

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 – consolidated text (*Official Gazette of Bosnia and Herzegovina*, 94/14, 47/23 and 41/24), in plenary and composed of the following judges:

Ms. Seada Palavrić, President

Ms. Valerija Galić, Vice-President

Ms. Angelika Nußberger, Vice-President

Mr. Mirsad Ćeman,

Ms. Helen Keller,

Mr. Ledi Bianku, and

Mr. Marin Vukoja

Having deliberated on the request by **Denis Bećirović, Member of the Presidency of BiH**, for adoption of interim measure, in case no. **U-7/25**, at the session held on 7 March 2025, adopted the following:

DECISION ON INTERIM MEASURE

The request for interim measure filed by **Denis Bećirović, Member of the Presidency of Bosnia and Herzegovina** is hereby granted.

The following shall be suspended: the Law on Non-Application of Laws and Ban on Operation of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25), Law Amending the Criminal Code of the Republika Srpska (*Official Gazette of the Republika Srpska*, 19/25), Decision on Measures and Tasks arising from Unconstitutional Decisions and Actions of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25) and the Conclusions of the Caucuses of Assembly Deputies of the SNSD, NPS-DNS, DEMOS-SPS, SP and US with regard to Information on subversion of the Constitution of BiH, measure and tasks with a view to protecting the Constitution of BiH, which were adopted at the 17th special session held by the National Assembly of the Republika Srpska on 26 February 2025.

Pursuant to Article 64(1) of the Rules of the Constitutional Court of Bosnia and Herzegovina, pending a final decision by the Constitutional Court of Bosnia and Herzegovina on the request for review of constitutionality of laws referred to in paragraph 2 of this Decision:

- all acts adopted based on the Law on Non-Application of Law and Ban on Operation of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25), Law Amending the Criminal Code of the Republika Srpska (*Official Gazette of the Republika Srpska*, 19/25), Decision on Measures and Tasks arising

from Unconstitutional Decisions and Actions of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25) and Conclusions of the Caucuses of Assembly Deputies of the SNSD, NPS-DNS, DEMOS-SPS, SP and US with regard to Information on subversion of the Constitution of BiH, measure and tasks with a view to protecting the Constitution of BiH, which were adopted at the 17th special session held by the National Assembly of the Republika Srpska on 26 February 2025, shall be suspended, and

- all legislative, executive and judicial institutions of the Republika Srpska, including all official and responsible persons within those institutions of the Republika Srpska or local self-government units or any body of the local self-government units, including official and responsible persons from Republika Srpska performing duties at the institutions of Bosnia and Herzegovina shall be temporarily banned from taking any action based on the Law on Non-Application of Law and Ban on Operation of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25), Law Amending the Criminal Code of the Republika Srpska (*Official Gazette of the Republika Srpska*, 19/25), Decision on Measures and Tasks arising from Unconstitutional Decisions and Procedures of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25) and Conclusions of the Caucuses of the Assembly Deputies of the SNSD, NPS-DNS, DEMOS-SPS, SP and US with regard to Information on subversion of the Constitution of BiH, measure and tasks with a view to protecting the Constitution of BiH, which were adopted at the 17th special session held by the National Assembly of the Republika Srpska on 26 February 2025.

This decision shall enter into force forthwith and shall produce legal effect as of entry into force of the Law on Non-Application of Laws and Ban on Operation of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25), Law Amending the Criminal Code of the Republika Srpska (*Official Gazette of the Republika Srpska*, 19/25), Decision on Measures and Tasks arising from Unconstitutional Decisions and Actions of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25) and Conclusions of the Caucuses of the Assembly Deputies of the SNSD, NPS-DNS, DEMOS-SPS, SP and US with regard to Information on subversion of the Constitution of BiH, measure and tasks with a view to protecting the Constitution of BiH, which were adopted at the 17th special session held by the National Assembly of the Republika Srpska on 26 February 2025, pending a final decision of the Constitutional Court of Bosnia and Herzegovina on the request for review of constitutionality.

