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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**CONSTITUTION
OF THE REPUBLIKA SRPSKA**

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I. BASIC PROVISIONS

Article 1

The Republika Srpska is the sovereign state of Serb people and of all its citizens.

Article 2

The territory of the Republika is unique, undividable and inalienable.

The borders of the Republika are determined and can be changed by plebiscite with three fourths of the total number of enlisted voters.

Article 3

The Republic is sovereign in all its issues except for those which are established, in the joint interest by the constitution of Bosnia and Herzegovina, as the jurisdiction of its institutions.

The Republic can establish special parallel relations with the Federal Republic of Yugoslavia and its constitutional units.

Article 4

The Republic can unite with other countries on confederation or similar basis. Decision on that is made on Referendum by majority of the two thirds of the total number of enlisted voters.

Article 5

The constitutional arrangement of the Republic shall be based upon the following:

- guarantee and protection of human freedoms in accordance with international standards;
- assurance of national equality;
- social justice;
- government of justice;
- market economy;
- multi-party political system;
- parliamentary democracy and division of authority;
- free elections;
- regional autonomy and local self-government
- protection of the rights of ethnic groups and other minorities.

Article 6

The citizens of the Republic shall have the citizenship of the Republic.

The citizens of the Republic cannot be deprived of its citizenship, exiled or extradited.

Article 7

The Serbian language of *ijekavski* and *ekavski* dialect and the Cyrillic alphabet shall be in official use in the Republic, while the Latin alphabet shall be used in the manner established by law.

In regions inhabited by groups speaking other languages, their languages and alphabet shall be in addition in official use in the manner established by law.

Article 8

The Republic 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 constitutional law.

Article 9

The capital city of the Republic is Sarajevo.

II. HUMAN RIGHTS AND FREEDOMS

Article 10

Citizens of the Republic are equal in their freedoms, rights and duties; they are equal before the law and they shall enjoy equal legal protection irrespective of their race, sex, language, national origin, religion, social origin, birth, education, property status, political and other beliefs, social status and other personal attributes.

Article 11

Human life is inviolable.

Death penalty can exclusively be declared only for the hardest forms of the criminal act.

Article 12

Freedom and personal safety of man are inviolable.

No one may be deprived of his liberty or restricted in it, except in such cases and in accordance with such procedure as established by law.

Article 13

Human dignity, physical and spiritual integrity, man's privacy, his personal and family life are inviolable.

Article 14

No one may be subjected to torture, cruel, inhumane or humiliating treatment or punishment.

Any extortion of confession or statement shall be forbidden and punishable.

It is forbidden to conduct medical and other scientific experiments upon any man without his consent.

Article 15

Illegal arrest is punishable.

The arrest can last until there are legal conditions for it.

A person for whom there is suspicion for criminal acts committed can be detained in arrest only when that is necessary for the legal procedure or for the security of people.

The arrest is decided upon the Court decision, and only in the special cases, under conditions foreseen by law, decision of other body responsible by the law-the longest up to 3 days.

The person who is arrested must receive written explanation of the decision in the moment of the arrest. Arrested person has a right to complain against this decision.

Article 16

Everyone shall be entitled to equal protection of his rights in the proceedings before a court of law and other State agencies or organizations.

Everyone shall be guaranteed the right to appeal or to apply other legal remedy against a decision concerning his right or interest founded on law.

Article 17

Everyone shall be entitled to compensation for damage inflicted on him through unlawful or irregular work of an official or a State agency or organization exercising public powers.

A person who has been unjustifiably convicted or unlawfully and on no grounds deprived of liberty shall have the right to rehabilitation, compensation of damage, public apology and other rights established by law.

Article 18

A person accused of a criminal offense shall be guaranteed fair trial.

The accused person must be informed of the reasons of the accusation in the shortest time provided by law. No proceedings before a court of law may be conducted in the absence of the accused person.

Proceedings before a court of law may be conducted against an accused person who is inaccessible to the court only in cases determined by law.

Article 19

The right to legal defense shall be guaranteed.

The right to free choice of all of the defense attorney and free communication with him shall be guaranteed.

The defense attorney cannot be held responsible for actions undertaken in the process of defense.

Article 20

No one may be punished for an act which prior to its commission was not provided as a punishable offense by the law, nor be subject to pronouncing a punishment which has not been established for such an act by the law.

No one may be considered guilty of a criminal offense until so proven by a final judgment of a court of law.

Article 21

Citizens shall be guaranteed freedom of movement, residence and sojourn on the territory of the Republic, and the freedom to leave and return to that territory.

Freedom of movement may be restricted by law only if this is necessary for the conduct of criminal proceedings, or for reasons of public security and health.
No restrictions may be introduced for political reasons.

Article 22

Freedom and privacy of mail and other means of communication is inviolable.

Provisions to depart from the principle of inviolability of freedom and privacy of mail and other means of communication, pursuant to an order of the court, may only be made by the law if this is indispensable to the conduct of criminal proceedings, or to the security of the Republic and of Yugoslavia

Article 23

Protection of secrecy of data concerning a person shall be guaranteed. The collection, processing and purpose of use of data shall be regulated by law.

