”) passed the Law on Pharmaceuticals and Medical Devices of Republika Srpska, which was promulgated by the Decree on the Promulgation of the Law on Pharmaceuticals and Medical Devices of Republika Srpska (*Official Gazette of the Republika Srpska*, 118/21 of 28 December 2021). Article 237 of the Law on Pharmaceuticals and Medical Devices of RS provides for the relevant Law to enter into force six months from the date of publication.

8. Article 1 of the Law on Pharmaceuticals and Medical Devices of RS prescribes that this Law regulates definition of pharmaceuticals and medical devices in humane medicine, production, testing or wholesale marketing of pharmaceuticals, conditions and measures for ensuring quality, safety and efficiency of use of pharmaceuticals and medical devices, establishment, scope and manner of work of the Agency for Pharmaceuticals and Medical Devices of the Republika Srpska, supervision over pharmaceuticals and medical devices as well as over legal entities engaged in production as well as any other issues of importance in the area of pharmaceuticals and medical devices. Moreover, Article 2(3) of the Law on Pharmaceuticals and Medical Devices of RS stipulates that that Law applies also to pharmaceuticals containing narcotic drugs and psychotropic substances as well as raw materials used for their production, unless regulated by a separate law, in compliance with international conventions regulating this type of pharmaceuticals.

9. The Law on Amendments to the Law on Republic Administration was promulgated by the Ordinance on the Promulgation of the Law on Republic Administration (*Official Gazette of the Republika Srpska*, 15/22 of 22 February 2022) and it entered into force eight days after publishing in the *Official Gazette of RS*. It follows that the Agency for Pharmaceuticals and Medical Devices of the Republika Srpska will have the status of a republic administrative organization (Article 1). It is also stipulated that Article 58b will be added to the text of the said Law by which the responsibilities of the Agency for Pharmaceuticals and Medical Devices of Republika Srpska are regulated in detail.

Allegations of the Request

10. The applicant holds that the Law on Pharmaceuticals and Medical Devices of Republika Srpska and Law on Amendments to the Law on Republic Administration are in

contravention with provisions of Articles I(2), I(4), II(4), III(3)(b) and III(5)(a) of the Constitution of Bosnia and Herzegovina.

11. While substantiating these allegations, the applicant first states that the National Assembly passed the impugned Laws which are contrary to the rule of law referred to in Article I(2) of the Constitution of Bosnia and Herzegovina, without a valid Entity constitutional grounds and contrary to the provisions of the Constitution of Bosnia and Herzegovina and laws of Bosnia and Herzegovina, as decisions of the institutions of Bosnia and Herzegovina. They are also contrary to the provisions of Article III(3)(b) of the Constitution of Bosnia and Herzegovina which stipulates that the Entities are obliged to comply fully with the Constitution of Bosnia and Herzegovina and the laws and decisions enacted at the State level. In that connection, the applicant points out that the Law on Pharmaceuticals and Medical Devices of BiH, establishing the institutional and legal framework in the field of medicines and medical devices in Bosnia and Herzegovina, was enacted based on the Article IV(4)(a) of the Constitution of Bosnia and Herzegovina. The Agency for Pharmaceuticals and Medical Devices of Bosnia and Herzegovina was established by the Law on Pharmaceuticals and Medical Devices of BiH as a unified regulatory body at the level of Bosnia and Herzegovina in this field. In addition, the Control Laboratory of the Agency and the Main Office for Pharmacovigilance were formed, bylaws were adopted, and the entire system was established according to which these institutions perform appropriate duties in order to protect and promote health by providing quality, safe and effective medications, etc. In view of this, the applicant considers that this represents indisputably a matter of jurisdiction of Bosnia and Herzegovina, which cannot be transferred or returned to the Entities and, therefore, the decision itself cannot produce any legal consequences in this regard.