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

REASONS

I. Introduction

1. On 6 March 2025, Denis Bećirović, Member of the Presidency of Bosnia and Herzegovina (“the applicant”) filed a request with the Constitutional Court of Bosnia and Herzegovina (“the Constitutional Court”), seeking a review of constitutionality the Law on Non-Application of Laws and Ban on Operation of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25, hereinafter referred to as the “Law on Non-Application of Laws”), Law Amending the

Criminal Code of the Republika Srpska (*Official Gazette of the Republika Srpska*, 19/25, hereinafter referred to as the “Law Amending the Criminal Code”), Decision on Measures and Tasks arising from Unconstitutional Decisions and Actions of Extra-Constitutional Institutions of BiH (*Official Gazette of the Republika Srpska*, 19/25, hereinafter referred to as the “Decision”) and Conclusions of the Caucuses of the Assembly Deputies of the SNSD, NPS-DNS, DEMOS-SPS, SP and US with regard to Information on subversion of the Constitution of BiH, measure and tasks with a view to protecting the Constitution of BiH (17th special session held by the National Assembly of the Republika Srpska on 26 February 2025, hereinafter referred to as the “Conclusions”).

2. Pursuant to Article 64 of the Constitution Court, the applicant requested the Constitutional Court to issue an interim measure to suspend the Law on Non-Application of Laws, Law Amending the Criminal Code, Decision and Conclusions (“the contested legal acts”) pending a final decision by the Constitutional Court on the request for review of constitutionality.

II. Request

a) Complaints

3. The applicant contends that the contested legal acts lack constitutional grounds. Namely, the applicant emphasizes that this matter pertains to constitutional and legal mater regulated by legal acts of Bosnia and Herzegovina that have undergone constitutional review by the Constitutional Court in cases no. *U-26/01* (Court of BiH) and *U-11/08* (High Judicial and Prosecutorial Council of BiH), thus receiving confirmation of their constitutionality and legality. The applicant argues that the motive for adoption of the contested legal acts is the criminal proceedings conducted before the Court of Bosnia and Herzegovina (“the Court of BiH”) against the President of the Republika Srpska, Milorad Dodik, and the Director of the Official Gazette of the Republika Srpska, Miloš Lukić. In the proceedings, a first-instance judgment of conviction was rendered against Milorad Dodik, finding him guilty of the criminal offense of failure to implement the decisions of the High Representative referred to in Article 203.a, paragraph 1 of the Criminal Code of Bosnia and Herzegovina. Milorad Dodik was sentenced to one year of imprisonment and a security measure was imposed, banning him from holding the office of the President of the Republika Srpska for a period of six years, starting from the date the judgment became final. Subsequently, as the applicant explains, at the request of the Government of the Republika Srpska, the 17th special session of the National Assembly of the Republika Srpska (“the National Assembly”) was convened for 26 February 2025. At that session, the contested Conclusion and Decision were adopted, and the contested laws were passed at the following day's session.

4. The applicant claims that the contested Conclusion and Decision are in contradiction with Articles I(1), I(2), and I(3) of the Constitution of Bosnia and Herzegovina, as well as with the principle

of *pacta sunt servanda*. The applicant argues that the contested laws repeal the State laws on the territory of the Republika Srpska, specifically the Law on the Court of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, 49/09 - consolidated text, 74/09 - corrigendum, and 97/09), the Law on the Prosecutor's Office of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, 42/03, 03/03, 37/03, 42/03, 09/04, 35/04, 61/04, and 97/09), the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, 25/04, 93/05, 48/07, 15/08, 63/23, 9/24, and 50/24), and the Law on the State Investigation and Protection Agency (*Official Gazette of Bosnia and Herzegovina*, 27/04, 63/04, 35/05, 49/09, and 40/12). In this connection, the applicant emphasizes that the aforementioned legislative framework falls under the exclusive competence of the State of Bosnia and Herzegovina, and that, therefore, the only institution authorized to amend these laws is the Parliamentary Assembly of Bosnia and Herzegovina. The applicant further asserts that the Entity of the Republika Srpska has no competence to decide on matters relating to these four institutions. Specifically, the Republika Srpska, as an administrative unit of Bosnia and Herzegovina, which is entirely subject to the sovereign authority of the State of Bosnia and Herzegovina, is obliged to fully comply with these laws unless the Parliamentary Assembly of Bosnia and Herzegovina decides otherwise. The applicant highlights the fact that the Entities are subordinated to the sovereignty and territorial integrity of Bosnia and Herzegovina and that they do not possess state qualities, as confirmed by the Constitutional Court's decision no. U-4/04 of 31 March 2006. The applicant further claims that the Constitution of Bosnia and Herzegovina allows Entities to transfer competencies to Bosnia and Herzegovina, but there is no provision in the Constitution that allows the transfer of competencies from Bosnia and Herzegovina to the Entities. Therefore, the applicant contends that regardless of whether the issue concerns implied powers for the establishment of additional institutions or the transfer of competencies on one of the grounds allowed under the Constitution, there is no possibility for these competencies to be returned to the Entity without Bosnia and Herzegovina following the constitutional and legal procedures. Consequently, the applicant considers that the adoption of the contested legal acts is contrary to the provisions establishing the exclusive competencies of Bosnia and Herzegovina under Articles I(2), III(5), and IV(4)(a) of the Constitution of Bosnia and Herzegovina.

