

March 2025

# Länderbericht

Country Office Bosnia and Herzegovina



## State Crisis in Bosnia and Herzegovina

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### Court of BiH Convicts the President of Republika Srpska

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On February 26, 2025, the Court of Bosnia and Herzegovina (BiH) sentenced the President of the Republika Srpska, **Milorad Dodik**, to one year in prison (which, however, he can avoid by paying a fine) and imposed a six-year ban on political activity for disregarding decisions of the High Representative of the international community, Christian Schmidt. Dodik's reaction to the verdict has led Bosnia and Herzegovina into a state crisis.

### Background of the Verdict

The **Republika Srpska** (RS) is one of two entities within Bosnia and Herzegovina, alongside the Federation of BiH. The verdict is not yet legally binding, as an appeal can still be lodged. This provides time to consider the potential consequences. If the verdict becomes final, Dodik would have to withdraw from public office, although he could avoid imprisonment by paying a fine.

**Milorad Dodik** (65) is the leader of the Serb nationalist Alliance of Independent Social Democrats (SNSD). He served as Prime Minister from 1998 to 2001 and again from 2006 to 2010, then as President of RS from 2010 to 2018. He was a member of the tripartite Presidency of BiH from 2018 to 2022 and was re-elected as President of RS in 2022. Dodik has described Russia's war against Ukraine as "justified" and maintains close ties with Russian President Vladimir Putin, whom he honoured with RS's highest order in January 2023. He frequently raises the possibility of RS seceding from BiH and forming a federation with Serbia.

Serbian President **Aleksandar Vučić** convened an emergency meeting of Serbia's National Security Council on the same day as the verdict, February 26. The Council condemned the court's ruling as "undemocratic, uncivilized, and unlawful" and described it as "the greatest crisis in BiH since the end of the war." Vučić then travelled to Banja Luka to express Serbia's support for Dodik while also urging dialogue with all parties involved. He stated that the verdict was an attack not just on Dodik but on the RS and the entire Serb people. "In this case, I am not ashamed; I can proudly say that I stand by Milorad Dodik," Vučić declared.

The **High Representative** (HR) has held office since the Dayton Peace Agreement of November 21, 1995, which ended the Bosnian War. The HR is appointed by the Peace Implementation Council, composed of representatives from over 50 countries, under UN Security Council Resolution 1031. The HR oversees the implementation of the agreement and holds broad powers, including the authority to enact or annul laws and dismiss elected officials. Since 2021, the role has been held by former German Agriculture Minister **Christian Schmidt** (CSU).

The first-instance ruling by the Court of BiH represents a legal clarification in an **institutional dispute** and is therefore of fundamental importance to BiH. The case revolves around the recognition of the authority of the High Representative and the Constitutional Court of BiH. The proceedings against Dodik stem from **two RS laws passed in July 2023**, which stipulated that decisions of the BiH Constitutional Court and the High Representative would not be recognized in the RS. The HR immediately annulled these laws and amended the criminal code to impose prison sentences of up to five years and bans on political activity for those disregarding his decisions. Despite this, Dodik signed the laws and had them published in the RS Official Gazette. This prompted the Prosecutor's Office to initiate proceedings before the Court of BiH, a case that has been ongoing since December 2023. Judge Sena Uzunović in Sarajevo has now delivered the first-instance verdict, imposing a significantly lighter sentence than the five-year maximum sought by the prosecution, allowing Dodik to avoid imprisonment.

Throughout the trial, **Milorad Dodik** claimed he was being "politically persecuted" and warned that a guilty verdict would mark "a death sentence for Bosnia and Herzegovina." He threatened radical measures, including "withdrawing from the Dayton Agreement," in an attempt to intimidate the judiciary. He also framed the trial as an attack not only on him personally but on RS and its institutions as a whole.

Meanwhile, ambassadors of the **Peace Implementation Council** Steering Board, along with the Organization for Security and Cooperation in Europe (**OSCE**), have urged all parties to refrain from interference, pressure, and political threats regarding the verdict. They emphasized BiH's territorial integrity as a single sovereign state composed of two entities. EU Special Representative Luigi Soreca, together with other **EU ambassadors**, met with Željka Cvijanović, the Serb member of the BiH Presidency, to stress that all political leaders must respect the constitutional order, the rule of law, and judicial independence. They warned against actions that deepen divisions and increase tensions, reaffirming the EU's commitment to BiH's territorial integrity, sovereignty, and EU perspective of the country.

