

**CONSTITUTION
OF REPUBLIKA SRPSKA**

PREAMBLE

(as amended by Amendment LXVI)

“Observing the will of its constituent peoples and citizens to establish and preserve Republika Srpska and base its constitutional organisation upon observance of dignity, freedom and equality of human individuals, upon equality of national communities, democratic institutions, supremacy of law, social justice, pluralistic society, guarantee and protection of human rights and freedoms and rights of national minorities in accordance with international standards, upon prohibition of discrimination and observance of rules of free market economy;

Seeking to ensure peace, tolerance and general welfare;

Intending to contribute towards friendly relations among nations and states;

Proceeding from the determination of Republika Srpska to comply with and consistently enforce The General Framework Agreement for Peace in Bosnia and Herzegovina, which unequivocally adopts, confirms and guarantees the constitutional status of Republika Srpska as one of the two entities within Bosnia and Herzegovina;

The National Assembly of Republika Srpska hereby adopts”

THE CONSTITUTION OF REPUBLIKA SRPSKA¹

I. GENERAL PROVISIONS

Article 1

Article 1, which was earlier replaced by Amendment XLIV, is hereby replaced by Amendment LXVI and reads as follows:

“Republika Srpska is a territorially unified, indivisible and inalienable constitutional and legal entity.

Republika Srpska shall independently perform its constitutional, legislative, executive and judicial functions.

Republika Srpska is one of the two equitable entities in Bosnia and Herzegovina.

Citizens - Serbs, Bosniacs and Croats as constituent peoples, along with Others, shall participate in exercising functions and powers in Republika Srpska equally and without discrimination.”

Article 2

Paragraph 1 of Article 2 has been replaced by Amendment XLV, reading as follows:

“The territory of the Republic is unified, indivisible and inalienable.”

¹ Based on the decisions of the National Assembly of Republika Srpska of 14 September 1992, and Article 61, Item 1, Line 9 of the Statute of The National Assembly of Republika Srpska (“Slu`beni glasnik Republike Srpske” /Official Gazette of Republika Srpska/, No 3/92), The Legislative Committee of the National Assembly, in the session of 17 December 1992, adopted the revised version of the Constitution of Republika Srpska (“Slu`beni glasnik Republike Srpske” /Official Gazette of Republika Srpska/, No. 3/92, 6/92, 8/92, 15/92 and 19/92). The editors of this edition have worked with the revised version and have integrated into it Amendments XXVI-XLIII, Amendments XLIV-LI, Amendment LII, Amendment LIII, Amendments LIV-LXV, Amendments LXVI-XCVIII, Amendments XCIX-CIII, Amendments CIV-CV, Amendments CVI-CXIII, Amendment CXIV and Amendments CXV-CXXI.

Paragraph 2 of Article 2 has been replaced by Amendments LV, LXVIII, reading as follows:

“A proposal to change the demarcation of inter-entity boundary line between Republika Srpska and the Federation of Bosnia and Herzegovina may be decided by a referendum in the Republic.”

In Paragraph 2 of Article 2, Item 1 of Amendment LV, word “border” has been replaced with “inter-entity boundary line” (Amendment LXVIII).

Article 3

Article 3 has been replaced by Item 1 of Amendment LVI, reading as follows:

“All state functions and powers shall belong to the Republic, with the exception of those which, according to the Constitution of Bosnia and Herzegovina, have been placed within the exclusive competence of the institutions of Bosnia and Herzegovina.”

Article 4

Article 4 has been replaced by Item 2 of Amendment LV, reading as follows:

“The Republic may, according to the Constitution of Bosnia and Herzegovina, establish special parallel relations with the Federal Republic of Yugoslavia and its constituent republics.”

Article 5

The constitutional organisation of the Republic shall be based upon:

- guarantee and protection of human freedoms and rights in accordance with international standards;
- guarantee of national equality **and protection of vital interests of the constituent peoples;**
- social justice;
- supremacy of law;
- free market economy;
- multi-party political system;
- parliamentary democracy and division of power;
- free elections;
- local self-government;
- protection of the rights of ethnic groups and other minorities.

In Line 2 of Paragraph 1, Article 5, the words “and protection of vital interests of the constituent peoples” have been added after “guarantee of national equality” (Amendment LXIX).

Article 6

Paragraph 1 of Article 6 has been replaced by Amendment XLVII, reading as follows:

“Citizens of the Republic shall have citizenship of Republika Srpska.”

Paragraph 2 of Article 6 has been replaced by Amendment LXX, reading as follows:
“A citizen of Republika Srpska may not be deprived of citizenship.”

Article 7

Paragraph 1 of Article 7 has been replaced by Amendment LXXI, reading as follows:
“The official languages in Republika Srpska are: the language of the Serb people, the language of the Bosniac people and the language of the Croat people. The official scripts are the Cyrillic script and the Latinic script.”

In regions populated by other national communities, their languages and scripts shall also be in official use, as determined by law.

Article 8

Republika Srpska has a flag, a coat-of-arms and a national anthem.

The flag, the coat-of-arms and the wording of the national anthem shall be determined by a constitutional law.

Article 9

The capital of Republika Srpska is Sarajevo.

II. HUMAN RIGHTS AND FREEDOMS

Article 10

Citizens of Republika Srpska shall be guaranteed equal freedoms, rights and duties; they shall be equal before the law and they shall enjoy equal legal protection before the state and other authorities irrespective of their race, sex, language, national or social origin, religion, education, material standing, political or other conviction, social status or any other personal circumstance.

Article 11

Human life shall be inviolable.

Death penalty may be pronounced exclusively for capital crimes.

Article 12

Personal freedom and safety are inviolable.

No one may be deprived of his liberty or restricted in it, except in such cases and pursuant to such procedures as are provided by law.

Article 13

Human dignity, physical and spiritual integrity, personal privacy, personal and family life shall be inviolable.

Article 14

No one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Any form of coercion in obtaining confessions and statements shall be prohibited and punishable.

It shall be prohibited to conduct medical and other scientific experiments upon any person without his or her consent.

Article 15

Unlawful deprivation of liberty shall be punishable.

Deprivation of liberty may only last as long as there are legal conditions for it.

A person reasonably suspected of having committed a criminal offence may be arrested and detained only when it is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Detention shall be based on a court order, and only under certain conditions stipulated by law may be based on an order by another organ authorised by law, in which case the detention may last up to three days only.

Upon detention, the person detained must be handed a written court order with a statement of reasons. The person detained has the right to appeal against the detention order.

Article 16

Everyone shall be entitled to equal protection of rights in any proceedings before a court and before other state authorities and organisations.

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions by which his rights or legal interests are determined.

Article 17

Everyone has the right to compensation for damage caused through unlawful or irregular actions by an official or a state body performing under state authority or as a bearer of public authority.

Any person unjustly convicted or unlawfully deprived of liberty shall have the right to rehabilitation, compensation for damage, public apology and other rights determined by law.

Article 18

Any person charged with a criminal offence shall be guaranteed a fair court trial.

A person charged with a criminal offence must be informed of the reasons for the charges brought against him without undue delay, within a time limit determined by law.

Court hearings shall not be conducted in the absence of the accused person.

If the person accused is inaccessible to the court, the court hearing may be conducted in his absence only in exceptional cases determined by law.

Article 19

The right to legal defence shall be guaranteed.

The right to choose a legal defence representative and to freely communicate with him shall be guaranteed.

The legal defence representative may not be held responsible for actions undertaken in the defence proceedings.