5. As regards the Law Amending the Criminal Code, the applicant claims that it was passed as part of Milorad Dodik's campaign. The goal of this campaign was to exert undemocratic pressure on all citizens of the Republika Srpska, particularly on employees of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Court of BiH, the Office of the Prosecutor of BiH and the State Investigation and Protection Agency of Bosnia and Herzegovina. In this context, Milorad Dodik

made statements attempting to convince Serbs employed in the State institutions of Bosnia and Herzegovina to leave their positions, promising them that he would provide them with alternative employment and offer them higher salaries, threatening that, otherwise, they would be treated as traitors and permanently labelled as such. The applicant points out that the provisions of Article 278a of the Criminal Code of the Republika Srpska mandate the criminal prosecution of individuals acting in the capacity of "official or responsible persons from the Republika Srpska who hold positions in the institutions of Bosnia and Herzegovina." Thus, the cited provision imposes an obligation on State officials or responsible persons to comply with the decisions of the authorities of the Republika Srpska, while paragraph 2 stipulates that individuals who fail to comply will be subject to "security measures, including a ban on performing their profession, activity, or duty." The applicant emphasizes that this imposes the superiority of Entity authority over State authority. The applicant further asserts that this particular criminal offense is described so broadly that it effectively does not allow for any other means of resolving issues related to non-compliance with the decisions of institutions or bodies of the Republika Srpska. It is argued that, in this way, administrative procedures, disputes, civil, misdemeanour, constitutional, and all other regular and *ad hoc* proceedings are undermined.

6. The applicant has proposed that the Constitutional Court find that the Republika Srpska does not have constitutional authority to pass the contested legal acts, as this matter, pursuant to Articles I(2), III(3)(b), and IV(4)(e) of the Constitution of Bosnia and Herzegovina, falls within the responsibility of Bosnia and Herzegovina, and that these legal acts be suspended.

Arguments for the adoption of an interim measure

7. In reasoning the request for the adoption of an interim measure, the applicant argued that the adoption of that measure in the case in question was necessary for the protection of constitutional order and political stability of Bosnia and Herzegovina. Otherwise, as argued, a decision on the merits declaring the contested legal acts unconstitutional could not *ex nunc* remedy detrimental consequences that would meanwhile occur with regard to the sovereignty of Bosnia and Herzegovina. The applicant maintained that it followed from the contested legal acts that the Republika Srpska ignored the judicial powers of the Court of BiH and the function of the High Representative, "extinguished" the authority of the High Judicial and Prosecutorial Council of BiH, the Prosecutor's Office of BiH and the State Investigation and Protection Agency. In this way, the National Assembly is encouraged to enact additional laws to the same end, namely to establish "wild" institutions the existence of which is not envisaged by the constitutional order of Bosnia and Herzegovina. The applicant submitted that the purpose of adoption of the contested legal acts, if not territorial, then legal

secession of the Republika Srpska, which both *de facto* and *de iure* leads to a kind of coup d'état on the constitutional order. He further alleged that such a constitutional situation would invalidate the principles of sovereignty, territorial integrity and political independence of Bosnia and Herzegovina in accordance with international law, and the consequences could be irremediable. The applicant noted that in a similar constitutional situation (case no. U-2/25) the Constitutional Court concluded that if there was a valid suspicion that the disputed law could undermine the constitutional order and political stability of Bosnia and Herzegovina, there is an arguable claim that irremediable detrimental consequences – as a requirement for the adoption of interim measure – could occur. In this connection, the applicant contended that if the contested legal acts were to remain in force pending adoption of a final decision of the Constitutional Court of BiH, this would undermine the constitutional order and political stability and would further escalate the situation. This follows from the statements given by Mr. Milorad Dodik who speaks about it openly. The applicant noted that if the contested legal acts were to remain in force, we would have “double” institutions at the State and Entity level, which leads to a kind of judicial chaos and conflict of jurisdiction. He considered that the adoption of an interim measure is also justified if one applied the “hypothesis” test. Namely, it is argued that it would be less detrimental if the Constitutional Court were to adopt an interim measure and then dismiss the request for review of constitutionality by a decision on the merits than the other way around. Based on the foregoing, the applicant submitted that the adoption of an interim measure in the case in question would be well-founded.