The use of data concerning a person contrary to the regulated purpose of their collection shall be forbidden .

Citizens shall have the right to request and receive all data concerning them, which are contained in documents of State agencies and in other official documentation.

Article 24

The home is inviolable.

The law may prescribe that a person in an official capacity, on the ground of a court warrant, may enter a dwelling or other premises against the will of their tenant, and may search them. The search is carried out in the presence of two witnesses.

Subject to conditions spelled out by law, a person in an official capacity may enter a dwelling or other premises without a court warrant and carry out a search if this is indispensable for the purpose of immediate apprehending the perpetrator of a criminal offense or in order to save persons and property.

Article 25

The freedom of thought and orientation, conscience and belief, as well as public expression of opinion shall be guaranteed.

Article 26

The freedom of press and other public information media shall be guaranteed.

The free establishment of newspaper and publishing firms, the publishing of newspapers and public information by other means in accordance with the law shall be guaranteed.

The censorship of press and other public information media shall be prohibited.

Public information media shall be obliged to inform the public in time , and do so truthfully and objectively.

The right to correction of incorrect information which violates someone's right or interest provided by the law, as well as the right to compensation for damage arising therefrom, shall be guaranteed.

Article 27

Scientific, cultural and artistic creativity shall be free.

The protection of moral and property rights arising from scientific, cultural, artistic and other intellectual creativity shall be guaranteed.

Article 28

~~Article 28 is substituted by the Amendment X of the Constitution of Republika Srpska:~~

Freedom of creed is guaranteed.

Religious communities are equal before the law, they are free in performing their religious activities and religious services; they can establish religious school and perform religious education in all schools at all levels of education. They can deal with business and other activities; they can receive gifts, establish foundations and manage them in accordance with the law.

The Serbian Orthodox Church is the church of the Serb people and other peoples of Orthodox religion.

The State materially assists the Orthodox Church, it cooperates with it in all the areas and especially on preserving, cherishing and developing of cultural, traditional and other spiritual values.

Article 29

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

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

Article 30

Citizens shall have the right to peaceful assembly and public protest.

The freedom of assembly may be restricted solely for the purpose of protection of safety of persons and property.

Article 31

The freedom of political organization and activities is guaranteed in accordance with the law.

It is forbidden any kind of political organizing and activities directed on jeopardizing democracy, endangering integrity Republika, violations of the freedoms and rights guaranteed by the Constitution. It is forbidden to inflame any kind of national, race or religious and hate and intolerance.

Article 32

Citizens shall have the right to publicly express their opinion on the work of State and other agencies and organizations, to submit requests, petitions and proposals, and to receive an answer to these.

No one may be indicated or suffer other ill effects for his opinions presented in public or in a submitted request, petition or a proposal, on the work of State agencies, except when thereby committing a criminal offense.

Article 33

Citizens shall have the right to participate in the conduct of public affairs and to be admitted to public service under equal conditions.

Article 34

A citizen shall be guaranteed the freedom to express his national affiliation and culture, and freedom to use his language and alphabet.

No one shall be bound to declare his national affiliation.

Citizens of the Republic may also declare that they are Yugoslavs

Article 35

Man has the right to a healthy environment. Every person shall be bound, in accordance with the law and his own capabilities, to protect and enhance the environment.

Article 36

The family, the mother and child shall enjoy special protection.

Marriage and matrimonial and family relations shall be regulated by law.

It is a human right to decide freely on family planning.

Parents have the right and duty to care for the raising and upbringing of their children.

Children shall be bound to care for the parents in need of assistance.

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

Minors who have no parental care, as well as persons who are unable to look after themselves and to protect their rights and interests, enjoy special protection.

Article 37

Everyone shall be entitled to health care.

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

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

Article 38

Everyone shall have the right to education under equal conditions.

Primary education shall be obligatory and free of charge.

Secondary and higher education shall be accessible to everyone under equal conditions.

In the paragraph 4 of the Article 38 the words: "and Universities" are repealed (Amendment XLIII, Item 2.)

Citizens may establish private schools, in accordance with the law.

Article 39

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

Forced labour shall be prohibited.

Everyone shall be free in their choice of profession and employment, and is subject to equal conditions of access to jobs and functions.

Employed may be dismissed against their will under conditions and in the manner established by the law and the collective contract.

Everyone shall have the right to remuneration in accordance with the law and collective contract.

Article 40

Employed persons shall be entitled to limited working hours, to a daily and weekly period of rest, and to a paid holiday and leave of absence, in accordance with the law and the collective contract.

Employed persons shall be entitled to job safety in accordance with the law.

Young persons, women and disabled persons shall enjoy special protection.

Article 41

Freedom of trade union organizing and activity shall be guaranteed.

Article 42

Employed persons shall have the right to strike, under conditions regulated by law.

Article 43

The right of employed persons and members of their families to social security and social insurance shall be regulated by the law and by the collective contract.

The right to relief during temporary unemployment shall be guaranteed subject to conditions established by law.

