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Freedom House

Nations in Transit 2018 - Bosnia and Herzegovina

Year:

2018

Regime Classification:

Transitional Government or Hybrid Regime

Electoral Process:

3.50

Civil Society:

3.50

National Democratic Governance:

6.00

Independent Media:

4.75

Local Democratic Governance:

5.00

Judicial Framework and Independence:

4.75

Corruption:

5.00

Democracy Score:

4.64

Nations in Transit Ratings and Averaged Scores

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National										
	5.00	5.25	5.25	5.50	5.50	5.75	5.75	5.75	6.00	6.00
Democratic Governance										
Electoral Process	3.00	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.50

Civil Society	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Independent Media	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Local Democratic Governance	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	5.00
Judicial Framework and Independence	4.00	4.00	4.25	4.25	4.25	4.25	4.50	4.50	4.50	4.50	4.75
Corruption	4.50	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00	5.00	5.00
Democracy Score	4.18	4.25	4.32	4.36	4.39	4.43	4.46	4.50	4.54	4.64	

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

Score Changes:

- **Electoral Process rating declined from 3.25 to 3.50** due to years of stagnation in improving electoral legislation, especially regarding longstanding ECtHR rulings on not respecting the rights of minorities and fixing electoral rules in one of the country's largest cities, Mostar, where elections have not been conducted since 2008.
- **Local Democratic Governance rating declined from 4.75 to 5.00** due to increasing signs of dysfunction at the local level, especially the inability to provide basic services to citizens due to institutional deadlocks.
- **Judicial Framework and Independence rating declined from 4.50 to 4.75** due to dysfunction across the judicial system, from prosecutors' offices to the system for court-appointed defense attorneys, due to an overly complex institutional structure and widespread political pressure, and for the non-implementation of Constitutional Court decisions.

As a result, BiH's Democracy Score declines from 4.54 to 4.64.

By Dino Jahić

Executive Summary:

The year 2017 might be described as "another year of wasted opportunities" in Bosnia and Herzegovina (BiH). There was not a single aspect of life that was not polluted with inflammable rhetoric and cheap politicization, all originating from the most influential political leaders. While disguising their own private agendas as mechanisms for the protection of ethnic interests, and presenting them as issues of national importance, politicians in reality did nothing to improve citizens' lives. It has become clear they do not have any sort of a long-term constructive plan for the country, and instead focus only on their current mandates. This might be best illustrated by looking at the constant crises in the functioning of the country's parliaments and the behavior of Bakir Izetbegović, Milorad Dodik, and Dragan Čović, political leaders with the majority of support among Bosniaks, Serbs, and Croats respectively.

Bakir Izetbegović was the only member of the BiH tripartite presidency who supported an attempt to appeal the 2007 International Court of Justice (ICJ) ruling that found that Serbia did not commit genocide in BiH during the 1992-1995 war, despite Izetbegović knowing from the beginning that any appellate process was doomed to failure. The ICJ rejected the request in March, and the only real consequence of Izetbegović's attempt was increased tensions both domestically and regionally.

Continuing the negative trend from previous years, the president of the Republika Srpska (RS) entity, Milorad Dodik, who despite not being a member of the tripartite presidency is the most influential Serbian politician in BiH, spent most of 2017 opposing state institutions and flirting with the idea of RS secession from BiH. In January, the United States government sanctioned Dodik for obstructing the Dayton Peace Agreement, but this did not stop him from creating new disputes and announcing that the RS will draft a new constitution in 2018. Despite successfully advocating a referendum on the "Republika Srpska National Day" in September 2016, Dodik revoked an idea he floated in 2015—to hold a referendum on the powers of the state-level judiciary—noting it did not have the full support of all Serb parties. His Alliance of Independent Social Democrats is the strongest party in the RS, but RS opposition parties are in the state-level ruling coalition, which added to the overall sense of instability as the two groups constantly fought over about every issue in 2017.

Croat leader Dragan Čović also threw his weight into these quarrels, questioning whether general elections scheduled for October 2018 would go ahead unless his party's amendments to the Electoral Law were adopted, and using inflammatory language while supporting six Croat wartime leaders whose sentences for war crimes upheld by the International Criminal Tribunal for the former Yugoslavia (ICTY) in November. In the same month, the Tribunal sentenced Ratko Mladić, a Bosnian Serb military leader, to life imprisonment for war crimes, crimes against humanity, and genocide in Srebrenica in 1995. Both verdicts triggered ethnic tensions, as the issue of war crimes was reinterpreted through the prism of everyday political discourse.