Relevant Law

8. **The Law on Non-Application of Laws and Ban on Operation of Extra-Constitutional Institutions of BiH** (*Official Gazette of the Republika Srpska*, 19/25), in so far as relevant, reads as follows:

Article 1

This Law prescribes the non-application and non-implementation of laws and the prohibition of the activities of extra-constitutional institutions of BiH in the territory of the Republika Srpska.

Article 2

(1) The Law on the Court of Bosnia and Herzegovina (Official Gazette of BiH, 49/09, 74/09 and 97/09) shall not be applied or implemented in the territory of the Republika Srpska.

(2) The Law on the Prosecutor's Office of Bosnia and Herzegovina (Official Gazette of BiH, 42/03, 3/03, 37/03, 42/03, 9/04, 35/04, 61/04 and 97/09) shall not be applied or implemented in the territory of the Republika Srpska.

Article 3

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of BiH, 25/04, 93/05, 48/07, 63/23, 9/24 and 50/24) shall not be applied or implemented in the territory of the Republika Srpska.

Article 4

The Law on the State Investigation and Protection Agency (Official Gazette of BiH, 27/04, 63/04, 35/05, 49/09 and 40/12) shall not be applied or implemented in the territory of the Republika Srpska.

Article 5

The work and actions of institutions whose work is regulated by the laws referred to in Articles 2 through 4 of this Law are prohibited in the territory of the Republika Srpska.

Article 6

The competent institutions and bodies of the Republika Srpska are obliged to take all measures and actions within their competence to ensure the implementation of this law.

Article 7

Persons who are obliged to act in accordance with the provisions of this Law are exempt from criminal liability prescribed by criminal legislation of BiH and criminal legislation of the Republika Srpska for criminal offenses related to the implementation of this law, and competent institutions and authorities of the Republika Srpska shall provide them with all necessary protection in connection with the application of this law.

Article 8

In order to implement this law, the Government of the Republika Srpska shall issue the necessary bylaws.

Article 9

This Law shall enter into force on the day after the date of its publication in the Official Gazette of the Republika Srpska.

9. **The Law Amending the Criminal Code of the Republika Srpska** (*Official Gazette of the Republika Srpska*, 19/25) reads as follows:

Article 1

In the Criminal Code of the Republika Srpska (Official Gazette of the Republika Srpska, 64/17, 104/18 – decision of the Constitutional Court of the Republika Srpska, 15/21, 89/21 and 73/23), a new Article 278a is added after Article 278, reading as follows:

“Article 278a

Non-compliance with or non-implementation of decisions of institutions or bodies of the Republika Srpska

(1) Official or responsible person in the institution of the Republika Srpska or a local government unit or to any body of a local government unit, as well as an official or responsible person from the Republika Srpska who performs duties in institutions of Bosnia and Herzegovina, who fails to apply, implement, execute or otherwise disregard the decision of the institutions or authorities of the Republika Srpska or who prevents or otherwise obstructs the application, enforcement or execution of such a decision, shall be punished by imprisonment for a term of six months to five years.

(2) For the criminal offense referred to in paragraph 1 of this Article, the security measure of ban on performing a profession, activity or duty shall be imposed.”

Article 2

This Law shall enter into force on the day after the date of its publication in the Official Gazette of the Republika Srpska.

10. **The Decision on the Measures and Tasks Arising from Unconstitutional Decisions and Actions of Extra-Constitutional Institutions of BiH** (*Official Gazette of the Republika Srpska*, 19/25) reads:

I

The entire proceeding before the Court of BiH in the case, no. SI 2 K 046070 23 K, conducted following the indictment issued by the Prosecutor's Office of BiH, shall be rejected and not admitted, as follows:

- against the President of the Republika Srpska, Milorad Dodik, for signing a Decree promulgating a law, passed by the National Assembly of the Republika Srpska, within the framework of its constitutional responsibility, as the highest authority of the signatory to all 11 annexes of the General Framework Agreement for Peace in Bosnia and Herzegovina and

- against the Acting Director of the Public Institution The Official Gazette of the Republika Srpska, Miloš Lukić, for publishing the laws promulgated by virtue of Article 80 (1) (4) of the Constitution of the Republika Srpska, because the President of the Republika Srpska and the Acting Director of the Public Institution The Official Gazette of the Republika Srpska, while exercising their office, conducted themselves in compliance with the Constitution of the Republika Srpska and the Law on the Publication of Laws and Other Regulations of the Republika Srpska (Official Gazette of the Republika Srpska, 67/05, 110/08 and 60/23).