Article 20

No one may be punished for an act which had not been declared a criminal offence under law, or for which a penalty had not been prescribed, at the time the act was committed.

No one shall be presumed guilty for a criminal offence until found guilty in a final court judgment.

Article 21

Citizens shall have the right to freedom of movement, to dwell and to reside on the territory of Republika Srpska, to leave this territory and to return to it at any time.

The freedom of movement may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, or to protect public safety and health.

No restrictions to this right may be introduced for political reasons.

Article 22

In Article 22 the words: “and of Yugoslavia” (Item 4 of Amendment LVII) have been deleted:

Freedom and privacy of correspondence and other forms of communication shall be inviolable.

Only a law may prescribe that, on the basis of a court order, the inviolability of the freedom and privacy of correspondence and other forms of communication be suspended where it is necessary for the course of criminal proceedings or for reasons of national security.

Article 23

The protection of privacy of personal data shall be guaranteed. The collection, processing and designated use of personal data shall be regulated by law.

The use of personal data contrary to the designated purpose for which it was collected shall be prohibited.

Citizens have the right to request and gain access to all the data related to them contained in state and public authority files.

Article 24

Dwellings are inviolable.

A law may prescribe that, on the basis of a court order, an official may enter the dwellings or other premises of another person against their will and conduct a search. Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order and conduct a search, where this is absolutely necessary for the apprehension of a criminal offender or to save people and property.

Article 25

Freedom of thought and affiliation, conscience and conviction, as well as of public expression of opinion shall be guaranteed.

Article 26

Freedom of the press and other means of public communication shall be guaranteed.

In Paragraph 2, Article 26, the word “independent” has been replaced by the word “news” (Amendment XLIII, Item 1).

Anyone is free to establish news organisations and publishing houses, to publish newspapers or to disseminate information via other media, in accordance with the law.

Censorship of the press and other media of public information shall be prohibited.

It is the duty of the public information media to inform the public timeously, truthfully and without bias.

The right to correct untruthfully published information which has damaged a right or an interest of an individual or body shall be guaranteed, as shall be the right to compensation for damages arising thereby.

Article 27

Freedom of scientific, cultural and artistic endeavour shall be guaranteed.

The protection of copyright, intellectual and material property rights deriving from scientific, cultural, artistic and other intellectual activities shall be guaranteed.

Article 28

Freedom of religion shall be guaranteed.

Religious communities shall be equal before the law and free to manage their religious affairs and practice religious services. They may open religious schools and conduct religious education in all schools at all levels of education; they may engage in commercial activities, receive gifts, establish and manage legacies, in accordance with the law.

The Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion.

Paragraph 4 of Article 28 has been deleted by Amendment LXXII.

Article 29

A citizen who has reached the age of eighteen years shall have the right to vote and to be elected.

The right to vote shall be universal and equal; elections shall be direct and by a secret ballot.

Article 29 has been amended by Item 5 of Amendment LVII, reading as follows:

“A person shall acquire the right to vote as provided in Article 29 based on a proof of residence in a certain place for a period of time prescribed by law.”

Article 30

Every citizen shall have the right to peaceful assembly and public protest.

The freedom of assembly may be restricted by law, but only where this is necessary to protect the safety of people or property.

Article 31

Freedom of political organisation and activities in accordance with the law shall be guaranteed.

Any political organisation or activity threatening the democracy, jeopardising the integrity of the Republic, violating the freedoms and rights guaranteed by the Constitution, and any incitement to national, racial or religious hatred and intolerance shall be prohibited.

Article 32

Every citizen has the right to publicly express his opinion about the performance of state authorities and other bodies, to submit complaints, petitions and proposals to them and to receive replies thereto.

No one may be held responsible or suffer other adverse consequences because of a publicly expressed opinion regarding the performance of state authorities or because of his statements presented in a complaint, petition or proposal, unless by doing so he has committed a criminal offence.

Article 33

Every citizen has the right to participate in the management of public affairs and to have equal access to public services.

Article 34

Every citizen shall be guaranteed the freedom to express affiliation with his nation and culture, and the right to use his language and script.

No one shall be forced to declare national affiliation.

Paragraph 3 of Article 34 has been deleted on the basis of Item 6 of Amendment LVII.

Article 35

Everyone shall have the right to a healthy environment. Everyone has the duty to protect and improve the environment, in accordance with the law and within his abilities.

Article 36

The family, mother and child shall enjoy special protection.

Marriage and the relations within marriage and the family shall be regulated by law.

Everyone shall be free to decide whether to have children.

Parents shall have the right and duty to raise and educate their children.

Children shall have the duty to care for their parents in need of help.

Children born out of wedlock shall have the same rights and duties as those born in wedlock.

Minors who are not cared for by their parents, as well as persons unable to look after themselves and protect their rights and interests shall enjoy special protection.

Article 37

Everyone has the right to health care.

The right to health care shall be guaranteed under conditions provided by law.

Children, pregnant women and elderly persons shall have the right to health care financed from public funds, while other persons shall enjoy this right only under conditions provided by law.

Article 38

Everyone has the right to education under equal conditions.

Primary education is compulsory and shall be free of charge.

Everyone shall have access under equal conditions to secondary and tertiary education.

In Paragraph 4 of Article 38 the words "teaching institutions" have been deleted (Item 2 of Amendment XLIII).

Citizens may open private schools in accordance with the law.

Article 39

Everyone shall have the right to work and to freedom of work.

Forced labour shall be prohibited.

Everyone shall be free to choose his occupation and employment and shall have access under equal conditions to any position of employment.

Employment may be terminated against the will of the employee under conditions determined by law and according to the employment contract.

Every employee shall have the right to remuneration in accordance with the law and the employment contract.

Article 40

Every employee shall be entitled to limited working hours, daily and weekly breaks, a paid annual leave, and other leaves, in accordance with the law and the employment contract.

Every employee shall have the right to safety at work, in accordance with the law.

Young persons, women, and disabled persons shall enjoy special protection in the workplace.

Article 41

The freedom to establish, operate and join trade unions shall be guaranteed.

Article 42

Employees shall have the right to strike under conditions determined by law.

Article 43

The right of employees and their family members to social security and social insurance shall be regulated by law and employment contract.

The right to unemployment benefit during temporary unemployment shall be guaranteed, under conditions determined by law.

Partially disabled citizens shall be given work-training for a suitable job and conditions for their employment shall be provided in accordance with the law.

The Republic shall provide assistance and social security to the disabled citizens who are unable to work and have no funds to support themselves.

Article 44

Aliens shall have the human rights and freedoms determined by the Constitution as well as other rights determined by law and international agreements.

Paragraph 2 of Article 44 has been deleted by Amendment LXXIII.

Article 45

Everyone has a duty to abide by the Constitution and law.

Everyone has a duty to perform conscientiously and responsibly any public function assigned to him.

Article 46

Everyone has a duty to assist others who are in need and to participate in averting public danger.

Article 47

Article 47 has been deleted on the basis of Item 7 of Amendment LVII.

Article 48

The rights and freedoms guaranteed by this Constitution may not be denied or restricted.

Paragraph 2 of Article 48 has been deleted on the basis of Item 8 of Amendment LVII.

Judicial protection of the rights and freedoms guaranteed by this Constitution shall be ensured.

Any one who violates any human right or fundamental freedom guaranteed by this Constitution shall be held personally responsible for the violation and may not be excused on the basis of having acted upon someone else's order.

Article 49

Freedoms and rights shall be exercised and duties performed directly pursuant to the Constitution, unless the Constitution specifies that the conditions for certain freedoms and rights be determined by a law.