12. In the applicant's opinion, the Entity of the Republika Srpska does not have any jurisdiction in the field regulated by the above regulations adopted at the level of Bosnia and Herzegovina. Having in mind the above, the applicant considers that the Law on Pharmaceuticals of RS represents a "direct attack on the Constitution of Bosnia and Herzegovina" because such a regulation cannot coexist with the Law on Pharmaceuticals and Medical Devices of BiH. This is so as it cannot exist formally and on the account of practical aspects of its application and especially in the field that should be covered by the Agency for Pharmaceuticals and Medical Devices of the Republika Srpska. In addition, the applicant

points out that the Law on Amendments to the Law on Republic Administration that carried out the harmonisation of the Law on Republic Administration with the Law on Pharmaceuticals and Medical Devices of RS, is in contravention with the Constitution of Bosnia and Herzegovina. This is so as the responsibility of the State has been taken over by this Law. In fact, it enabled the establishment of the unconstitutional Entity Agency, which has been assigned the competencies in the field already covered by the Agency of BiH. The Agency of BiH was established and entrusted with those responsibilities by the Law on Ministries and Other Administrative Bodies of BiH and the Law on Pharmaceuticals and Medical Devices of BiH. The applicant states that the content of the impugned laws is also disputable, in addition to the fact that the National Assembly did not have a legal basis for the enactment of the impugned laws. In that connection, on pages 16 to 22 of the request, the applicant presented in detail a comparison of the contents of the Law on Pharmaceuticals and Medical Devices of BiH with the Law on Pharmaceuticals and Medical Devices of RS and the Law on Amendments to the Law on Republic Administration. He stated that relevant regulations, as is obvious already based on Article 1 of the Law on Pharmaceuticals and Medical Devices of RS, indicate that the impugned Laws are intended to establish a separate market of the Republika Srpska. In fact, they aim at the particular regulation of the pharmaceuticals and medical devices field for the Republika Srpska only. In the opinion of the applicant, the establishment of special regulations for the treatment of same goods and their trade, jeopardizes legal certainty as well and compromises already established system at the State level.

13. Finally, the applicant points out that the authorities of the Republika Srpska Entity likewise violated the provision of Article IV(4) of the Constitution of Bosnia and Herzegovina by enacting the impugned Laws contrary to the provisions of the Law enacted by the Parliamentary Assembly of Bosnia and Herzegovina. In addition, by passing the impugned Laws, the National Assembly of the Republika Srpska violated the provision of Article II(5)(a) of the Constitution of Bosnia and Herzegovina as well, as it thereby entered the scope of responsibilities previously taken on by Bosnia and Herzegovina.

Allegations in the request for interim measure

14. The applicant alleges that the importance of the establishment and existence of the Agency for Pharmaceuticals of BiH is reflected in the objective of its existence and supervision over single market of pharmaceuticals and medical devices and existence of the

conditions for their availability on the territory of the entire Bosnia and Herzegovina. The creation of the Agency for Pharmaceuticals and Medical Devices of the Republika Srpska brings into question the importance and role of the Agency at the State level as the stipulated responsibilities are almost identical. Therefore, that Agency must not begin work as the right of citizens to equal access to health care protection and medicines in the entire Bosnia and Herzegovina would be seriously jeopardized. This is so because of the risk of unequal protection of the patients when it comes to the quality, safety and efficiency of pharmaceuticals and medical devices in the Republika Srpska compared to the remaining part of Bosnia and Herzegovina. In addition, the applicant alleges that the existence of “double” regulations in relation of the treatment of the same goods, i.e. the placement thereof on the markets, jeopardizes legal certainty, and compromises and hinders the control checks by the Agency for Pharmaceuticals of BiH. Furthermore, the application of the mentioned Law could amount to a situation in which it would be necessary to obtain two marketing authorizations, one at the State level and other one at the level of Entity of the Republika Srpska, after the expiry of the transitional period for unhindered trade on the entire territory of Bosnia and Herzegovina. It is quite certain that the authorization that would be issued by the Agency for Pharmaceuticals of the Republika Srpska would not be valid on the territory of the Federation of BiH and Brčko District of BiH. Such a situation, given the single customs and foreign trade policies, could cause a breakdown of the chain of supply of pharmaceuticals from abroad, but also national medicines for technical reasons related to the production of a series of medicines necessary for the BiH market (for example, harmonization of secondary packaging). This could occur even before the expiry of the transitional period.