Citizens who are partially disabled shall be guaranteed the training for a suitable job, and are provided conditions for their employment, in accordance with the law.

The Republic shall provide assistance and social security to those citizens who are unable to work and have no means of substance.

Article 44

Aliens shall have the human rights and freedoms specified by the Constitution and other rights established by the law and international agreements.

Foreign citizens and stateless persons may be granted asylum in the Republic if they are being persecuted for participating in movements for social and national emancipation, for supporting democracy, human rights and the basic freedoms or for the freedom of scientific or artistic creativity.

Article 45

Everyone shall be bound to abide by the Constitution and the law.

Everyone shall be bound to perform his public function conscientiously and responsibly.

Article 46

Everyone shall have the duty to render aid to another person in need, and to participate in elimination a general danger.

Article 47

Human rights and freedoms shall be restricted only by equal rights and freedoms enjoyed by others, and by the need to protect universal human values and democratic accomplishments.

Article 48

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

Abuse of freedoms and rights is unconstitutional and punishable.

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

A person who abuses the human rights and basic freedoms guaranteed by this Constitution shall be held personally responsible for it and cannot be justified by having obeyed anyone's orders to that effect.

Article 49

Freedoms and rights shall be exercised and duties fulfilled directly on the ground of the Constitution, unless the Constitution provides that the conditions of exercising specific freedoms and rights are spelled out by law.

The manner of exercising specific rights and freedoms may be determined by law only when this is necessary for their exercise.

III. ECONOMIC AND SOCIAL ORDER

Article 50

The economic and social order shall be based on the equality of all forms of ownership and free enterprise, the independence of enterprises and other forms of organization on management and appropriation of profit and the free movement of goods, labour and capital in the Republic as a single economic territory.

Article 51

Through measures of economic and social policy the State shall promote economic development and the increase of social welfare of citizens.

Article 52

Free enterprise may be restricted by law only in order to protect the interests of the Republic, the environment, health and public safety.

Monopolies shall be prohibited.

Article 53

The Republic shall ensure consumer protection.

Article 54

All forms of ownership shall enjoy equal protection of law.

Article 55

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

Article 56

The law may restrict or deny the right of ownership, subject to fair composition.

During war, direct danger of war or state of emergency the law can impose limit on disposal of or define an extra way of using a part of assets of legal entities and individuals.

Article 57

1. Foreign persons can acquire the right of property and the rights based on the capital investments, according to law.
2. Property and other rights of a foreign investor acquired on the basis of a capital invested cannot be restricted or confiscated by law or any other regulation..
3. Foreign person is guaranteed to conduct economic or any other activities and rights based on the business under the conditions that cannot be changed to his or her detriment.
4. Foreign investor is guaranteed free taking of a profit and the capital invested out of the Republic
5. The law can, in exceptional cases, due to general social interests, state in which activities or areas, a foreign person can establish his or her own enterprise.

Article 58

Property rights and duties relating to resources owned by society, and the conditions of transforming of such resources into other forms of ownership shall be regulated by law

2. Publicly- or state-owned property may be alienated as a rule, only according to market criteria.

Article 59

Natural resources, urban construction sites, real estate and property of particular economic, cultural and historical significance, for which the law having established that they are of general interest, shall be owned by the State.

Individual property of general interest may also be privately owned under conditions established by law.

Under conditions established by law, the right of use may be instituted on property in the public domain as well as on urban construction sites.

The use and exploitation of property of special cultural, scientific, artistic or historical significance, or significant for the protection of nature or the environment, may be restricted on the ground of law and subject to full compensation to the owner.

The law shall provide for the protection, use, promotion and management of property of public interest, as well as the payment of rental for making use of property of general interest and of urban construction sites.

Article 60

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

The ownership of farming land shall be guaranteed, while the law shall specify the framework of ownership of forests and forest land.

Article 61

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

The financing of public services shall be made through funds and budgets, in accordance with the law.

Article 62

The Republic, region and municipality shall establish public revenues and expenditures by means of a budget.

Budget resources shall be raised from the taxes, fees and other levies established by law.

Article 63

The duty of payment of taxes and other levies is universal and shall be established in accordance with the taxpayer's income bracket.

Article 64

The Republic shall protect and encourage the following:

- rational usage of natural resources with the aim of protecting and improving the quality of life and in order to protect and revive the environment being of general interest;
- conservation and enrichment of historical, cultural and artistic wealth;
- scientific research;
- thrift of all forms, and particularly thrift directed at economic activity and home buying;
- co-operative societies and general co-operation;
- crafts;
- physical culture and sports

Article 65

Employed persons shall be entitled to management of their enterprise, in accordance with the law.

The influence of citizens in the management of funds and State-owned property shall be established by law.

IV. THE RIGHTS AND DUTIES OF THE REPUBLIC

Article 66

The rights and duties of the Republic shall be carried out by the republic agencies established by the Constitution.

The freedoms and rights of man, equality before the law, the autonomous and equal position of the enterprises and other organizations, the constitutional position and rights of the units of local self-government, shall be the basis and a yardstick for the powers and the responsibilities of the republic agencies .