The manner in which particular rights and freedoms are exercised may be determined by law only when it is absolutely necessary for their exercise.

Paragraph 3 of Article 49 has been deleted on the basis of Item 3 of Amendment XXXV.

The Chapter on Human Rights and Fundamental Freedoms has been supplemented by Items 1 through 3 of Amendment LVII, reading as follows:

“In case of differences between the provisions relating to human rights and freedoms in the Constitution of Republika Srpska and those in the Constitution of Bosnia and Herzegovina, the provisions which are more favourable for the individual shall apply.

The provisions of Articles 10, 21, 30, 32, 33, 34, 38 and 43 of the Constitution relating to the rights and freedoms of citizens shall be considered as provisions of human rights and fundamental freedoms and shall therefore apply to all people and not only to citizens.

The provisions of Articles 13, 22, 23, 24, 25, 26, 28 and 30 of the Constitution relating to rights and freedoms shall be exercised in conformity with the corresponding provisions of Articles 8 through 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.”

III. ECONOMIC AND SOCIAL RELATIONS

Article 50

Economic and social relations shall be based on equality of all forms of ownership and on free enterprise, on independence of organisations and businesses to make revenues and realise profits, and on free movement of goods, labour and capital within the Republic as a single economic territory.

Article 51

Through measures of economic and social policy the Republic shall stimulate economic development and ensure growth of social welfare for its citizens.

Article 52

Free enterprise may be restricted by law only where it is necessary to protect the interests of the Republic, the environment, or public health and safety.
Monopolies shall be prohibited.

Article 53

The Republic shall ensure consumer protection.

Article 54

All forms of ownership shall enjoy equal legal protection.

Article 55

The right to inheritance shall be guaranteed in accordance with the law.

Article 56

Ownership rights may be limited or revoked by law, subject to fair compensation.

Article 56 has been supplemented by Item 1 of Amendment XXXI, reading as follows:

“During a state of war, immediate threat of war or emergency, the law may limit the disposal of assets owned by legal or natural entities or specify ways in which parts of such assets are to be used.”

Article 57

Article 57 has been replaced by Amendment XLVIII, reading as follows:

“Foreign persons may acquire ownership rights and rights based on the investment of capital in accordance with the law.

Ownership rights and other rights of a foreign investor acquired through an investment of capital may not be lessened or denied by law nor by any other legal act.

A foreign person shall be guaranteed the right to conduct commercial or other business activities, and shall be guaranteed all rights arising from such business, under conditions which cannot be changed to his detriment.

Foreign investors shall be guaranteed the freedom to take the profit and the invested capital out of the Republic.

The law may restrict activities and areas in which foreign persons may establish private enterprises, due to reasons of general public interest. ”

Article 58

Ownership rights and obligations relating to publicly-owned assets, as well as the conditions of transferring these assets into other forms of ownership shall be regulated by law.

Paragraph 2 of Article 58 has been replaced by Item 2 of Amendment XXXI, reading as follows:

“Publicly-owned or state-owned assets may be alienated only according to the market criteria. ”

Article 59

Paragraphs 1, 2 and 3 of Article 59 have been deleted by Amendment LXXIV.

The use of assets of special cultural, scientific, artistic or historical interest, or resources significant for natural or environmental protection, may be limited, with the provision of full compensation to the owner.

The protection, exploitation, improvement and management of national assets and natural resources, as well as the compensation for the usage of national assets and urban construction sites shall be regulated by law.

Article 60

Natural and legal entities shall exercise their ownership rights to real estate according to the nature and purpose of the estate and in accordance with the law.

The ownership of agricultural land shall be guaranteed, while the conditions for ownership of forests and forest land shall be determined by law.

Article 61

The Republic shall guarantee to all citizens a minimum social security and it shall ensure the functioning of public services, in accordance with the law.

Public services shall be financed from funds and budgets, in accordance with the law.

Article 62

The Republic and the municipality shall adopt a budget setting out public revenues and expenditures.

Budget funds shall be raised from taxes, fees and other levies determined by law.

Article 63

The duty to pay taxes and other levies shall be universal and shall depend on the taxpayer's income.

Article 64

The Republic shall protect and encourage:

- rational use of natural resources in order to achieve better quality of life, protect and restore the environment to the general benefit;
- conservation and enrichment of historical, cultural and artistic heritage;
- scientific research;
- cost-savings in general, and in particular with regard to commercial activities and private acquisition of state-owned apartments;
- co-operative societies and general co-operation;
- crafts;
- physical educations and sports.

Article 65

Employees shall have the right to participate in managing the company they work for, in accordance with the law.

The law shall ensure that citizens have influence over the management of state-owned funds and assets.

IV. RIGHTS AND DUTIES OF THE REPUBLIC

Article 66

The rights and duties of the Republic shall be exercised through the republican bodies as determined by the Constitution.

The powers and responsibilities of republican bodies shall be measured by and based upon human rights and freedoms, equality before the law, independence and equal status of enterprises and other organisations, and the constitutional status and rights of local self-government units.

Article 67

Within the rights and duties of the Republic provided by the Constitution, the republican bodies shall formulate policies, pass and promulgate laws, other regulations and general legal acts, as well as ensure constitutionality and legality.

Municipal bodies and organisations may be entrusted to exercise certain rights and duties of the Republic and may pass and promulgate laws, other regulations and general legal acts.

The responsibilities related to passing and promulgating laws, other regulations and general legal acts shall be regulated by law.

Article 68

Article 68 has been replaced by Amendment XXXII, reading as follows:

“The Republic shall regulate and ensure:

1. integrity, constitutional order and territorial unity of the Republic;

In sub-item 1 of Amendment XXXII the words: “sovereignty, independence” have been replaced by the words: “integrity, constitutional order” (Item 1 of Amendment LVIII).

2. security;

In Item 2 of Amendment XXXII the words “national defence and” have been deleted (Amendment CXV).

Item 3 of Article 68 has been substituted by Amendment CVI, reading as follows:

3. “measures in its jurisdiction to be implemented in a state of war or emergency declared by institutions of Bosnia and Herzegovina, as well as measures to be implemented in a state of emergency declared by institutions of Republika Srpska.

Provisions of item 3 of this Article do not apply to deployment of armed forces or other measures which fall under the jurisdiction of the institutions of Bosnia and Herzegovina.”;

4. constitutionality and legality;

5. exercise and protection of human rights and freedoms;

6. ownership and obligation relations and protection of all forms of ownership, legal status of enterprises and other organisations, their associations and chambers, those economic relations with foreign countries which have not been transferred to the institutions of Bosnia and Herzegovina, market relations and planning;

In Sub-item 6 of Amendment XXXII after the words: “economic relations with foreign countries” the words: “which have not been transferred to institutions of Bosnia and Herzegovina, market and planning” (Item 2 of Amendment LVIII) have been added.

7. the banking and the tax system;

In Sub-item 7 of Amendment XXXII, the words: “monetary”, “foreign exchange” and “customs” have been deleted (Item 3 of Amendment LVIII).

8. objectives and directions for economic, scientific, technological, demographic and social development, for the development of agriculture, rural and urban areas, policies and measures for development planning, and commodity reserves;
9. legality of handling property and resources owned by legal entities and the legality of collecting statistical and other data of general interest;
10. organisation, powers and functions of bodies of state authority;
11. the public services system;
12. labour relations, safety in the workplace, employment, social security and other forms of social care, health care, war veteran and disability benefits, child and youth welfare, education, culture and preservation of cultural heritage, physical education and sports;
13. environmental protection;
14. the public information system;
15. international relations, other than those transferred to the institutions of Bosnia and Herzegovina.