15. The applicant further alleges that the text of the Law on Pharmaceuticals of the Republika Srpska does not stipulate specifically how a control laboratory of the Republika Srpska would be set up (Article 10 of the Law on Pharmaceuticals of the Republika Srpska) as it is well known that the only certified European quality control laboratory, i.e. Official Medicines Control Laboratory (OMLC) in Bosnia and Herzegovina is the one in Sarajevo, which is operational at the State level. In addition, it took a lot of time, knowledge, experience, financial resources and international support to establish such a respectful laboratory. In addition, the applicant points to a particular problems related to the consequences of inappropriate, counterproductive and Entity limited pharmacovigilance (and materiovigilance) and that in such a situation one should notably take into consideration the

disregard for the regulatory measures taken by the Agency at the State level for safety reasons, either in terms of safety profile of medicine products, special warnings, interactions, adverse effects, new information about adverse reactions or information on regulatory measures taken in other countries, recommendations of the European Medicines Agency etc. This is so given the fact that unharmonized and/or different understanding of those measures, recommendations or information amount inevitably to a risk of fatal reactions. In the applicant's opinion, the fact that the contested Law on Pharmaceuticals of the Republika Srpska stipulates the exceptions in case of the state of emergency or emergency situation and stipulates the possibility for the Government of the Republika Srpska to approve the production of a medicine or medical device prior to establishing the existence of the legal requirements with a validity period until the cessation of such a state, could also produce adverse effects. In addition, the contested Law on Pharmaceuticals does not stipulate the prohibition of retail sales of medicines out of the pharmacies, which could amount to the sale of counterfeited medicines and parallel means of placing the medicines on markets.

16. Therefore, the applicant considers that the non-application of the Law on Pharmaceuticals of Bosnia and Herzegovina in the territory of Bosnia and Herzegovina could hinder the market and jeopardize the system of control of this sensitive domain. It could also amount to limitations and decrease in participation of the legal persons from the Federation of Bosnia and Herzegovina and Brčko District that are engaged in that activity. This could eventually result in their withdrawal from the market or, in the least-worst case, supply standstill on the market of the Republika Srpska, i.e. seriously endanger the health of the citizens living on that part of the territory of Bosnia and Herzegovina. Moreover, the applicant points to a particular problem regarding the international obligations of Bosnia and Herzegovina insofar as the trade of narcotics, drugs and psychoactive drugs is concerned as only the Agency at the State level is in charge of it. Thus, the contested laws, which usurp and misappropriate the responsibilities of the State of Bosnia and Herzegovina, regulate a very sensitive matter, which could actually be dangerous, and could unnecessarily endanger life, health and well-being of all citizens of Bosnia and Herzegovina as they actually suspend the laws at the level of Bosnia and Herzegovina on the territory of the Republika Srpska. This should be taken as a very important factor in deciding on the request for review of constitutionality and particularly the request for interim measure.

17. Thus, in the applicant's opinion, it is more than clear that the adoption of the request for interim measure, which would be in force pending a final decision of the Constitutional

Court of Bosnia and Herzegovina, would not result in any harmful consequences for the enactor of the contested laws. The adoption of interim measure makes sense and is justified as the possible future damage, which could occur as described in this request, could be prevented or at least, restricted by adoption of the interim measure.

18. In examining whether the request for interim measure is well founded, the Constitutional Court took into account the provisions of Article VI(3)(a) of the Constitution of Bosnia and Herzegovina and Article 64(1) and (4) of the Rules of the Constitutional Court.

19. Article VI(3)(a) of the Constitution of Bosnia and Herzegovina reads as follows:

The Constitutional Court shall uphold this Constitution.

a) The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:

- Whether an Entity's decision to establish a special parallel relationship with a neighbouring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.