In October, the Council of the European Union published its conclusions on BiH's membership perspectives, noting that it regretted that "a divisive rhetoric rooted in the past and an early electoral agenda have over the last months slowed down the pace of reform and affected the political climate."¹

(<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote1sym>)

Despite the fact that there were no elections in 2017, campaigning for the 2018 general elections dominated the year. There were several attempts to amend the Electoral Law, but none addressed the longtime unresolved issue of not implementing European Court of Human Rights (ECtHR) rulings, which have held that BiH must change its legal system to allow all citizens to run for office in the state presidency and the House of Peoples. Another issue that the BiH Constitutional Court and the ECtHR have noted needs to be resolved is governance in the city of Mostar, which has held no elections since 2008, again stressing that electoral legislation, as well as the city's statute, needs to be amended. However, politicians from the ruling Bosniak (SDA) and Croat (HDZ) parties have failed to deliver the required changes for almost a decade. In April, Croat parties in the parliament of BiH submitted amendments to the Electoral Law that would allow only Croats from Croat majority cantons to be elected to the BiH presidency and the Houses of Peoples of the state and Federation of BiH (FBiH) parliaments, which might be interpreted as the step towards changing the administrative organization of BiH, or at least, of the Federation of BiH.² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote2sym>) None of the amendments to the Electoral Law were adopted by the end of the year.

The authorities frequently claimed that BiH might receive EU candidacy status as soon as 2018, but this does not seem realistic; as in the past, the country was late to fulfill the requirements for candidacy status. The EU questionnaire, containing 3,242 questions and distributed to prospective member states, which is to form the basis for BiH's receipt of candidacy status, was not answered within the six-month deadline. Deep crises in the functioning of institutions and a complicated administrative structure, in which all levels of government were required to take part in providing answers, made the collection of all information very difficult. The flawed questionnaire process also suggested that BiH would be very hard to trust in terms of international arrangements.

All problems from the state and entity levels of power translated to lower levels of government, and the effects of these problems were mostly felt at the local level. For instance, owing to a lack of political will, corruption, and politicians' incompetence, citizens of the nation's capital, Sarajevo, faced even more severe water restrictions than usual in 2017. Corruption was widespread on all levels, and it often appeared that investigative reporters did more to uncover instances of corruption than the authorities themselves. One of the weakest links in the functioning of the country was the judiciary, which was drawn into politics: prosecutors and judges leveled accusations at each other and acted without political impartiality, rather than focusing on their primary role in prosecuting misconducts and crimes. Throughout the year, the chief BiH prosecutor, Gordana Tadić, and state Security Minister, Dragan Mektić, publically feuded, undermining the already low level of public trust in the judiciary.

The position of journalists remained undesirable as many reporters faced constant political and economic pressures and worked without contracts and social benefits. One reporter, Dragan Bursać, had to flee Banja Luka, the capital of the RS, in July due to death threats he received after condemning a rally in support of convicted war criminal Ratko Mladić, which was scheduled for the day commemorating the Srebrenica genocide. Throughout the year, other reporters also received death threats, but past experience shows sanctions are rare for attacks and threats to journalists. While public broadcasters struggled financially, questions on transparency of media ownership, regulation of advertising, and financing of media from public budgets remained open in 2017.

Outlook for 2018: It is not very likely that major improvements will happen in BiH in 2018, whether in regard to respecting human rights, in political life, or in improving the struggling economy. Politicians will continue to talk about the importance of joining the EU, but will avoid fulfilling the requirements for candidacy. As 2018 will be an election year, ethnic tensions and political disputes will characterize the whole year, with likely deadlocks in the decision-making process. All aspects of life—religion, culture, education, and sport—will be used as means of political campaigning. More pressure on media and the judiciary can be expected, while citizens' lives will be harder as the prices of goods will increase due to the implementation of a new excise law.