In Sub-item 15 of Amendment XXXII, the words: "other than those transferred to institutions of Bosnia and Herzegovina" (Item 4 of Amendment LVIII) have been added.

16. Item 16 of Article 68 has been deleted by Amendment LXXV.

17. financing, to enable the Republic to exercise its rights and perform its duties;
18. other relations of interest to the Republic, in accordance with the Constitution".

V. ORGANISATION OF THE REPUBLIC

Article 69

The state powers in the Republic shall be based on the principle of division of powers.

The constitutional and legislative powers shall be vested in the National Assembly.

Paragraph 2 of Article 69 has been supplemented by Item 1 of Amendment LXXVI, reading as follows:

"The legislative power in Republika Srpska shall be vested in the National Assembly and the National Council. Laws and other regulations passed by the National Assembly concerning vital interest of any of the constituent peoples shall be promulgated only after they have been adopted by the National Council."

Paragraph 3 of Article 69 has been replaced by Amendment XXXIII, reading as follows:

"The President of the Republic represents the Republic and embodies its state unity. "

The executive power shall be vested in the Government.

The judicial power shall be vested in the courts.

Constitutionality and legality shall be provided by the Constitutional Court.

Article 69 has been supplemented by Item 2 of Amendment VXXVI, reading as follows:

"Of the below mentioned functions, only two may be performed at the same time by a representative of one constituent people, or by a representative of Others:

- 1) Prime Minister,
- 2) Chairperson of the National Assembly of Republika Srpska,
- 3) Chairperson of the National Council,
- 4) President of the Supreme Court,
- 5) President of the Constitutional Court,

6) Public Prosecutor.”

1. The National Assembly

Article 70

The National Assembly shall:

1. decide on amending the Constitution;
2. pass laws, other regulations and general legal acts;
3. adopt development plans, urban plans, budgets and annual financial reports;
4. determine the territorial organisation of the Republic;
5. announce a republic referendum;
6. announce a public loan and decide on the state debt;
7. call for elections of National Assembly deputies and the President of the Republic;
8. elect, appoint and dismiss officials, in accordance with the Constitution and the law;
9. supervise the functioning of the Government and its bodies, in accordance with the Constitution and the law;
10. grant amnesty;
11. perform other functions in accordance with the Constitution and the law.

Article 70 has been supplemented by Amendment LIX, reading as follows:

“ National Assembly shall:

- 1) **elect delegates from the Republic to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina ;**
- 2) **ratify agreements concluded between the Republic and other states or international organisations, upon the consent of the Parliamentary Assembly of Bosnia and Herzegovina ”**

Paragraph 3 of Article 70 has been substituted by Amendment CVII, reading as follows:

“In accordance with the Constitution and the law, the National Assembly shall declare:

Sate of emergency in he Republic or part of the Republic in the event of a threat to public safety caused by a natural catastrophe (flood, earthquake, fire), epidemic, violation of human rights and freedoms, or obstruction of normal functioning of constitutional bodies of the Republic.

Provisions of paragraph 3 of this Article do not apply to deployment of armed forces or other measures which fall under the jurisdiction of the institutions of Bosnia and Herzegovina.”

Article 70 has been supplemented by Amendment LXXVII, reading as follows:

“Issues of vital national interest to the constituent peoples are defined as follows:

- **the right to be adequately represented in legislative, executive and judicial bodies;**
- **identity of a constituent people;**
- **constitutional amendments;**
- **organisation of bodies bearing public authority;**
- **equal rights in decision-making processes;**
- **education, religion, language, promotion of culture, tradition and cultural heritage;**
- **territorial organisation;**
- **public information system;**
- **any other issues, which shall be considered of vital national interest if so decided by a two-thirds majority vote of a constituent people’s caucus in the National Council.”**

Article 70 has been further supplemented by Amendment LXXXII, reading as follows:

“a) Procedure for laws concerning vital national interests as defined in Amendment LXXVII.

Any laws, other regulations or legal acts passed by the National Assembly shall be submitted to and considered by the National Council, provided they concern vital interests as defined in Amendment LXXVII.

If more than one leader or deputy-leader of a caucus in the National Council consider a law to concern a vital national interest as defined in amendment LXXVII, the law shall be submitted to the National Council to be discussed as a matter of vital interest.

If only one leader or deputy-leader of a caucus considers a law to be of vital national interest, the matter may be decided by a two-thirds majority vote of the said caucus. In such a case, the procedure “b” described below shall apply.

The leader or deputy-leader must reach his decision within one week.

If the majority of each caucus represented in the National Council votes in favour of such a law, regulation or legal act, it shall be considered as passed. If the National Council votes in favour of amending a law, regulation or legal act, such piece of legislation shall be re-submitted to be passed by the National Assembly.

If the National Assembly doesn’t reach an agreement regarding a law or amendments to a law, a joint committee shall be established consisting of representatives from the National Council and the National Assembly. This joint committee shall be based on parity and shall make decisions by consensus. The joint committee shall ensure that the text of the law reflects the adopted amendments.

Once the amendments have been applied to the text of the law, such law shall be considered as passed.

If no consensus is reached, the law shall not be passed but shall be returned to the proposer for the procedure to be renewed. In such a case, the proposer is not allowed to re-submit the same text of a law, regulation or legal act.

b) Procedure for laws concerning a vital national interest, if so decided by a two-thirds majority vote of a caucus in the National Council.

If it is decided by two-thirds of a constituent people’s caucus in the National Council that a law, regulation or legal act concerns a vital national interest, such piece of legislation shall be discussed in the National Council.

If the majority of each caucus votes in favour of a law, it shall be considered as passed.

If the National Council reaches a consensus regarding amending a law, regulation or legal act, such piece of legislation shall be re-submitted to be passed by the National Assembly.

If the joint committee described under a) cannot reach a consensus, the matter is referred to the Constitutional Court of Republika Srpska, which must make a final judgment on whether a law concerns vital national interests of a constituent people.

The Committee for Protection of Vital National Interests within the Constitutional Court of Republika Srpska shall decide within one week by a two-thirds majority vote whether to admit a case for adjudication, and shall decide on those cases that are admitted within one month.

If the procedure described under b) is initiated by a two-thirds majority of one caucus, for the court to decide that the matter is of vital interest, at least two judges must vote in its favour.

If the court decides that a matter is of vital interest, the relevant law shall still not be considered as passed and shall be returned to the proposer to renew the procedure. In such a case, the proposer is not allowed to re-submit the same text of a law, regulation or legal act.

If the court decides that a law does not concern a vital interest, such law shall be considered as passed, or shall be passed by a simple majority vote. ”

Article 71

Paragraph 1 of Article 71 has been replaced by Amendment LII, reading as follows:

“The National Assembly shall have 83 deputies.”

Paragraph 2 of Article 71 has been replaced by Item 2 of Amendment XXXVI, reading as follows:

“The electoral system and allocation of seats shall be determined by law, ensuring proportional representation of all municipalities in the National Assembly.”

Deputies shall be elected in direct elections and by a secret ballot.

The election of deputies to the National Assembly, the termination of their office, and the formation of electoral units shall be determined by law.

Article 71 has amended by Amendment LXXVIII, reading as follows:

“At least four members of each constituent people shall be represented in the National Assembly.”

“No deputy of the National Assembly or Municipal Assembly may at the same time be a member of the National Council.

The composition of the National Council shall be based on the principle of parity, with each constituent people having the same number of representatives.