In a personal message to citizens, HR **Christian Schmidt** stated: "*I know that many of you are truly concerned about recent developments. Rest assured, the international community is vigilant and on high alert. The Dayton framework and state institutions are protected and must be respected. The international community remains committed to peace and stability. **BiH is not negotiable.** BiH will continue on its European path. I know that the citizens of this country understand this vision and will receive support on their journey.*"

Before the verdict, **NATO Headquarters Sarajevo and the EU mission EUFOR Althea** had stated that they would not allow BiH's destabilization and were prepared to respond if necessary. On the day of the verdict, BiH's Minister of Defense, Zukan Helez, met with the EUFOR commander. Following the meeting, officials reported no concrete measures or indications suggesting a breach of peace and security in the country, beyond political statements from the RS.

## Reactions to the Verdict

After the ruling, **Milorad Dodik** initially downplayed its significance. However, in a speech before supporters in Banja Luka, he declared that he would not appeal, as he expected the second-instance ruling to be identical. Instead, the RS National Assembly would immediately pass laws to prohibit state-level institutions such as the Prosecutor's Office of BiH, the Court of BiH, and the State Investigation and Protection Agency (SIPA) from operating in the RS. The assembly indeed passed these

laws within a day, despite objections from the opposition. Dodik's strategy aims to block the implementation of the verdict, fully embracing confrontation. His speech included crude insults against the judiciary and the HR, stating that Schmidt "deserves to be pelted with stones" if he enters the RS.

The **opposition in the RS**, primarily the Serb Democratic Party (SDS) and the Party of Democratic Progress (PDP), which hold a quarter of parliamentary seats, accused Dodik of fostering division. They argued that his politics are driven by fear and hatred, branding anyone who opposes him as a traitor.

Meanwhile, the new **U.S. State Department** spokesperson Tammy Bruce affirmed that the U.S. respects the BiH court's ruling, reiterating Washington's commitment to BiH's stability, the Dayton Agreement, and its sovereignty and territorial integrity. Dodik has long been on the U.S. sanctions list, but he hopes for a reversal under a potential second Trump presidency.

Kremlin spokesman Dmitry Peskov commented that the verdict would have "*harmful consequences for the situation in BiH and the entire region.*" It is based on the provisions of a "pseudo-law" arbitrarily imposed on BiH by the self-proclaimed HR and is clearly outside the legal limits. Russia does not recognize the HR, whose confirmation in the UN Security Council it blocked together with China because it wanted to abolish the institution altogether. A statement by the Russian Foreign Ministry, carried by the news channel n1info.ba, said in a tone very reminiscent of the Cold War: "*The prosecution of Milorad Dodik is purely political in nature and inspired by the West, which, through its puppets in the judicial bodies of BiH, hopes to eliminate the patriotic forces of the RS from the political scene - forces that oppose Euro-Atlantic neo-colonialism.*"

From the **European Parliament**, the Standing Rapporteur for BiH of the Committee on Foreign Affairs, Ondřej Kolář (EPP, Czech Republic), and the Chairman of the European Parliament Delegation for relations with BiH and Kosovo, Davor Ivo Stier (EPP, Croatia), made statements. They recalled that the EU Parliament has repeatedly called for targeted sanctions against destabilizing political actors in BiH, including those who threaten and undermine the country's sovereignty, territorial integrity and constitutional order. These included in particular Milorad Dodik and other high-ranking politicians from the RS and third countries who politically and materially support secessionist policies.

On February 27, 2025, one day after the verdict was announced, HR Christian Schmidt spoke at the "**Adenauer Europe Forum**" of the Konrad Adenauer Foundation in Sarajevo and discussed various matters with participants from politics and society in BiH and the international community. Schmidt emphasized the fundamental importance of accepting a rule-based order in both the national and international spheres. The jointly agreed rules, the constitution, institutions and laws must be accepted by everyone and must not be unilaterally questioned or broken. There is certainly no such thing as "the perfect order", but reforms can only be advanced jointly in dialogue with all those involved, not by disregarding the common order.

## What happens next?

If Milorad Dodik and his nationalist party SNSD, with their supporters who have secured him a broad majority in the RS parliament, continue down the path of confrontation, the question arises as to how the state as a whole and the international community will react, how the action against the state as a whole in the RS can be stopped and how the verdict against Dodik can be enforced. It is difficult to imagine that the population in the RS would want to be drawn into a fire that attacks the

state as a whole and the common European perspective of BiH. The country is therefore facing a turbulent period in which the process of joining the EU may be further delayed and even prevented, to the detriment of the younger generation in particular, whose future is at stake.

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