Article 67

Within the rights and duties of the Republic established by the Constitution, the republic agencies shall lay down the policy, enact and enforce laws, other regulations and general enactments, and provide protection of constitutionality and legality.

The agencies and organizations in the regions and municipalities may be entrusted the enforcement of laws and other regulations and general enactments within the framework of rights and duties of the Republic.

The law shall regulate the responsibility for the enforcement of law, other regulations and general enactments.

Article 68

Article 68 is substituted by the Amendment XXXII, and reads:

The Republic regulates and ensures:

- 1) sovereignty, independence and territorial integrity of the republic,
- 2) defense and security,
- 3) measures in case of war, direct danger of war and state of emergency,
- 4) constitutionality and legality,
- 5) realization and protection of human rights and freedoms,
- 6) property and obligation relations and protection of all forms of property, legal status of companies and other organizations, their associations and chambers, economic relations with foreign countries, market and planning,
- 7) monetary, banking, foreign exchange, customs and tax system,
- 8) basic aims and directions of economic, scientific, technological, demographic and social development, agricultural and rural development, utilization of facilities, policy and measures for development orientation and commodity reserves,
- 9) control over legality of disposal of assets of legal entities and collection of statistical and other data of common interest,
- 10) organization, competence and government authorities,
- 11) system of public utilities,
- 12) labour relations, safety at work, employment, social insurance and other forms of social welfare, public health service, war veteran's and disability security, children and youth care, education, culture and protection of cultural property, physical training,
- 13) environment protection,
- 14) public information system,
- 15) international cooperation,
- 16) cooperation with the Serb people outside the Republic,
- 17) financing the achievements of rights and duties of the Republic,
- 18) other relation of interest for the Republic, in accordance with the Constitution

The functions of the Republika Srpska are carried out in accordance with its Constitution and within the framework and, to the extent they have been determined as being the competence of the institutions of Bosnia and Herzegovina as well, shall also be carried out in accordance with the Constitution of Bosnia and Herzegovina.

V. ORGANIZATION OF THE REPUBLIC

Article 69

The State government in the Republic shall be organized on the basis of a division of authority.
Constitutional and legislative authority shall be realized by the National Parliament.
The Republic is represented by and its national unity is expressed by the President of the Republic.
Executive authority shall be invested in the Government.
Judicial authority belongs to the courts of law.
The protection of constitutionality and legality shall be regulated by the Constitutional Court.

1. The National Assembly

Article 70

The National Assembly shall:

1. decide on Amending the Constitution;
2. enact laws, other regulations and general enactments;
3. enacted development plan, town and country planning document, budget and annual balance sheet;
4. determine the territorial organization in the Republic;
5. announce a republic referendum;
6. announce public loan of the Republic, and decide on contracting debts by the Republic;
7. hold elections for representatives and for the President of the Republic;
8. elect and dismiss high-ranking officials, in accordance with the Constitution and law;
9. effect control over the work of the Government and other agencies responsible to it, in accordance with the Constitution and law;
10. grant amnesty;
11. perform other activities in accordance with the Constitution;
12. defines a proposal for changing the boundaries and proposal for the Republic entering into confederation or similar forms of uniting with other countries and verifies, by its decision, the results of referendum related to those issues;
13. defines the basis for foreign policy and ratifies international contracts and agreements.

The National Parliament decides on war and peace and, in accordance with the law, declares:

- state of war in case of armed attack on the Republic,
- direct danger of war in case of serious threat of war emerging.
- state of emergency for the Republic or part of the Republic in case the security, human rights and freedoms and normal activities of constitutional authorities are endangered.
- Regulations issued by the National Parliament, or the President of the Republic if the National Parliament cannot gather during the state of war and direct danger of war, may exceptionally, for the duration of such a state, suspend some provisions of the Constitution related to the law passing, other regulations and common document and taking measures of the Republic authorities, as well as to certain human rights and freedoms except rights and freedoms stipulated in Arts. 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 24 and 25 of the Constitution, change the organization and

responsibilities of the executive, administrative and judicial bodies and their personnel structure, as well as territorial organization in the Republic.

Article 71

The National Parliament has 140 people's deputies.

Election laws define the constituencies and the system of the division of responsibilities, thus ensuring that all municipalities are properly represented in the National Parliament.

The representatives shall be elected in direct elections by secret ballot.

The election and termination of the term of the representatives and the establishment of the constituencies shall be regulated by law.

Article 72

Representatives shall be elected for a term of four years.

At the proposal of 30 deputies, the National Parliament may shorten its mandate by a two third majority of the total number of deputies.

During the state of war and direct danger of war, the mandate of the National Parliament is prolonged for the duration of such a state.

The National Parliament cannot shorten its mandate during war and direct danger of war.

Should the National Parliament shorten its mandate, elections for a new National Parliament must be held within 60 days after the decision to shorten its mandate. Elections are scheduled by the President of the Republic.

The mandate of the Government expires as well the shortening of the National Parliament mandate.

Article 73

Representatives shall enjoy immunity.

A representative shall not be called to account in criminal proceedings, or detained or punished for an opinion expressed or a vote cast in the National Parliament.