The National Council shall have eight representatives from each of the constituent peoples and four representatives from among Others.

Others shall have the right to equal participation in the majority vote.

The members of the National Council shall be elected by the respective caucuses in the National Assembly.

Should the membership of one caucus in the National Council be bigger than the respective caucus in the National Assembly, the additional number of delegates shall be elected by a caucus specially established for that purpose, consisting of municipal assembly councilors.”

Article 72

Assembly deputies shall be elected for a term of four years.

Article 72 has been supplemented by Amendment XXXIX and Amendment LX, reading as follows:

“Based on a proposal by at least 30 deputies, the National Assembly may decide by a two-thirds majority vote of all the deputies to shorten its term.

During a state of war or immediate threat of war, the term of the National Assembly shall be extended for the duration of such a state.

The National Assembly may not shorten its term during a war or immediate threat of war.

Should the National Assembly shorten its term or be dissolved, a new National Assembly shall be elected no later than 60 days after the end of term or dissolution of the previous one. The elections shall be called by the President of the Republic.

The end of term of the National Assembly automatically ends the term of the Government.

Upon consulting the President of the Government and the President of the National Assembly, the President of the Republic may decide to dismiss the National Assembly .“

In Paragraph 4, Item 1 of Amendment XXXIX, the words “or be dissolved” have been added after “shorten its term”(Item 2, Amendment LX).

Article 72 has been further amended by Amendment LXXIX, as follows:

“The National Council members shall be elected for a term of four years.

If the National Assembly’s term is shortened, or the National Assembly is dissolved, the term of the National Council shall also cease.”

Article 73

Article 37, which was supplemented by Amendment LXXX, has been replaced by Amendment XCIX, reading as follows:

“No deputy of the National Assembly or member of the National Council shall be criminally or civilly liable for any actions committed during his term of duty in the National Assembly or the National Council respectively.”

Article 74

The National Assembly shall meet in regular and extraordinary sessions.
The President of the National Assembly shall call and chair sessions.
The President must call a session if so requested by at least one third of all deputies, or by the President of the Republic, or the President of the Government.

Article 75

Article 75 has been replaced by Amendment XXXVII, reading as follows:

“The National Assembly shall pass decisions by a majority vote of all deputies, unless a different type of majority is provided by the Constitution.”

Article 76

Article 76 has been replaced by Amendment XXXVIII, reading as follows:

“Laws, other regulations and legal acts may be proposed by the President of the Republic, the President of the Government, a National Assembly deputy, or at least 3,000 voters.”

Paragraph 2 of Article 76 has been deleted by Amendment LXXXI.

Article 77

The National Assembly may decide that certain issues within its competence shall be decided upon after the citizens have expressed their opinion in a referendum.

Article 78

The National Assembly shall regulate its work and organisation and the manner in which deputies exercise their rights and duties.

Article 79

The National Assembly shall have the President and two Vice-Presidents elected for a term of four years.

2. President of the Republic

Article 80

The President of the Republic shall:

1. represent the Republic;
2. propose a candidate for the President of the Government to the National

Assembly;

Item 3 of Paragraph 1 of Article 80 has been substituted by Amendment XCIII, reading as follows:

3. “propose candidates for the President and judges of the Constitutional Court to the National Assembly, based on the proposal of the High Judicial and Prosecutorial Council;”

Item 4 of Paragraph 1 of Article 80 has been substituted by Item 2 of Amendment XL, reading as follows:

4. “The President of the Republic shall promulgate laws within seven days of their adoption in the National Assembly. Within this time the President of the Republic may request the National Assembly to vote again on the law.

The President of the Republic shall be bound to promulgate the law passed for the second time by the National Assembly”;

5. grant pardons;
6. confer decorations and awards determined by law;
7. perform other tasks in accordance with the Constitution;

Article 80, Paragraph 2, Item 1 has been substituted by Amendment CVIII, reading as follows:

“The President of the Republic shall:

1) perform duties relating to safety and relations between the Republic and other states and international organizations, according to this Constitution and the Constitution of Bosnia and Herzegovina and the law. ”

In Item 1 of Paragraph 2 of Article 80 which has been revised by Amendment CVIII, the words: “defence” has been deleted (Amendment CXVI, Paragraph 1).

Item 2 of Paragraph 2 of Article 80 which has been added by Amendment CVIII has been deleted (Amendment CXVI, Paragraph 2).

Item 3. of this paragraph has been substituted by Amendment L, reading as follows:

3) “upon a proposal made by the Government, the President of the Republic shall appoint and recall by decree heads of missions of Republika Srpska in foreign countries, and shall nominate ambassadors and other international representatives of Bosnia and Herzegovina from Republika Srpska.

4) form advisory bodies and expert agencies for performing tasks falling within his competence.”

Two Vice-Presidents of the Republic shall assist the President of the Republic by performing tasks entrusted to them by the President of the Republic.

In Paragraph 2 of Article 80 the word “Vice-Presidents” has been replaced by “two Vice-Presidents of the Republic” according to Item 1 of Amendment LXXXIII.

“The President shall have two Vice-Presidents, each elected from a different constituent people” (Item 1, Paragraph 2, Amendment LXXXIII).

Paragraph 3 of Article 80 has been substituted by Item 3 of Amendment XL, reading as follows:

“The President of the Republic shall decide which of the two Vice-Presidents of the Republic shall replace him in case he is temporarily prevented from performing his duties.”

Article 81

Paragraphs 1 and 2 of this Article have been deleted by Amendment CIX, while paragraph 3 has been amended, reading as follows:

“In a state of war or emergency declared by the institutions of Bosnia and Herzegovina, and if the National Assembly is unable to convene, The President of the

Republic, upon the proposal of the Government or on his own initiative, having consulted the President of the National Assembly, shall issue decrees with the force of law regarding matters in the jurisdiction of the National Assembly, and shall appoint and recall those officials who are normally appointed and recalled by the National Assembly.”

Paragraph 2 of this Article has been substituted by Amendment XXXV, reading as follows:

“The President of the Republic shall submit these decrees with the force of law, and the decisions of appointments and recalls, to be voted by the National Assembly as soon as it is able to convene.”

Paragraph 3 of this Article has been amended by item 3 of the Amendment a XXXV i and by Amendment CIX, reading as follows:

“In a state of war declared by the institutions of Bosnia and Herzegovina or in a state of emergency, the National Assembly, or the President of the Republic if the National Assembly is unable to convene, may pass extraordinary legal acts, which shall be valid only for the duration of such a state and shall suspend certain provisions of the Constitution related to: the passing of laws, other regulations and general legal acts; the powers of republican bodies to undertake certain measures; to certain human freedoms and rights, except for the freedoms and rights provided in Articles 10, 11, 13, 14, 15, 17, 18, 19, 20, 24 and 25 of the Constitution; changing the organisation and powers of executive, governing and judicial bodies and their personnel, as well as the territorial organisation of the Republic.”

Article 82

The President of the Republic may request that the Government conveys its opinion on certain matters of importance for the Republic, may call for the Government to convene and may put on the agenda matters to be decided by the Government.

Article 83

Article 83 has been substituted by Items 4 and 5 of Amendment XL, reading as follows:

“Only one Vice-President of the Republic shall be elected in the first direct elections.

The President and Vice-Presidents of the Republic are elected for a term of four years in direct general elections by a secret ballot.

In paragraph 2 of Article 83, which was amended by items 4 and 5 of Amendment XL, the words “term of five years” have been replaced with the words “term of four years”.