National Democratic Governance:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.00	5.25	5.25	5.50	5.50	5.75	5.75	5.75	6.00	6.00

- For years, national governance in Bosnia and Herzegovina (BiH) has been hampered by quarrels among politicians who put personal interests ahead of governing for the good of the public. Nothing changed in this regard in 2017. As a result, institutions did not operate efficiently, while the country again failed to deliver in terms of implementing its international obligations.
- Both at the state and Federation of BiH (FBiH) level, crises in the functioning of parliaments, blockades of institutions, and obstructions of decision-making processes have become a constant. At the end of 2016, four MPs of the House of Representatives at the BiH Parliamentary Assembly left the Party of Democratic Action (SDA), part of the ruling coalition. The lawmakers' departure hampered the functioning of the parliamentary majority and delayed the adoption of legislation—a continuation of trends that emerged in previous years. Some of the MPs, together with a group of independent mayors, many of whom are former SDA members, formed a new political movement called the Independent Block - Movement for Europe, which announced that it will run in the 2018 general elections.³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote3sym>)
- An issue which divided the country and created tensions not just in BiH, but across the Western Balkans, was a request for a review of the 2007 International Court of Justice (ICJ) judgment that had absolved Serbia of direct responsibility for the genocide perpetrated in BiH during the 1992-1995 war. The 2007 *Bosnian Genocide Case* instead found that Serbia had violated the obligation, under the Convention on the Prevention and Punishment of the Crime of Genocide, to prevent

the genocide that occurred in Srebrenica in July 1995.⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote4sym>) The International Court of Justice in The Hague rejected the request in March, noting that the BiH legal counsel who submitted the request did not have a mandate to file the motion due to lapsed authorization.⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote5sym>) Only the Bosniak member of the tripartite state presidency, Bakir Izetbegović, supported the request, while Bosnian Serb politicians strongly opposed it, giving the entire review request the appearance of a decades-long political game.⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote6sym>)

- Republika Srpska (RS) politicians, led by the entity's president, Milorad Dodik, used the review request as an opportunity to continue campaigning against state institutions throughout the year. An additional aspect of the anti-BiH atmosphere stimulated by Dodik and his Alliance of Independent Social Democrats (SNSD) was that their RS opponents, the so-called Alliance for Changes, were part of the governing coalition on the state level, which carried the conflict across every aspect of political and social life. In January, the United States Treasury Department's Office of Foreign Assets Control sanctioned Dodik for obstructing the Dayton Peace Agreement, violating the rule of law, and opposing the state Constitutional Court, preventing him from making any transactions or accessing any property related to US territory.⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote7sym>) In November, Dodik announced that the RS would start working on a new constitution, stating paradoxically that the new constitution would not be of a separatist nature but would open the possibility of RS secession.⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote8sym>)
- In the same month, on Dodik's initiative, the RS National Assembly temporarily suspended a decision to hold a referendum on the powers of the state-level judiciary, which was first advanced in 2015 and provoked many tensions at the time. Dodik explained that there was no political consensus on holding the referendum.⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote9sym>) In July, the BiH state court rejected prosecution charges against four RS officials, members of the Referendum Commission, for not implementing a BiH Constitutional Court decision that unsuccessfully attempted to ban a hugely successful 2016 referendum on whether January 9 should be designated the "Day of Republika Srpska." RS leaders, including Dodik, were investigated but were not indicted in the case.¹⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote10sym>)
- Two November verdicts by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague raised tensions among politicians, as fellow nationals of the convicted war criminals rejected the ICTY's judgments. First, on November 21, the ICTY ruled in the first instance to sentence former Bosnian Serb military chief Ratko Mladić to life imprisonment for the genocide committed at Srebrenica in 1995, as well as war crimes and crimes against humanity; Mladić was acquitted of committing genocide in six other Bosnian municipalities.¹¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote11sym>) A few days later, on November 29, a final verdict of 111 years' imprisonment was handed down to six former Bosnian Croat political and military leaders for committing war crimes in BiH during the war. Controversy marked the end of this trial, as one of the six Croats, Slobodan Praljak, dramatically committed suicide in the courtroom by drinking poison.¹² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote12sym>)
- One of the worst consequences of the constant political disputes during the year was both entities' weak economies and high levels of debt. The NGO Center for Civic Initiatives reported that the entities' governments owe more than €1 billion (\$1.23 billion) to commercial banks alone.¹³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote13sym>) The Stand-by Arrangement brokered with the International Monetary Fund (IMF) was constantly jeopardized throughout the year due to BiH failing to implement reforms per IMF requirements, and both entities filled budget holes through issuing bonds and treasury bills, an unsustainable and problematic strategy in the long term.¹⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote14sym>) After months of stalling, in December the state parliament adopted one of the controversial IMF requirements, the Law on Excise, which will increase fuel prices and road tolls, and which critics of the law argue will lead to higher costs of other products and services.¹⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote15sym>)