- Whether any provision of an Entity's constitution or law is consistent with this Constitution. Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

20. Article 64(1) and (4) of the Rules of the Constitutional Court reads:

(1) The Constitutional Court may, of its own motion or at the request of an applicant or appellant, adopt any interim measure it deems necessary in the interest of the parties or the proper conduct of the proceedings before the Constitutional Court. [...]

(4) The proceedings concerning the adoption of an interim measure shall be expedited and a decision granting a request for the adoption of an

interim measure shall be binding until the Constitutional Court takes a final decision. [...]

21. The Constitutional Court reminds that Article 64 of the Rules of the Constitutional Court is applicable in the cases where the Constitutional Court deems it necessary, based on justified reasons and evidence attached to the request for interim measure, in the interest of the parties or the proper conduct of the proceedings before the Constitutional Court or if detrimental consequences could occur.

22. The Constitutional Court must first determine whether the request raises and arguable claim and whether it appears, *prima facie*, admissible, enabling it to adopt an *interim measure*. The Constitutional Court holds that it is obvious that the circumstances of the present case arise very serious and complex issue of constitutionality of the contested laws regarding the provisions of Article I(2), I(4), II(4), III(3)(b) and III(5)(a) of the Constitution of Bosnia and Herzegovina. First, the Constitutional Court observes that it follows from the matter regulated in the Law on Pharmaceuticals and Law Amending the Law on Republic Administration and from the comparison of those laws and Law on Pharmaceuticals of BiH that the contested Law regulates in an identical manner, i.e. similar manner the issues already regulated in the Law on Pharmaceuticals of BiH. This gives rise to the issue of different regulation of the same matter of pharmaceuticals and medical devices at the different governmental levels of Bosnia and Herzegovina. In this connection, the Constitutional Court, without prejudging the outcome of the decision on the merits, refers to its views expressed in the Decision on Admissibility and Merits *no. U-2/22* (available at www.ustavisud.ba, paragraphs 89 and 90) wherein it considered the issue of constitutionality of a number of provisions of the Declaration of Constitutional Principles and Conclusions related to the possibility of retransferring the responsibilities to the Republika Srpska. The Constitutional Court held in that decision that “ (...) in order to transfer responsibilities, it is necessary to comply with the provisions of the Constitution of BiH, i.e. the responsibilities of the Institutions of BiH. This primarily implies that for the realization of the principle of the rule of law within the meaning of Articles I(2) and III(3)(b) of the Constitution of BiH, it is necessary to comply with the present constitutional and legal order and the division of responsibilities, as well as the decisions of the Institutions of BiH (...). Accordingly, the Constitutional Court stresses that as to the responsibilities that have already been transferred to the State of BiH, there can be no competence of the Entity for their re-establishment and, consequently, for their regulation. This falls within the exclusive competence of the

Institutions of BiH, *i.e.* in this case the Parliamentary Assembly of BiH, which has exclusive competence, in terms of Article IV(4)(a) of the Constitution of BiH, to regulate these areas”. The Court finds therefore that there are valid reservations that the impugned Laws infringe upon the constitutional order and stability of Bosnia and Herzegovina, which is sufficient at this stage to determine the existence of an arguable claim. The Court also finds that in view of the circumstances of the case, the request is, *prima facie*, admissible.

23. The Constitutional Court has the power to adopt interim measures only if there is urgency, in the sense that irreparable prejudice could be caused to interests which are the subject of judicial proceedings. The Constitutional Court notes that regulations in the area of pharmaceuticals and medical devices indisputably represent an important area of regulation on which depend the lives, health and well-being of all citizens in the territory of Bosnia and Herzegovina. In addition, the Constitutional Court notes that the applicant put forward a number of arguments that the application of the impugned law could have irreparable harmful consequences for a large number of persons. They are reflected in the risk to the lives of all citizens, manner of selling and distribution of medicines in Bosnia and Herzegovina, as well as in terms of honouring the international obligations that Bosnia and Herzegovina has undertaken in these areas. The Constitutional Court further notes that the possibility of establishing a parallel legal and institutional set-up to the one existing under the State law, which will include, among others, the RS Agency and its control laboratory with the same competencies as the State level agency, but with exclusive jurisdiction over the RS. The Constitutional Court points to the possibility that the implementation of these provisions would certainly undermine the single market in BiH (including the freedom of movement of goods throughout BiH), as well as BiH’s international obligations arising from international conventions relating to the trafficking of narcotic drugs and psychotropic substances. This includes alignment of the regulations of Bosnia and Herzegovina with the *acquis* under Chapter 28, in the area of consumer and health protection. In light of these circumstances, the Constitutional Court concludes that there is urgency, in the sense that the implementation of the RS Law on Pharmaceuticals and the Law on Amendments to the Law on Republic Administration, would seriously undermine the role of the BiH Agency and therefore affect its role in protecting and promoting public health by providing quality, safe and effective pharmaceuticals and medical devices across the country, before the Constitutional Court makes a final decision on the request submitted in this case.