A representative shall not be detained without the approval of the National Parliament, unless he has been caught while committing a criminal offense which carries a penalty of more than five years of imprisonment.

No representative may be subject, without the approval of the National Parliament, to instituting criminal proceedings against him after he has invoked parliamentary immunity.

Article 74

The National Parliament shall convene permanently.

The President of the Parliament calls the National Parliament to convene and chairs the sessions.

The President shall be bound to call a session upon the demand of one third of the total number of representatives, or on the demand of the President of the Republic or the Government.

Article 75

The National Parliament makes decision by majority of votes of all deputies unless the Constitution specifies a separate majority.

Article 76

The President of the Republic, the Government, each representative or a minimum of 3.000 voters have the right to propose laws, other regulations and common enactments.

Also the National Bank has the right to propose laws, other regulations and enactments related to monetary, foreign exchange and the credit system."

Article 77

The National Parliament may decide to make a decision on some issues within its competence after a referendum of the citizens is held.

Article 78

The National Parliament shall regulate its work and organization, as well as the way of putting into effect the rights and duties of the representative.

Article 79

The National Parliament shall have a president and two vice-presidents whom it elects for a four year term.

2. The President of the Republic

Article 80

The President of the Republic shall:

1. represent the Republic;
2. propose to the National Parliament a candidate for the post of Prime Minister;
3. propose to the National Parliament the candidates for the position of president and judges of the Constitutional Court;
4. by decree, promulgate the law within seven days after its adoption by the National Parliament. Within that term the President of the Republic may require the National Parliament to take a new decision on the law. The President of the Republic is obliged to promulgate the law when readopted by the National Parliament;
5. grant pardons;
6. confer decorations and awards as provided for by law;
7. conduct other affairs in accordance with the Constitution.
8. perform, in accordance with the Constitution and the law, tasks related to defense, security and the Republic's relations with other countries and international organizations.
9. appoint and release, by decree, at the proposal of the Government, heads of the Republic representation offices abroad and nominate ambassadors and other international representatives of Bosnia and Herzegovina and of the Republika Srpska.
10. form advisory bodies and professional services in order to perform the tasks from his competence.

The Vice-presidents of the Republic assist the President of the Republic in performing the duties entrusted to them by the President of the Republic.

The President of the Republic decides whom of the Vice-presidents will replace him during his temporary absence.

Article 81

In the event the National Assembly is unable to convene under unusual circumstances, the President of the Republic shall, after hearing the opinion of the Government, establish the existence of special circumstances and shall order measures for their remedy, in accordance with the Constitution and law.

In case it is not possible to convene the National Parliament, as concluded upon a statement of the President of the National Parliament, the state of war or direct danger of war shall be declared by the President of the Republic

If the National Parliament is unable to convene during the state of war or direct danger of war, the President of the Republic shall pass, upon the proposal of the Government or at his own discretion and after obtaining the opinion of the President of the National Parliament, regulations with legal effect on issues within the competence of the National Parliament and appoint and recall the officials who are elected or appointed and dismissed by the National Parliament.

These regulations or decisions on appointment and dismissal are submitted by the President of the Republic to the National Parliament, as soon as it convenes, in order to be verified.

Regulations issued by the National Parliament or the President of the Republic if the National Parliament cannot gather, during the state of war and direct danger of war, may exceptionally, for the duration of such a state, suspend certain provisions of the Constitution related to the adoption of laws other regulations and enactments and the taking of measures by the authorities of the Republic, as well as certain human rights and freedoms except rights and freedoms as stipulated in Art. 10, 11, 13, 14, 15, 17, 18, 18, 19 20, 24 and 25 of the Constitution, change organization and authorizations of the executive, administrative and judicial bodies and their structure of personnel, as well as territorial organization in the Republic.

Article 82

The President of the Republic may request from the Government to state its views on some questions of importance to the Republic, he may call the Government to convene and put questions falling within its jurisdiction on the order of the day.

Article 83

Only one Vice-president of the Republic will be elected at the first immediate elections.

The President and Vice-president of the Republic are elected by the citizens by immediate and secret voting for a term of 5 years.

The President and Vice-president of the Republic are elected at the same time from the same list of candidates.

The same person may be elected President or Vice-president of the Republic maximum twice consecutively.

Article 84

Upon assuming his office, the President of the Republic shall take an oath before the National Parliament.

Article 85

In the event of an immediate threat of war or state of war, the term of office of the President and the Vice-presidents shall be extended for the period this state lasts, and/or until the conditions are created which make possible the election of the President Vice-presidents of the Republic.

and

Article 86

The President and Vice-presidents of the Republic shall enjoy immunity as a representative (in the National Parliament).

Article 87

The term of office of the President and Vice-presidents shall cease before the expiration of their election period in the event of recall or his resignation.

If the term of office of the President and Vice-presidents of the Republic ceases prior to the expiration of their election period, the duty of the President and Vice-presidents of the Republic shall be performed by the President of the National Parliament.

Article 88

The President and Vice-presidents of the Republic shall be responsible to the citizens who may recall them in the same way as they elected them.