II

All actions implemented by the Prosecutor's Office of BiH and the Court of BiH in the proceeding referred to in paragraph I of this Decision shall be rejected and not admitted as unconstitutional, unlawful and contrary to international law.

III

The judgment rendered in the case referred to in paragraph I of this Decision shall not generate any legal effects, for the reason that it is based on unlawful activity by the German national Christian Schmidt.

IV

All actions, procedures, decisions, as well as all other acts by the German national Christian Schmidt who was not appointed as a High Representative for BiH in accordance with Annex 10 of the Dayton Agreement shall be rejected, on two grounds:

- *The Republika Srpska, as a signatory to Annex 10, by an act passed by the National Assemble of 10 March 2021, refused appointments of any new High Representative subsequent to the resignation of Valentin Incko and*

- *The UN Security Council refused to endorse Christian Schmidt as the High Representative who was, at the proposal of Germany, allegedly appointed by a group of ambassadors of several countries accredited in Sarajevo, who, thereby interfering with the internal issues of BiH as a host country, grossly violated the Vienna Convention on Diplomatic Relations.*

In accordance with the aforementioned, activity based on the acts of the subject who was not legally appointed as the High Representative for BiH, who thereafter has no powers under the international law, shall be unlawful, consequently all his writs shall be null and void and legally not binding on anyone.

V

The High Representative, as a foreigner and individual, and as an authorised party and helper of the signatories, was not granted, under Annex 10 of the Dayton Agreement, executive powers, particularly so he was not granted legislative powers, as that would be contrary to Article I (2) of the Constitution of BiH, according to which “Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections”.

VI

The Republika Srpska will, consistently adhering to Article III (3) of Annex 4 of the Dayton Agreement, namely the Constitution of BiH, according to which “the Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities,” pass a law restricting any operation and activity by the High Judicial and Prosecutorial Council of BiH, the Prosecutor’s Office of BiH, the Court of BiH, the State Investigation and Protection Agency, as extra-constitutional institutions in the territory of the Republika Srpska.

VII

Annex 4 – the Constitution of BiH did not establish the responsibility of the level of BiH for police affairs, therefore “the State Investigation and Protection Agency

SIPA”, an armed force outside the responsibility of the Republika Srpska, which came into existence through the interventions of foreign representatives, falls under the provision of Article V (5) of Annex 4 – the Constitution of BiH, according to which “neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina.”

VIII

The Republika Srpska will, consistently adhering to Article III (3) of Annex 4 - the Constitution of BiH, according to which “the Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities,” pass a law restricting any operation and activity by the High Judicial and Prosecutorial Council of BiH, the Prosecutor’s Office of BiH, the Court of BiH and SIPA, as extra-constitutional agencies in the territory of the Republika Srpska.

IX

1) The Government of the Republika Srpska is tasked to ensure the material and technical conditions for admission into the institutions of the Republika Srpska of the persons employed in the institutions referred to in paragraph VI of this Decision.

2) Pending the passing of a law to regulate the work of extra-constitutional institutions of BiH and accompanying regulations, it shall be prohibited for these institutions to operate in the territory of the Republika Srpska.

X

1) The Republika Srpska calls on the Federation of BiH, as the other signatory to Annex 4, to state its position on the return to consistent application of the Constitution of BiH, as an international agreement. The Republika Srpska will submit its position on the reply of the Federation of BiH within the same time limit.

2) In the event that the Federation of BiH fails to submit its position on the consistent application of Annex 4 of the Dayton Agreement, the Constitution of BiH that is, the Republika Srpska, as a contracting party, will undertake steps in

accordance with the Vienna Convention on the Law of Treaties and other international law acts.

XI

All authorities and institutions of the Republika Srpska, as well as all representatives of the Republika Srpska in the authorities at the level of the institutions of BiH, are obliged to strictly comply with this Decision.

XII

This decision shall enter into effect on the next day following the publication thereof in the Official Gazette of the Republika Srpska.

11. In examining whether the request for an interim measure is well-founded, the Constitutional Court invoked the provisions of Article VI(3)(a) of the Constitution of Bosnia and Herzegovina and Article 64(1) of the Rules of the Constitutional Court.

12. Article VI(3)(a) of the Constitution of Bosnia and Herzegovina reads:

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 neighboring 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.

13. 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.