24. Furthermore, assessing the possibility of harmful consequences in case of temporarily rendering the disputed laws ineffective, the Constitutional Court notes that although the RS Law on Pharmaceuticals and the Law on Amendments to the Law on Republic Administration have entered into force, the implementation of these laws has not commenced. This is so as the RS Agency for Pharmaceuticals has not been established nor have other bylaws been enacted to implement the provisions of these laws. Therefore, the Constitutional Court considers that the adoption of an interim measure would also prevent the negative consequences that could occur if the competent public authorities in the Republika Srpska continued with the establishment of the Agency and other institutions, and the adoption of bylaws. This in view of the fact that a decision on unconstitutionality of the above regulations with the Constitution of Bosnia and Herzegovina would be ultimately adopted. On the other hand, the Constitutional Court notes that the provisions of the Law on Pharmaceuticals of BiH have been in force since 2008 and that based on these provisions a system has been established relating to the area of pharmaceuticals and medical devices on the territory of Bosnia and Herzegovina. The BiH Agency performs certain activities under BiH law in order to protect and promote public health by providing quality, safe and effective pharmaceuticals and medical devices for use in human medicine by establishing a functional, coordinated and unified regulatory system of pharmaceuticals and medical devices and by establishing and monitoring a single market of pharmaceuticals and medical devices in order to ensure their availability and safety across Bosnia and Herzegovina. Therefore, the Constitutional Court considers that from the aspect of undeniable interests of importance for the lives and health of citizens, and ensuring regular supply and control of pharmaceuticals and medical devices, including meeting of Bosnia and Herzegovina's international obligations in this area, the adoption of an interim measure has a justification.

25. Finally, without presuming the decision on the merits of the request, the Constitutional Court considers that, even if the request for constitutional review was rejected, the harmful consequences that could occur as a result of adoption of interim measure would outweigh those that would as a consequence have an assumption that the disputed law is declared unconstitutional. This is so as the interim measure only temporarily suspends the application of the disputed law. If the request was to be rejected on the merits, the interim measure would be rendered ineffective and the competent public authorities in the Republika Srpska would be able to continue taking actions regulated by the disputed laws.

26. Taking into account all of the above, the Constitutional Court is convinced that, in terms of Article 64 (1) of the Rules of the Constitutional Court, it is in the interests of all the parties in this proceedings and the protection of the constitutional order and stability of Bosnia and Herzegovina, to temporarily render the Law on Pharmaceuticals and Medical Devices of the Republika Srpska (*Official Gazette of the RS*, 118/21) and the Law on Amendments to the Law on Republic Administration (*Official Gazette of the RS*, 15/22) ineffective.

27. Pursuant to Article 64(4) of the Rules of the Constitutional Court, a decision on an interim measure produces a legal effect pending the final decision of the Constitutional Court.

28. Having regard to the aforesaid, it is decided as stated in the enacting clause of the decision.

29. The Constitutional Court recalls that the decision on an interim measure in no way presumes the decision on admissibility or on the merits of the submitted request.

30. Pursuant to Article VI(5) of the Constitution of Bosnia and Herzegovina, the decisions of the Constitutional Court shall be final and binding.

Mato Tadić
President
Constitutional Court of Bosnia and Herzegovina