Article 89

The procedure for electing and recalling the President and Vice-presidents of the Republic 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 enactments;
2. propose the development plan, urban and country planning document, budget and the annual balance sheet;
3. ensure the passing and enforcement of laws, other regulations and general enactments;
4. enact decrees, decisions and other acts necessary for the enforcement of laws;
5. express opinions relating to drafts of laws and other regulations or general enactments submitted to the National Parliament by another sponsor;
6. determine principles for the internal organization of ministries and other administrative republic agencies and administrative organizations; appoint and dismiss high-ranking officials in the ministries, other republic agencies and administrative organizations;
7. guide and coordinate the work of ministries and other Republic agencies and administrative organizations;
8. effect supervision over the work of ministries and other republic agencies and administrative organizations; annul or abolish their regulations which are at variance with the law or the regulations enacted by the Government;
9. attend to other business in accordance with the Constitution and law.
10. decide on establishment of diplomatic, consular and other representative offices of the Republic in foreign countries.

Article 91

The Government is elected for a term of four years.

After each constitution of a newly elected National Parliament, a new Government shall be elected.

Article 92

The Government is composed of the Prime Minister, Deputy Prime Minister and Ministers.

A representative being proposed for the position of Prime Minister or his deputy or minister cannot participate in decision making on the election of the Government, and a representative elected to perform those functions cannot participate in a non-confidence vote of the Government, in voting his removal from office and in relation to the Government or Ministry under his authority.

regarding

Article 93

The candidate for the post of Prime Minister shall present his programme and propose the list of ministers of his Government to the National Parliament.

The Government shall be deemed elected if its election has been approved by vote of the majority of the total number of representatives.

Article 94

The Government and each of its members shall be responsible to the National Parliament.

The National Assembly may vote no confidence in the Government.

The proposal for a no confidence vote in the Government may be submitted by no fewer than 20 representatives.

The Government may itself ask for a vote of confidence in the National Parliament.

The Prime Minister may propose to the National Parliament the dismissal of individual members of the Government.

The decision on dismissal of the Government or of any of its members shall be deemed adopted if it has been voted by the majority of the total number of representatives.

The Government and each of its members may submit their resignation to the National Parliament.

The resignation or dismissal of the Prime Minister shall entail the resignation of the entire Government.

A Government which has been subject of a non-confidence vote, which has resigned, or which mandate has been revoked because of the dissolution of the National Parliament, shall remain in office until the election of a new Government.

The President of the Republic proposes a candidate for the position of Prime Minister within 10 days after adoption of his resignation, a non-confidence vote or the expiration of the mandate of the previous Government due to the dissolution or shortening of the National Parliament's mandate, and the new Government must be elected within 40 days after a candidate for the position of new Prime Minister has been proposed.

During the Government mandate, the Prime Minister can, on the basis of the opinions of the President of the Republic and of the President of the National Parliament, make changes in the Government's composition, informing the National Parliament accordingly.

If, in the opinion of the President of the Republic, there is a crisis in the Government's functioning, he can, on the initiative of the at least 20 deputies and after obtaining the opinion of the President of the National Parliament and the Prime Minister, require from the Prime Minister to resign.

If the Prime Minister refuses to resign, the President of the Republic can dismiss him. During the state of war and the state of direct danger of war, the National Parliament can take a non-confidence vote in the Government by the majority of votes at the session attended by the majority of deputies.

Article 95

The members of the Government shall enjoy the immunity as representatives.
The immunity of the members of the Government shall be decided upon by the Government.

Article 96

The organization and working method of the Government shall be established by law.

Article 97

The affairs of the State administration shall be conducted by ministries and other administrative agencies of the Republic.

The ministries and other administrative agencies of the Republic shall implement the laws and other regulations and general enactments of the National Assembly and the government, as well as the general enactments of the President of the Republic, shall decide in administrative matters, carry out supervision and other administrative business as provided by law.

The ministries and other administrative agencies of the Republic are independent in exercising their competence as specified by the Constitution and laws.

Specific administrative powers may be entrusted by law to enterprises and other organizations.

4. The National Bank

Article 98

The Republic shall have a National Bank.

The status, organization, management and conducting business of the National Bank shall be determined by law.

5. Service for Currency Exchange and Financial Control

Article 99

The Republic shall have a Service for Currency Exchange and Financial Control.

The status, organization, management and conducting business of the Service for Currency Exchange and Financial Control shall be determined by law.

VI. TERRITORIAL ORGANIZATION

Article 100

The territorial organization of the Republika is determined by law.

Article 101

The Republic organizes and provides:

1. sovereignty, independence and territorial integrity;
2. realization and protection of freedoms and rights of person and a citizen, constitutionality and legality;

3. defense and independence of the Republic and its citizens, measures in case of emergency, imminent danger of war and state of war;
4. property and obligations relationships and protection of all forms of property, legal status of companies and other organizations, their associations and chambers, financial system, economic relationships, market, planning and working relations;
5. protection of life environment;
6. health system, system social security, protection of war- and other invalids, children care, education, culture, physical culture and information;
7. public services system;
8. control over legality of dispose with legal subject's means;
9. basic targets and directions of business, scientific, technological, demographic, regional and social development, development of agriculture and villages, organization and usage of premises, commodity reserves;
10. finances and realization of rights and duties of the Republic defined by the Constitution and the law.