The same person may be elected as President or Vice-President for a maximum of two consecutive terms. ”

In Item 5 of Amendment XL the words “and Vice-President” have been replaced with the words: “and Vice-Presidents”(Item 2, Amendment LXXXIII).

Paragraph 2 Item 5 of Amendment XL has been deleted by Item 3 of Amendment LXXXIII.

Item 5 of Amendment XL has been supplemented with Item 4 of Amendment LXXXIII, reading as follows:

“The President of the Republic and the Vice-Presidents of the Republic shall be directly elected from the list of candidates for the President of Republika Srpska, so that the candidate who wins the most votes is elected President, while the candidates from the other two constituent peoples who win the most votes are elected Vice-presidents of the Republic.”

Article 84

Before taking office, the President of the Republic and the Vice-Presidents of the Republic shall take an oath before the National Assembly.

Article 85

In the event of an immediate threat of war or a state of war, the term of office of the President of the Republic shall be extended for the duration of such a state, or until the conditions are created for the election of the President of the Republic.

Article 85 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 86

(Article 86 has been deleted based on Amendment C.)

Article 87

The term of office of the President of the Republic shall cease before the expire of his election period in the event of recall or resignation.

Article 87 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 88

The President of the Republic shall be responsible to the citizens and they may recall him following the same procedure by which they elected him.

Article 88 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 89

The procedure of nomination, election and recall of the President of the Republic shall be regulated by law.

Article 89 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Provisions of the Constitution concerning the President of the Republic have been supplemented with Amendment LIII, reading as follows:

“The Senate shall be the advisory body of the highest constitutional institutions in Republika Srpska.

The Senate shall decide on matters of particular importance for the political, national, economic and cultural development of Republika Srpska, and shall advise the highest constitutional institutions on the matters within their competence.

The Senate shall consist of up to 55 members appointed by the President of the Republic.

Members of the Senate shall be distinguished individuals from the public sector, the academic and the science sector, as well as the arts and culture sector.

(Paragraph 5 of Amendment LIII has been deleted by Amendment CI.)

Sessions of the Senate shall be convened and chaired by the President of the Republic.

The organisation and the mode of operation of the Senate shall be regulated by law.”

3. The Government and the Administration of the Republic

Article 90

The Government shall:

1. propose laws, other regulations and general legal acts;
2. propose the development plan, the urban plan, the budget and the annual financial report;
3. promulgate and enforce laws, other regulations and general legal acts;
4. pass decrees, decisions and other acts necessary for the promulgation of laws;
5. express its opinion on proposed laws and other regulations and general legal acts submitted to the National Assembly by other parties;
6. establish the principles for the internal organisation of the ministries and other administrative bodies and organisations of the Republic, appoint and recall officials in the ministries and other bodies and administrative organisations of the Republic;
7. direct and co-ordinate the work of the ministries and other bodies and administrative organisations of the Republic;
8. supervise the work of the ministries and other bodies and administrative organisations of the Republic, and recall or cancel their acts if they are in contravention of laws or other legal acts passed by the Government;
9. perform other tasks in accordance with the Constitution and the law.

Article 90 has been supplemented with Item 1 of Amendment XLI and changed by Amendment LXI, reading as follows:

“The Government shall decide on establishing representative missions of the Republic in foreign countries.”

Article 91

The Government shall be elected for a term of four years.

A new Government shall be elected each time a new National Assembly is elected.

Article 92

The Government is composed of the president, vice-presidents and ministers.

Paragraph 2 of Article 92 has been substituted by Item 2 of Amendment XLI, reading as follows:

“A National Assembly deputy who has been nominated for the president or vice-president of the Government, or for a minister, may not participate in the election of the Government, while a deputy who has been appointed to any of the above posts may not participate in the vote of no confidence in the Government, or in the vote deciding his own dismissal or a report submitted by the Government or the ministry he runs.”

Article 92 has been supplemented by Amendment LXXXIV, reading as follows:

“The President and Vice-Presidents of the Government may not be elected from the same constituent people.

Following the implementation of Annex 7, at least 15% of the members of the Government must be from one constituent people. At least 35% of the members of the Government must be from two constituent peoples. At least one member of the Government must be from among Others.

In the transitional period until the full implementation of Annex 7, the Government of Republika Srpska (the President of the Government and 16 ministers) shall consist of 8 Serb ministers, 5 Bosniac ministers and 3 Croat ministers. One minister representing Others may be appointed by the President of the Government from among the largest national constituency.

The Government shall have the President and two Vice-Presidents, elected from among the ministers of the Government and each representing a different constituent people.”

Article 93

The candidate for President of the Government presents the Government’s programme to the National Assembly and proposes the Government’s composition.

The Government shall be elected by a majority vote of all the National Assembly deputies.

Article 94

The Government and its members shall be responsible to the National Assembly.

The National Assembly may pass a vote of no confidence in the Government.

The proposal to express a vote of no confidence in the Government may be submitted by at least 20 deputies.

The Government itself may ask for a vote of confidence to be expressed by the National Assembly.

The President of the Government may propose to the National Assembly to dismiss a member of the Government.

The dismissal of the Government or any of its members shall be decided by a majority vote of all deputies.

The Government or any of its members may submit a resignation to the National Assembly.

The resignation or dismissal of the President of the Government shall entail the resignation of the entire Government.

The Government which has been passed a vote of no confidence, which has resigned, or whose mandate has terminated to the National Assembly being dissolved, shall remain in office until a new Government is elected.

Article 94 has been supplemented with Items 3, 4 and 5 of Amendment XLI, reading as follows:

“The President of the Republic shall propose a candidate for the President of the Government within 10 days of the Government’s resignation being accepted, the vote of no confidence being expressed or the mandate of the previous Government being terminated due to the National Assembly being dissolved. The new Government must be elected no later than 40 days after the candidate for the new President of the Government was nominated.

During the term of the Government, the President of the Government, upon hearing the opinion of the President of the Republic and the President of the National

Assembly, may change the composition of the Government, of which he shall inform the National Assembly.

If the President of the Republic assesses that a crisis has arisen in the functioning of the Government, he may request, upon the initiative of at least 20 deputies and upon hearing the opinion of the President of the National Assembly and the President of the Government, the resignation of the President of the Government. Should the President of the Government refuse to resign, the President of the Republic may dismiss him.

During a state of war or immediate threat of war, the National Assembly may pass a vote of no confidence in the Government by a majority vote in a session attended by the majority of deputies.”

Article 95

(Article 95 has been deleted by Amendment CII)

Article 96

The organisation and mode of operation of the Government shall be regulated by law.

Article 97

The affairs of state administration shall be conducted by ministries and other republican administrative bodies.

The ministries and other republican administrative bodies shall promulgate laws and other regulations and general legal acts of the National Assembly and the Government, as well as the acts of the President of the Republic, and shall decide on administrative matters, perform administrative supervision and attend to other administrative business as determined by law.

The ministries and other republican administrative bodies shall be independent in exercising their competences provided by the Constitution and the law.

Certain administrative powers may be entrusted by law to enterprises and other organisations.

Article 97 has been supplemented by Amendment LXXXV, reading as follows:

“The constituent peoples and the group of Others shall be proportionally represented in public institutions in Republika Srpska.

As a constitutional principle, such proportionate representation shall be based on the 1991 census until Annex 7 is fully implemented, in accordance with the Civil Service Law of Bosnia and Herzegovina. This general principle shall be further regulated by specific legislation of the Entities. Such legislation shall include specific timelines and shall regulate the aforementioned principle in line with the regional ethnic structure in the Entities.