- Officially, BiH remained eager to join the European Union (EU), but did little to advance this aspiration in 2017. The first step on the path to EU membership required the completion of a comprehensive questionnaire containing 3,242 questions, grouped into 33 chapters. The questionnaire was delivered to Bosnian authorities in December 2016, and the self-imposed deadline for answering was six months; this deadline was exceeded despite authorities' assurances that it would be completed on time. By the end of the year, the questionnaire had not been submitted, and the long awaited coordination mechanism, established in 2016 to coordinate all levels of government on EU matters, failed its first test, as answers from all levels of power needed to be merged.¹⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote16sym>) This problem was exacerbated in BiH due to the country's division into two entities: the Serb-dominated RS and the FBiH, composed of 10 cantons. One separate unit, Brčko Distrikt, also has its own governing institutions.¹⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote17sym>)
- The delay in completing the questionnaire was not the only international embarrassment during the year. Of all six former Yugoslavia republics, BiH was the only one which did not sign in July the treaty to join the Transportation Community between the EU and South East European countries, which is intended to harmonize transportation legislation with EU laws. Days before the Western Balkans Summit in Trieste, in which that treaty was expected to be signed, RS requested that BiH be represented not just by the state minister but also by the two entities' transport ministries.¹⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote18sym>) After significant international pressure and a threat that BiH would lose funds, the treaty was eventually signed in September, bringing with it a €46 million (\$56.6 million) grant for four infrastructure projects.¹⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote19sym>)
- The poor political atmosphere and persisting tensions in BiH in 2017 and the years leading up to it provoked many people to leave the country. Between 2013 and October 2017, more than 150,000 people left BiH, while 18,370 nationals renounced their BiH citizenship.²⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote20sym>)

Electoral Process:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.00	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.50

- Elections in BiH are held every two years, and there were no elections in 2017. The year was relatively quiet in terms of electoral process, with the usual campaigning of politicians and preparations for the next general elections in 2018. There were several initiatives to change electoral regulations, but none were adopted in the coverage period. However, talk of changing the Electoral Law provoked heated discussions during the year, including warnings that the 2018 elections could not be held unless the electoral legislation is changed,²¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote21sym>) adding to the country's overall instability.
- The Croat National Assembly,²² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote22sym>) a non-institutional organization of Croat parties in Bosnia, has recommended that BiH needs to be restructured, including by forming a federal unit with a Croatian majority—essentially a major overhaul of national governance that would create a third entity in the country. The recommendation followed widespread dissatisfaction among Croat majority parties that ethnic Croats from other parties were being elected to positions “belonging” to Croat parties. For example, a former Croat member of the BiH Presidency, Željko Komšić, came from the largely Bosniak SDP party, but many Croat parties considered his election fraudulent, as many Bosniaks had voted for him, too.²³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote23sym>) Croat delegates in the House of Peoples of the state parliament made the first step towards this goal in April, submitting a proposal for amendments to the Electoral Law, which caused a lot of controversy. The proposed amendments suggested that only Croats from cantons with a Croat

majority could be elected for the state presidency and the House of Peoples; under existing legislation, every citizen from FBiH can decide to vote either for Bosniak or Croat candidates.²⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote24sym>) The proposal, which also included changes regarding election rules in Mostar,²⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote25sym>) was submitted through an urgent parliamentary procedure, so there was no overall consensus or a chance for others to propose amendments as well. Bosniaks vetoed the proposal, but the Constitutional Court ruled that their interests were not threatened.²⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote26sym>)