Article 102

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

1. enact a development programme, town and country planning, budget, and annual balance sheet;
2. regulate and provide for performing and development of the municipal activities;
3. regulate and provide for the use of urban construction sites and business premises;
4. take care of construction, maintenance and use of local infrastructure, and other public facilities of importance to the municipality;
5. take care of meeting specific needs of citizens in the areas of culture, education, health and social welfare, physical culture, public information, handicrafts, tourist trade and catering services, protection of the environment and other areas;
6. execute laws, other regulations and general enactments of the Republic whose execution is entrusted to the municipality, provides for the execution of regulations and general enactments of the municipality;
7. establish agencies, organizations and services to meet the needs of the municipality, and regulate their organization and work;
8. attend to other business as established by the Constitution and law, as well as by the statute of the municipality.

The system of local government shall be regulated by law.

The performance of affairs of local government may be entrusted by law to the city.

Article 103

The city and municipality shall be entitled to revenues as established by law, and resources for administering the affairs entrusted to them.

VII. DEFENCE

Article 104

The defense and protection of the sovereignty, territory, independence, and constitutional order of the Serbian Republic of Bosnia-Herzegovina is the right and a duty of all citizens.

The rights and duties regarding defense are regulated by specific law.

Article 105

The Serbian Republic of Bosnia and Herzegovina shall have its own Army, consisting of standing units and reserve units.

Permanent units consist of professional soldiers and soldiers serving the Army.

A special law shall be passed on the Army of the Serbian Republic of Bosnia-Herzegovina.

Article 106

At war and at peace time, the Army of the Serbian Republic of Bosnia-Herzegovina is commanded by the President of the Republic, according to the Constitution and law.

The President of the Republic nominates, promotes and recalls the officers of the Army of the Serbian Republic of Bosnia-Herzegovina in accordance with law, he nominates and recalls the president, judges and members of the jury of the military courts as well as the Army prosecutors.

Article 107

Military courts and Army prosecutors shall be determined by law.

Military courts are independent which adjudicate in accordance with the law.

VIII. CONSTITUTIONALITY AND LEGALITY

Article 108

Laws, statutes, other regulations and general enactments must be in conformity with the Constitution.

Regulations and other general enactments must be in conformity with the law.

Article 109

Laws, other regulations and general enactments shall enter into force not earlier than on the eighth day after the day of publication, unless, for particularly justified grounds, it is provided that they enter into force at an earlier date.

Before entering into effect, laws, other regulations and general enactments of State agencies shall be published in an appropriate official organ.

Article 110

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

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

Punishable offenses shall be prescribed and punishments for their commission pronounced according to law and/or other regulation which was in force at the time of the commission of the offence, unless the new law and/or regulation is more favorable for the perpetrator.

Article 111

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

Article 112

In the proceedings before a court or other State agency or organization which, while exercising public powers, rules on his rights and duties, each person shall be guaranteed the right to use his own language and to familiarize himself with the facts of the proceedings in his language.

Article 113

An appeal may be lodged with a competent agency against the rulings and other individual acts of judicial, administrative and other State agencies, as well as such issued by organizations exercising public powers in the first instance.

By way of exception, in particular cases, an appeal may be disallowed by law if the right to legal remedy and protection of legality have been secured in some other way.

The legality of finally-binding individual acts by which State agencies and organizations exercising public powers decide on rights and duties, shall be decided upon by a court of law in the administrative dispute proceedings, unless an other kind of judicial protection has been provided for the specific matter.

By way of exception, the administrative dispute proceedings may be excluded by law in specific kinds of administrative matters.

Article 114

The Government of the Republic shall have the right not to implement a regulation, a general or specific enactment, which it considers to be unconstitutional or unlawful, until the Constitutional Court has reached a decision.

The Republic has the right and duty to ensure through the agencies of the Republic direct enforcement of laws and other regulations if the agencies and organizations of the Republic do not enforce them themselves.

IX. THE CONSTITUTIONAL COURT

Article 115

The Constitutional Court shall decide on:

1. conformity of laws, other regulations and general enactments with the Constitution;
2. conformity of regulations and general enactments with the law;
3. conflict of jurisdictions between agencies of legislative, executive and judicial authorities;
4. conflict of jurisdiction between agencies of the Republic, city and municipality;
5. conformity of programmes, statutes and other general enactments of political organizations with the Constitution and the law.

The Constitutional Court monitors events of interest for realization of constitutionality and legality, the supreme constitutional bodies of the Republic on the status and problems in the region, providing them with opinions and proposals for adopting laws and taking other measures to ensure

constitutionality and legality and protection of freedoms and rights of citizens, organizations and communities.

The Constitutional Court may judge the constitutionality of laws and both constitutionality and legality of regulations and enactments which have become void, if the proceedings have been initiated within a period of one year after the date of their becoming.