The above-mentioned ‘public institutions’ are the ministries in the Government of Republika Srpska, municipal governments, district courts and municipal courts in Republika Srpska.”

4. The National Bank

Article 98

(Article 98 has been deleted by Amendment LXXXVI.)

5. Public Finance Management and Control Agency

Article 99

(Article 99 has been deleted by Amendment LXXXVII)

VI. TERRITORIAL ORGANISATION

Article 100

The territorial organisation of the Republic shall be regulated by law.

Article 101

(Article 101 has been deleted by Amendment XXXII)

Article 102

The municipality, through its bodies and in accordance with the law, shall:

1. adopt a development programme, an urban plan, a budget and an annual financial report;
2. regulate and ensure the provision of municipal services;
3. regulate and provide for the use of urban development land and business premises;
4. be responsible for the construction, maintenance and use of the local roads and streets and other municipal infrastructure and facilities of public interest.
5. provide for the specific needs of citizens in the areas of culture, education, health and social welfare, physical culture, public information, arts and crafts, tourism and catering, protection of environment, and other areas;
6. execute laws and other regulations and general legal acts of the Republic whose execution is entrusted to the municipality, provide for the execution of regulations and acts of the municipality;
7. establish bodies, organisations, and services to meet the needs of the municipality and regulate their organisation and work;
8. attend to other business as established by the Constitution, the law and the statute of the municipality.

The system of local government shall be regulated by law.

A law may entrust the performance of local government tasks to the city.

Article 103

The city and the municipality shall be entitled to revenues determined by law and shall be provided with the funding for the performance of their duties.

VII. DEFENCE

Article 104

Article 104 has been amended by amendment CX, reading as follows:

“All citizens shall have the right and duty to defend and protect the territory and constitutional order of Bosnia and Herzegovina and Republika Srpska.”

Paragraph 2 of Article 104 has been deleted by Amendment CXVII.

Article 105

(Article 105 has been deleted by Amendment CXVIII).

Article 106

(Article 106 has been deleted by Amendment CXIX).

Article 107

(Article 107 has been deleted by Amendment CXIII).

VIII. CONSTITUTIONALITY AND LEGALITY

Article 108

Laws, statutes, other regulations and general legal acts must conform with the Constitution.

Regulations and general legal acts must conform with the law.

Article 109

Laws and other regulations and general legal acts shall come into force no earlier than eight days from the day of publication, unless, for particularly justified reasons, it is provided that they come into force earlier.

Prior to coming into force, laws, other regulations and general legal acts of state authority must be published in an official gazette.

Article 110

Laws, other regulations and general legal acts shall have no retroactive effect.

If so required by public interest as established in the procedure of passing the law, it may be provided solely by law that some of its provisions shall have a retroactive effect.

Punishable offences and punishments for their commitment shall be determined by law and/or other regulation which was in force at the time the offence was committed, unless a later law or regulation is more favourable for the offender.

Article 111

State bodies and organisations exercising public authority may in individual cases decide on rights and duties of citizens or apply coercive measures and restrictions only in a procedure prescribed by law, in which everyone is provided with the opportunity to defend his rights and interests, to appeal against the issued act, or apply any other legal remedy provided by law.

Article 112

Everyone shall be guaranteed the right to use his own language and be informed of the facts in his own language in the proceedings before a court, state authority or organisation, which, while exercising public powers, rules on his rights and duties.

Article 113

An appeal may be lodged with a relevant body against an act issued by a judicial, administrative or other state authority, or by an agency or organisation exercising public powers in the first instance.

Exceptionally, an appeal may be denied by law if the right to legal remedy and protection of legality have been otherwise provided.

The legality of finally-binding individual acts by which state bodies and organisations exercising public powers decide on rights and duties, shall be decided upon by a court of law in the administrative dispute proceedings, unless other judicial protection has been provided.

Exceptionally, in certain administrative matters the administrative dispute proceedings may be excluded by law.

Article 114

Prior to the Constitutional Court's decision, the Government of the Republic shall have the right to suspend the enforcement of a regulation or a legal act which it deems to be unconstitutional or illegal.

The Republic shall have the right and duty to enforce laws and other regulations directly through the republican bodies, should the agencies and organisations in the Republic fail to enforce them.

IX. THE CONSTITUTIONAL COURT

Article 115

The constitutional Court shall decide on:

1. the conformity of laws, other regulations and general legal acts with the Constitution;
2. the conformity of regulations and general legal acts with the law;
3. conflicts of jurisdiction among the bearers of legislative, executive and judicial power.

In Item 4 of Paragraph 1 of Article 115 the word “region” has been deleted (Item 3 of Amendment XLIII).

4. conflicts of jurisdiction among the bodies of the Republic, the city and the municipality

5. the conformity of programmes, statutes and other general acts of political organisations with the Constitution and the law.

Article 115 has been supplemented with Items 1 and 2 of Amendment XLII, reading as follows:

“The Constitutional Court shall monitor events of interest for the enforcement of constitutionality and legality, report on the status and problems in this area to the highest constitutional bodies of the Republic, and convey its opinion and propose laws and measures to ensure constitutionality and legality and the protection of freedoms and rights of citizens, organisations and communities.

The Constitutional Court may assess the constitutionality of laws, as well as the constitutionality and legality of regulations and general legal acts which are no longer in force, provided that the assessment is initiated not more than one year after the termination of their validity.”

Paragraph 1 of Article 115 has been amended by Item 1 of Amendment LXXXVIII, reading as follows:

“The Constitutional Court shall decide on:

1. **the conformity of laws, other regulations and general legal acts of the National Assembly with the provisions of the Constitution concerning the vital national interests of the constituent peoples.”**

Article 115 was supplemented by Amendment CIII, reading as follows:

“The Constitutional Court shall decide on matters concerning immunity, stemming from the laws regulating immunity in Republika Srpska.”

Article 116

Paragraphs 1, 2 and 3 of Article 116 have been deleted by Amendment CXX.

Article 116 has been supplemented with Item 2 of Amendment LXXXVIII, reading as follows:

“The Constitutional Court shall have a nine judges.

In Item 1 of Amendment LXXXVIII, the words:” maximum of” have been deleted (Amendment CXXI).

The Council for the Protection of Vital Interests shall be established within the Constitutional Court of Republika Srpska to decide on matters of vital national interests according to the procedure described in Amendment LXXXII. The Council shall decide on all matters of vital interest.

The Council for the Protection of Vital Interests is composed of seven members, of which two are from each constituent people and one from among Others. The judges shall be elected by the National Assembly of Republika Srpska and the National Council.”

Article 117.

A Constitutional Court judge may not perform any other public function.

Paragraph 2 of Article 117 has been substituted by Item 5 of Amendment XLII, reading as follows:

“The President and the judges of the Constitutional Court shall enjoy the same immunity as National Assembly deputies. The Constitutional Court shall decide on such immunity.”

Article 118

A judge of the Constitutional Court shall terminate his office at his own request.

Paragraph 2 of Article 118 has been substituted by Item 6 of Amendment XLII, which reads:

“A judge of the Constitutional Court shall be dismissed from office if he is convicted of a criminal offence, or due to permanent loss of capacity to perform his office, or due to other reasons provided by the Constitution and law.”

Article 119

The decisions of the Constitutional Court are universally binding and enforceable **in the territory of the Republic.**

The words “in the territory of the Republic” have been added after the word “enforceable” in Paragraph 1 of Article 119 (Amendment LXIV).

The enforcement of the Constitutional Court decisions shall be ensured by the Government.

Article 120.

The proceedings before the Constitutional Court, the legal effect of its decisions and other issues regarding its organisation and work shall be regulated by law.