- At the same session in July, the Constitutional Court urged the state parliament to implement its December 2016 decision on suspending articles of the Electoral Law that state every constitutional ethnicity should have at least one representative in the FBiH House of Peoples from each canton—also in the Croats’ proposal—which actually preceded the amendments in April.²⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote27sym>) In November, the SDA submitted its own proposal, which opposed the Croats’ draft and insists that every canton should have one representative, using the 1991 census as the basis for calculations instead of the most recent 2013 census.²⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote28sym>) No final decision on the potential changes to the Electoral Law was made by the end of the year.
- In October, the Central Election Commission (CIK) submitted its own amendments to the Electoral Law. The most important proposed changes include enabling early voting for people unable to vote on election day for justified reasons; introducing independent, non-partisan presidents of electoral committees; and imposing financial sanctions on parties whose representatives in electoral committees violate the law. The CIK’s proposal also suggested preventing the manipulation of candidates’ ethnic declarations and amending the electoral law to specifically prevent politicians from using public money to fund their election campaigns.²⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote29sym>)
- In another proposal to amend the Electoral Law, opposition SDP party MP Denis Bećirović suggested forbidding convicted war criminals, such as Velika Kladuša mayor Fikret Abdić, from running for public office;³⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote30sym>) Abdić had previously been sentenced to 15 years’ imprisonment for war crimes during the BiH war. The state parliament voted against this proposal in September.³¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote31sym>)
- BiH continued to struggle to pass constitutional amendments that would ensure all citizens enjoy equal rights consistent with European Court of Human Rights (ECtHR) rulings. The BiH constitution allows only the three main ethnic groups—Serbs, Croats, and Bosniaks—to be elected to the state presidency and the House of Peoples. Furthermore, only Serbs from RS can run for the presidency, and Bosniaks and Croats from FBiH. For years, the international community prioritized finding a solution to this problem, but no progress has been made.³² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote32sym>) In its latest decision, the ECtHR noted that a Bosniak from the RS, Ilijaz Pilav, was the subject of discrimination as he was barred from running for the presidency.³³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote33sym>)
- The election-monitoring coalition Pod Lupom (Under the Magnifying Glass) noted in its report that the 2016 elections were mostly conducted fairly and according to the law. However, Pod Lupom stressed that issues including the influence of politicians over the electoral process and the work of electoral committees, pressure on voters to vote in a certain way, as well as vote buying, need to be resolved as soon as possible.³⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote34sym>)
- The 2016 elections in the town of Stolac had to be held again in 2017, as the original round of voting was disrupted due to a fight between Croat and Bosniak electoral committee members. Some voting materials were stolen and destroyed. The CIK removed politicians who had participated in the incidents from candidate lists, including Salmir Kaplan, the mayoral candidate from the pro-Bosnian Initiative for Stolac. On February 20, 2017, repeat elections were held.

Stjepan Bošković, representing the Croatian Democratic Union (HDZ) party, was reelected as mayor, while his party won a majority in the local council with eight mandates. The Initiative for Stolac initially boycotted the elections, but changed their mind on election day and subsequently received seven council mandates.³⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote35sym>)

- During the year, early elections were held in two smaller municipalities due to the deaths of the incumbent mayors. SNSD candidates won both in Trnovo³⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote36sym>) and Glamoč.³⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote37sym>)
- In June, Transparency International (TI) BiH filed reports to the CIK against eight political parties,³⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote38sym>) most of which are active or dominant in legislatures, for violating the Law on Political Party financing by receiving donations from legal entities that have concluded contracts with institutions above the legal limit of €5,000 (\$6,160) each. Most notably, the SDA alone received donations from 20 companies whose contracts were, overall, higher than €14 million (\$17.24 million) in 2015 and 2016.³⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote39sym>) In December, TI proposed changes to the political financing law, including increased control mechanisms for CIK, separating parties' bank accounts for regular activities and for campaigning, and suspension of budget payments to parties as a sanction.⁴⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote40sym>)

Civil Society:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50

- The civil society sector in BiH consists of thousands of nongovernmental organizations (NGOs) covering a wide range of activities—from sports and religion to human rights monitoring and humanitarian aid—but only a few occasionally manage to have influence on political decision-making. Social movements are often limited to local level, partially because politicians try to overshadow them or take them over as soon as there is a chance for their growth on the national or entity level—which is, for instance, the case with organizing protests. During the year, ethnic tensions were again high.
- The State Ministry of Justice runs a joint registry of associations and foundations, which includes only basic information such as the organization's name, address, and authorized representative,⁴¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote41sym>) but the sector continued to be plagued by a lack of oversight in 2017. Due to NGOs' ability to register in different administrative levels throughout the country, the real number of organizations, as well as the number of active NGOs, is difficult to discern. At the same time, many NGOs' areas of interest are highly influenced by politics, and the lines between genuine activism originating from citizens and activism induced by political parties is blurred.
- The financing of NGOs is often undisclosed and there were no regular checks on their transparency during the year, a fact that especially applies to those organizations that receive money from local sources, most often from public funds. Financial dependence leads to the high possibility of NGOs being coopted for political purposes. Internationally funded NGOs usually have stricter rules imposed by donors on reporting finances, and some of these organizations play an important role in monitoring corruption, human rights, and transparency of institutions, or in pushing for legislative improvements. In 2017, most civil society organizations were still far from attaining a serious degree of self-sustainability. Owing to the overall political atmosphere, NGOs' influence on governance structures was limited, and there was no strategic framework for authorities' cooperation with civil society.⁴² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote42sym>)