Article 116

The Constitutional Court shall have seven judges.

The tenure of office of a justice of the Constitutional Court shall be for eight years, after which he cannot be reelected.

The same person may not be reelected to the office of the president of the Constitutional Court.

Article 117

A justice of the Constitutional Court may not hold another public function.

The President and judges of the Constitutional Court have an immunity as well as the people's representatives. Decisions on immunity are made by the Constitutional Court.

Article 118

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

A judge of the Constitutional Court is released from his duty if he is charged for a crime which makes him unworthy of performing the function, if he becomes permanently incapable of performing the function, as well as due to other reasons as defined by the Constitution and law."

Article 119

The decisions of the Constitutional Court are universally binding and final.

The execution of a decision of the Constitutional Court shall be carried out by the Government.

Article 120

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

Anyone can give an initiative for the proceeding to judge the constitutionality and legality.

Proceedings with the Constitutional Court may initiate, without exception, the President of the Republic, National Parliament and Government, and the other bodies, organizations and communities may initiate the proceedings under conditions as prescribed by law.

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

If the Constitutional Court judges that the law is not in accordance with the Constitution or that some other regulation or enactment is not in accordance with the Constitution, such law, other regulation or enactments become void at the date of issuing the Constitutional Court decision.

Article 121

Court authority shall be exercised by courts of law.

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

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

Article 122

The establishment and jurisdiction of courts, as well as the procedure of the courts, shall be specified by law.

Article 123

The Supreme Court of the Republic, being the highest court of law in the Republic, shall provide for the unique and universal enforcement of the law.

Article 124

Court hearings shall be public.

For the purpose of preserving a secret, protecting morals and the interests of minors, or protecting other public interests, the law shall specify the cases in which the public may be excluded from a court hearing.

Article 125

The court of law shall adjudicate in chamber.

In matters specified by law, specific cases may be decided upon by a single judge.

Court hearings shall also be attended by jurors, in a manner established by law.

It may be prescribed by law that in specific courts and in particular matters judges shall adjudicate alone.

Article 126

No one participating in adjudication shall be held responsible for an opinion expressed in the passing of a judgment, nor can anyone be detained in proceedings instituted due to a criminal offense committed in performing the judicial function without the approval of the National Parliament.

Article 127

Judges shall be appointed for life.

A judge may not engage in a service or a job which are deemed to be incompatible with the judicial function.

A judge's term of office shall terminate:

1. at his own request;
2. when he meets the requirements for retirement;
3. when he has permanently lost the working capacity for performing his judicial functions;
4. if he has committed a criminal offense which makes him unsuitable to perform the judicial function.

A judge shall be entitled to submit a request for protection to the National Parliament against a decision on his dismissal.

Article 128

A public prosecutor's office shall be an independent State agency which prosecutes the perpetrators of criminal offenses and other punishable acts specified by law, and applies legal remedies in order to protect constitutionality and legality.

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

The public prosecutor's office shall perform its function on the ground of the Constitution and law.

Article 129

A public prosecutor shall have a life tenure.

A public prosecutor may not engage in a service or take a job to be specified by law as incompatible with his function.

Article 130

Judges and public prosecutors are elected, and/or nominated, and recalled by the National Parliament.

Article 131

A solicitor's practice is an autonomous and independent activity and service which provides public assistance.

The organization and work of a solicitor's practice are regulated by law.

XI. AMENDING THE CONSTITUTION

Article 132

A proposal to amend the Constitution may be submitted by the President of the Republic, the Government and at least 30 representatives in the National Parliament.

A proposal to amend the Constitutional shall be decided upon by the national Assembly by a two-third majority of a total number of representatives.

Article 133

When by the acts of the institutions of Bosnia and Herzegovina or by the acts of the Federation of Bosnia and Herzegovina, contrary to the Republika Srpska Constitution and the Constitution of Bosnia and Herzegovina the equality of Republika Srpska is violated or its rights and legal interests in any way threatened, and thereby their protection is not ensured, the Republic bodies pass acts and undertake measures for the protection of rights and interests of the Republic.

Article 134

After a public debate on draft law on amending the Constitution has been held, a Commission for Constitutional Questions shall determine a proposal regarding that draft law.

Article 135

The National Parliament shall decide on adopting the law on amending the Constitution.

The constitutional amendment shall be considered as adopted if more than two thirds of the total number of representatives have voted in favour of it.

In the event that the constitutional amendment is not adopted, a proposal for amendment on the same question cannot be repeated before three months have passed from the day when the proposal was rejected .

Article 136

The law on amending the Constitution shall be promulgated by the National Parliament.

Article 137

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

In the event of a state of war or an immediate threat of war the National Assembly may determine a proposal for a law on amending the Constitution and adopt constitutional amendments at the same session (without holding a public debate).

XII. CONCLUDING PROVISIONS

Article 138

The present Constitution shall be amended to conform to the constitutive act on the order of relations in Bosnia-Herzegovina.

Article 139

The present Constitution shall come into force on the day of its promulgation.

Article 140

A constitutional law shall be enacted for the enforcement of the present Constitution.