[...]

14. The Constitutional Court recalls that Article 64 of its Rules is applicable in cases where the Constitutional Court finds, based on the reasons and the evidence on the reasonableness submitted with the request for an interim measure, that it is in the interest of the parties or proper conduct of the proceedings, that is, that irreversible harmful consequences might occur.

15. The Constitutional Court holds that the contentions of the applicant with respect to the contested legal acts raise very serious issues of constitutionality with respect to the compatibility of these provisions with Articles I(1), I(2), I(3), III(3)(b) and IV(4)(e) of the Constitution of BiH.

16. The Constitutional Court also holds that the applicants presented several arguments that are *prima facie* in favour of the conclusion that the request for an interim measure in the case at hand is well-founded. In particular, the Constitutional Court notes that the applicant argues that there is a serious and substantiated suspicion that the application of the contested legal acts could jeopardize the constitutional order and political stability of BiH. The Constitutional Court emphasizes that the implementation of the laws would first call into question the stability of the institutions of BiH in terms of the employees from the Republika Srpska potentially leaving their jobs because of the threats of criminal sanctions. That would simultaneously also lead to significant problems in a subsequent regulation of the employment status of the employees of these institutions should all the referenced acts be declared unconstitutional. The Constitutional Court also notes that the implementation of the Law on Non-Application of Laws stipulating non-application and non-implementation of the laws and the ban of operation of the BiH institutions, that is, the Court of BiH, the Prosecutor's Office of BiH, the High Judicial and Prosecutorial Council of BiH and the State Investigation and Protection Agency in the territory of the Republika Srpska, violates the principle of proper administration of justice. In that way a legal framework would be created whereby the suspects and the accused for

numerous criminal offences from the whole Bosnia and Herzegovina, for which offences the Court of BiH and the Prosecutor's Office of BiH have the jurisdiction, would be able to evade criminal prosecution by simply going to the Republika Srpska. At the same time, by prescribing that *The competent institutions and bodies of the Republika Srpska are obliged to take all measures and actions within their jurisdiction to ensure the implementation of this law*, there is a probable risk that authorized official persons that implement decisions of the state institutions will be prevented from exercising their duties which can lead to a conflict between these bodies and a potential escalation that would pose a threat to peace in Bosnia and Herzegovina. For that reason, the Constitutional Court holds that there exists urgency for the adoption of an interim measure to prevent further harmful consequences and preserve legal certainty and to protect the functioning of the institutions of BiH pending the final decision on the merits of the request.

17. Therefore, considering the arguments presented by the applicant, the Constitutional Court considers that there are sufficient reasons to indicate that the implementation of the contested legal acts before the Constitutional Court rules on the submitted request would have serious and irremovable harmful consequences. The Constitutional Court considers that these consequences are reflected in the existence of a danger of undermining the constitutional order and sovereignty of Bosnia and Herzegovina. In this regard, the Constitutional Court finds that suspending the application of the contested legal acts would certainly cause less damage than eliminating the consequences of the application of such acts in the event that the Constitutional Court grants the request for a review of constitutionality, assuming such damage could be repaired at all. Furthermore, the Constitutional Court considers that adoption of the interim measure is in the interest of parties and proper conduct of the proceedings, since the damage caused by the application of the contested legal acts cannot be repaired by a subsequent adoption of a decision on the merits of the request for a constitutional review. In this regard, the Constitutional Court is convinced that for the purposes of Article 64(1) of the Rules of the Constitutional Court, protection of sovereignty, constitutional order and stability of Bosnia and Herzegovina, including its entities, is in the interest of all parties to the proceedings (see, the Constitutional Court, Decision on interim measure no *U-2/25* of 12 February 2025, paragraph 22, available at www.ustavisud.ba).

18. Considering all the above, the Constitutional Court considers that, in terms of Article 64(1) of the Rules of the Constitutional Court, it is necessary to adopt an interim measure by which the contested legal act would be suspended *ab initio* pending a final decision of the Constitutional Court of BiH on the submitted request.

19. Pursuant to Article 64(4) of the Rules of the Constitutional Court, a decision on interim measure shall be binding until the Constitutional Court takes a final decision.
20. In view of the foregoing, it has been decided as set out in the enacting clause of this decision.
21. The Constitutional Court reiterates that the decision on interim measure shall be without prejudice to the decision on admissibility and/or decision on merits to be adopted on the submitted requests.
22. Pursuant to Article VI(5) of the Constitution of BiH, decisions of the Constitutional Court shall be final and binding.