- Ethnic tensions were high again during 2017 and were boosted by new incidents, usually provoked by politicians and decision-makers. For years, this has been most evident in the education system. In FBiH, a "two schools under one roof" system exists, in which Bosniak and Croat children attend separate classes with different curricula. In 2017, Srednjobosanski Canton officials attempted to organize a new segregated school in Jajce, the first attempted construction of a new school using this system. Children of different nationalities opposed the separation right away, while the international community condemned the continuing use of separate classes and curricula, leading the authorities to abandon their proposal.⁴³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote43sym>) In October, the Sarajevo Canton Education Ministry issued a questionnaire urging all pupils to choose Bosnian, Croatian, or Serbian as their language, though all three are mutually intelligible and had been taught as a single language (Bosnian/Croatian/Serbian, or BCS). Parents' opinions on the issue were polarized, but by the end of the year it remained unclear whether the segregated classes would remain a fixture of the Bosnian education system, or how classes would be organized if, for instance, among 30 pupils, two picked Croatian and the rest, Bosnian.⁴⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote44sym>) At the same time, in the RS, parents complained that the official name of the language—which is Bosnian—was referred to as "Bosniak" in official school documents,⁴⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote45sym>) which they said furthered discrimination.

Independent Media:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

- The financing of media in BiH continued to be a problem in 2017 as the media market remained oversaturated, with many outlets not working on a commercial basis. Editorial independence faced constant political pressures, resulting in journalists parroting politicians' positions. Longstanding crises in the functioning of public broadcasters were not solved during the year.
- At the end of 2017, there were 8 daily newspapers, 8 news agencies, more than 100 print periodicals,⁴⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote46sym>) 44 television stations, 148 radio stations,⁴⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote47sym>) and hundreds of online media outlets. Due to the small size of the BiH media market, many outlets remained highly dependent on public financing, directly through public budgets or through advertising, and therefore were susceptible to political pressure. Two regional television networks—N1 (a CNN affiliate) and Al Jazeera Balkans—provided more objective reporting than most other traditional media outlets. A number of other online outlets including the Center for Investigative Reporting and BIRN BiH are financed by international donors.
- The financing of media outlets from public budgets was non-transparent, unregulated, and lacked a strategic plan to address these issues. Public funding functioned through grants to NGOs, public procurements, and even from budget reserves, but adequate controls were wanting.⁴⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote48sym>) The public institutions responsible for financing the media did not reply to freedom of information (FOI) requests, while the majority of outlets failed to publish their financial reports.⁴⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote49sym>) At the same time, media outlets struggled financially, resulting in tax debts and occasionally bankruptcies, while owners tended not to pay health insurance or pension contributions, or even wages, to reporters—many of whom work on temporary contracts or without contracts at all.⁵⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote50sym>)
- The Public Broadcasting System of BiH consists of three broadcasters: state radio and television (BHRT), and the entity radio and television broadcasters RTRS and RTV FBiH. These outlets struggled financially in 2017, especially BHRT, where decreased TV subscription tax collections, over-hiring, poor management, and the debts of entity-level broadcasters—which failed to

adequately contribute to the BHRT budget—have plagued the outlet for years. The major public broadcasters faced significant debt, with BHRT owing an estimated seven million Bosnian marks (€3.5 million, \$4.3 million), and RTRS approximately 5.8 million marks (€2.9 million, \$3.5 million) for taxes and social benefits.⁵¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote51sym>) In July, Croat delegates in the House of Peoples of the BiH parliament submitted a draft Law on the Public Broadcasting System, which sought to establish another public outlet broadcasting in the Croatian language.⁵² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote52sym>) This proposal was not adopted by the end of the year.