Article 120 has been supplemented with Items 3 and 4 of Amendment XLII, reading as follows:

“Anyone can initiate the proceedings to assess constitutionality and legality.

Proceedings before the Constitutional Court may, without restriction, be initiated by the President of the Republic, by the National Assembly and by the Government, while other bodies, organisations and communities may do so under conditions prescribed by law.

The Constitutional Court itself may initiate the proceedings to assess the constitutionality and legality.

When the Constitutional Court establishes that a law is not in conformity with the Constitution, or that a regulation or general legal act is not in conformity with the Constitution or the law, such law, regulation or legal act shall cease to be in effect as of the day when the Constitutional Court’s decision is publicised.”

X. COURTS AND PUBLIC PROSECUTOR OFFICES

Article 121

Judicial power is vested in courts of law.

The courts shall be autonomous and independent and shall adjudicate on the basis of the Constitution and the laws.

The courts shall protect human rights and freedoms, rights and interests of legal entities established by law, and legality.

Article 121a has been added by Amendment XCIV and reads as follows:

“Article 121.a

“The judiciary is autonomous and independent from the executive and legislative powers of Republika Srpska.

The High Judicial and Prosecutorial Council of Republika Srpska shall ensure the autonomy, independence, impartiality, competence and efficiency of the judiciary and the prosecutorial offices in Republika Srpska. The responsibilities of the High Judicial Council shall include, but shall not be limited to, the appointment, disciplinary hearings and dismissal of judges, except for the Constitutional Court judges, and shall also include public prosecutors and deputy public prosecutors in Republika Srpska. The composition and additional jurisdiction of the High Judicial and Prosecutorial Council shall be defined by law.”

Article 122

The establishment, organisation and jurisdiction of courts, and the proceedings before courts shall be determined by law.

Article 123

The Supreme Court of the Republic is the highest court in the Republic and shall ensure uniform enforcement of law.

Article 124

Court hearings shall be public.

In exceptional cases provided by law, for the purposes of protecting the interests of the Republic, confidentiality, moral, interests of juveniles, privacy of the participants in the proceedings, and other public interests, the public may be excluded from court hearings.

Article 125

The court shall adjudicate via a panel of judges.

Matters to be adjudicated by a single judge shall be determined by law.

Jurors shall participate in adjudication in a manner determined by law.

A law may determine that in certain courts and on certain matters judges shall adjudicate alone.

Article 126

No one participating in an adjudication shall be held responsible **in either criminal or civil proceedings** for an opinions expressed in the passing of a judgment, nor shall anyone be detained in the proceedings instituted due to a criminal offence committed while performing judicial function without the approval of **the High Judicial and Prosecutorial Council**.

Article 126 has been amended by Amendment XCV.

Article 127

Article 127 has been amended by Amendment XCVI, reading as follows:

“All judges, apart from reserve judges, shall remain in office for their lifetime, unless otherwise determined by this Constitution, or unless they resign, retire or are dismissed by the High Judicial and Prosecutorial Council due to valid reasons and in accordance with the law. Exceptionally, a judge's office may be terminated due to a selection process following a court restructuring during a transitional period, as determined by the law establishing the High Judicial and Prosecutorial Council of Republika Srpska. The retirement age for judges shall be determined by law. The terms of office of a judge, including immunity, shall be determined by law. A judge's salary and other compensations may not be decreased during the term of his/her judicial office, except as a result of disciplinary proceedings in accordance with the law.

A judge may not perform a public function or pursue any form of gainful employment which is determined by law to be incompatible with the judicial function.”

Article 128

The public prosecutor's office is an independent state body which prosecutes criminal offences and other legally punishable offences and applies legal measures in order to protect constitutionality and legality.

The establishment, organisation and jurisdiction of a public prosecutor's office shall be regulated by law.

A public prosecutor's office performs its function on the basis of the Constitution and the law.

Article 129

Article 129 has been substituted by Amendment XCVII, reading as follows:

“Public prosecutors and deputy public prosecutors shall be appointed for a term of office determined by law, unless they resign, retire or are removed by the High Judicial and Prosecutorial Council due to valid reasons and in accordance with the law. Exceptionally, the public prosecutor's and deputy public prosecutor's office may be terminated before the end of term due to a selection process following a restructuring of Public Prosecutor Offices in a transitional period, as determined by the law establishing the High Judicial and Prosecutorial Council. The retirement age for public prosecutors and deputy public prosecutors shall be determined by law. The terms of office of public prosecutors and deputy public prosecutors, including immunity, shall be determined by law.

A public prosecutor or a deputy public prosecutor may not perform any function or pursue any form of gainful employment which is determined by law to be incompatible with the prosecutor's function.”

Article 130

Article 130 has been amended by Amendment XCVIII, reading as follows:

“Judges, court presidents, public prosecutors and deputy public prosecutors are selected, appointed, subjected to disciplinary hearings and dismissed by the High Judicial and Prosecutorial Council in accordance with the law.”

Article 131

Attorneyship is an autonomous and independent practice providing legal services. The organisation and work of attorneyship is regulated by law.

XI. AMENDING THE CONSTITUTION

Article 132

A proposal to initiate the procedure for amending the Constitution of the Republic may be submitted by the President of the Republic, the Government, or at least 30 deputies of the National Assembly.

Such proposal shall be decided upon by the National Assembly by a majority vote of all the deputies.

Article 133

A draft act on amending the Constitution shall be adopted by the National Assembly by a majority vote of all the deputies.

Such draft act shall be submitted for public debate.

Article 134

Following the public debate on the draft act amending the Constitution, the National Assembly's Commission for Constitutional Issues shall pass a proposed act on amending the Constitution.

Article 135

Paragraphs 1 and 2 of Article 135 have been replaced by Amendment LXXXIX, reading as follows:

“The proposed act on amending the Constitution shall be decided upon by the National Assembly and the National Council.

A constitutional amendment shall be adopted by a two-thirds majority vote of all the assembly deputies and by a majority vote of members representing each constituent people and Others in the National Council.”

If a constitutional amendment is not adopted, a new proposal to initiate the amendment procedure may be submitted no earlier than three months after the original proposal was rejected.

Article 136

The act on amending the Constitution shall be proclaimed by the National Assembly.

Article 137

The Constitution of the Republic may be amended by constitutional amendments.

In the event of war or immediate threat of war, the National Assembly may initiate a proposal to amend the Constitution and may adopt constitutional amendments in the same session (without submitting them to public debate).

XII. FINAL PROVISIONS

Article 138

(Article 138 has been deleted by Amendment XC).

After Article 138, Amendment XCI has been added, reading as follows:

“Effective from the date when the act amending the Constitutions of the Entities is adopted, the Constitutional Commission of Republika Srpska (which was established by the High Representative) shall comply with the principles contained in this act.

After the following municipal elections, the final guidelines for the election of the National Council members shall be regulated by the National Assembly and the National Council.”

Article 138a has been added by Amendment CXIV, reading as follows:

“Article 138. a

As a derogation to the principle prescribed in Article 127 of this Constitution, salaries and/or other emoluments of judges may be diminished by law before 10 January 2006.

The reduction referred to in Paragraph 1 of this Article may only occur once.

Nothing in Paragraphs 1 and 2 of this Article shall be interpreted as allowing in any manner or form either directly or indirectly any other reduction of salaries and/or emoluments of judges protected by Article 127.”

Article 139

This Constitution shall enter into force on the day of its promulgation.

Article 140

A constitutional act shall be passed in order to implement this Constitution.

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