- The three current public broadcasters experienced heavy political influence and often acted as mouthpieces for political parties. In October, BHRT became embroiled in controversy after it promoted an interview with Sebija Izetbegović, the director of Sarajevo's main hospital and the spouse of Bakir Izetbegović, the Bosniak member of the BiH Presidency, but withdrew it without explanation. The interview again aired on November 4, without any prior announcement. Parts of the interview appeared edited and rerecorded,⁵³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote53sym>) leading many to believe that Mrs. Izetbegović was not satisfied with the original interview and therefore cancelled it. The director of BHRT, Belmin Karamehmedović, denied these rumors, saying that the original interview was pulled due to problems with light and tone.⁵⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote54sym>)
- In its special report, the BiH Ombudsman for Human Right noted that there were 266 assaults against journalists between 2012 and 2016, but there are no records on how many cases have been prosecuted. In some of the older cases, investigative bodies did nothing to find and sanction those who attacked reporters.⁵⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote55sym>) The trend of threats and attacks on journalists continued in 2017. In July, columnist Dragan Bursać had to flee Banja Luka after he received death threats from supporters of convicted former Bosnian Serb military commander Ratko Mladić. Bursać criticized a planned rally in support of Mladić, scheduled for July 11, a day of commemoration for the victims of the Srebrenica genocide. The RS police postponed the rally for security reasons.⁵⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote56sym>) In December, several journalists and media experts who reported or commented on the convictions of former Croat leaders, and the suicide of war criminal Slobodan Praljak, in The Hague, received death threats.⁵⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote57sym>)
- As with financing, the ownership of media outlets is often hidden and lacking effective oversight, especially in the case of online media. However, a working group founded by the state Ministry of Communications and Transport worked on the draft of a new Electronic Media Act in 2017; the draft law considered the issue of media ownership.⁵⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote58sym>) The Ministry of Justice also prepared amendments to the Law on Free Access to Information, but NGOs criticized the drafting process, arguing that the proposed solutions to online media regulation were insufficient, especially regarding the proactive disclosure of information.⁵⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote59sym>)

Local Democratic Governance:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	5.00

- RS has 57 municipalities and 7 cities, while FBiH has 71 municipalities and 9 cities, 3 of which gained this status in 2017: Cazin, Goražde, and Livno.⁶⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote60sym>) However, as in previous years, the viability of local governments was highly dependent on events at the national level. As a direct result, local governing institutions function poorly, such as in the nation's capital, Sarajevo, where the municipal government failed to reliably provide citizens even with basic utilities, including water.

- The rights of cities and municipalities are protected by entity constitutions and the laws on local self-governance, but there is no uniform legislation in FBiH, where ten cantons—the level of government between municipalities and the entity—have not yet harmonized their own self-governance laws with the FBiH. The consequence was an unclear distribution of power among different administrative levels, such as in the provision of public services and utilities, or in local-level judiciaries. For instance, the largest canton in FBiH, encompassing the national capital Sarajevo, has been without such a law since 2006 and consultations on drafting only started in 2017.⁶¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote61sym>)
- Political crises from the upper levels of power often transferred to the cantonal and municipal level, undermining these governance units' already low level of independence in decision-making, as well as their operation and financial stability. Local self-governments are financed from several sources, including grants from the entities, which creates opportunities for susceptibility to political pressure. Citizens bear the cost of this political pressure, as residents' basic needs often remained unfulfilled. In Sarajevo, three burning issues surfaced in 2017: water restrictions, which sometimes lasted almost 12 hours per day in some parts of the city;⁶² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote62sym>) excessive levels of pollution; and poor public transport infrastructure, owing primarily to the indebtedness of the public company in charge.⁶³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote63sym>) All problems have existed for years, but the political will or capacity to solve these issues never materialized. In October, Sarajevo resorted to using water from East Sarajevo, which is in the RS.⁶⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote64sym>) Similar problems exist in other local self-governments throughout the country.
- Proposals for the administrative restructuring of the FBiH have been floated for years, as all cantons have their own governments, parliaments, public companies, and all other elements of governance, creating more bureaucracy than BiH budgets can take. In March, Tuzla mayor Jasmin Imamović started a campaign to repeal the cantonal level, saying that much more money would then go directly to cities and municipalities.⁶⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote65sym>) The proposal failed to attract significant support in 2017, as the elimination of some cantons would potentially result in mass layoffs of public sector workers, and the consequent loss of electoral support for the politicians responsible for this decision.
- In October, the Congress of Local and Regional Authorities of the Council of Europe organized a round table that urged BiH authorities to change the Electoral Law and Mostar statute, in order for elections to be held in that city for the first time since 2008 (see Electoral Process).⁶⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote66sym>)

Judicial Framework and Independence:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.00	4.00	4.25	4.25	4.25	4.25	4.50	4.50	4.50	4.75

- The judicial system of BiH consists of four separate administrative levels (BiH, FBiH, RS, and Brčko District), while 10 cantons in the FBiH also have their own court systems. As a result, the BiH judicial system is inefficient and hampered by overlapping jurisdictions and constant political pressure. The year was marked by clashes between the highest officials and judicial representatives, which were reflective of tensions between political parties. These clashes served to undermine trust in the independence and competence of judiciary. Some representatives of the judiciary were sanctioned for violating the laws.
- The decisions of the Constitutional Court of BiH are often not implemented by institutions in both entities, very often due to political disagreements. Among the most important unrealized decisions are a 2010 ruling that city of Mostar Statute is discriminatory and needs to be amended

along with the Electoral Law; the 2015 ruling that celebration of the Day of the Republika Srpska was discriminatory toward non-Serbs and should not go ahead; and a 2016 ruling on suspending the articles of the Electoral Law that state each of the 10 cantons should have representatives from all three ethnicities in the FBiH House of Peoples.

- A conflict between state Security Minister Dragan Mektić and the acting chief of the BiH Prosecutor's Office, Gordana Tadić, which started in 2016, continued in 2017 with both parties accusing each other through the media of not performing their duties competently. The crisis came to a head in late August, when Tadić's office said it had received evidence that her movements and her conversations with High Judicial and Prosecutorial Council (HJPC) vice-president Ružica Jukić had been monitored. The alleged monitoring of Tadić and Jukić was reported by controversial journalist Josip Šimić, who filed criminal charges against BiH Security Minister Mektić, giving the entire affair the appearance of an extension of the quarrel between the minister and acting chief prosecutor. The evidence reportedly had the logo of the State Investigation and Protection Agency (SIPA), but both the SIPA and Mektić denied that the agency monitored Tadić and Jukić, arguing that their claims were an attempt to destroy SIPA's reputation.⁶⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote67sym>) The journalist who reported the story, Josip Šimić, was indicted for falsifying documents with the SIPA logo.⁶⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote68sym>) Following the affair, Mektić said Tadić's office "should be leveled to the ground" due to the crime and corruption he alleged transpired behind its doors, leading Tadić to unsuccessfully call for the minister's immediate resignation.
- The BiH Prosecutor's Office has been in crisis for some time now, as ongoing investigations against several prosecutors have descended into internal bickering and the cross-submission of disciplinary proceedings against different officials. In 2016, the Disciplinary Commission of the HJPC suspended the head of the BiH Prosecutor's Office, Goran Salihović, accusing him of several disciplinary violations. In October 2017, the HJPC made its final decision in his case, ruling that Salihović cannot return to his old position, although the HJPC permitted him to remain a state prosecutor. Salihović was sanctioned for undermining public trust in the impartiality and credibility of the prosecutor's office and for intentionally giving false or partial information about employment applications, as well as disciplinary and other issues under the HJPC's jurisdiction. Salihović was not found guilty of letting unauthorized persons perform prosecutorial functions and interfering in other prosecutors' and judges' actions.⁶⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote69sym>)
- The Disciplinary Commission of the HJPC received 919 complaints and started 32 disciplinary proceedings against judges and prosecutors during 2016, which is highest since the Commission's formation. The most common reason for proceedings was neglect and negligence in performing official duties. In six cases, temporary suspension was requested.⁷⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote70sym>)
- A few cases showed that the judiciary was sometimes also not immune to corruption. In February 2015, Court of BiH judge Azra Miletić was arrested on allegations of taking bribes from former cantonal police commissioner Ramo Brkić, who had been sentenced to 11 years in prison for corruption, abuse of office, and production of narcotics, but fled the country in 2016. In a first-instance ruling in August 2017, Miletić was sentenced to 30 months in prison and banned from acting in an official capacity for a period of three years.⁷¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote71sym>) Mujo Smajlović, a former investigator of the state Prosecutor's Office, was sentenced in August to two and a half years in prison for abuse of office.⁷² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote72sym>) In September, two judicial officials of the Sarajevo Municipal Court were convicted for taking bribes and were each sentenced to 16 month terms. They were found to have received money from a lawyer, Omar Mehmedbašić, and eight inmates to delay the start of the convicts' prison sentences or commute the sentences into fines or home detention.⁷³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote73sym>)

- BiH laws guarantee the right to a court-appointed defender, a taxpayer-funded defense attorney selected by suspects and defendants. During 2017, significant flaws in the system were discovered, as some attorneys received preferential treatment due to police, prosecutors, and judges influencing defendants' choices of lawyers. The lawyer most frequently appointed by the courts over the past 12 years in BiH was Omar Mehmedbašić, who received 4.3 million Bosnian marks (€2.1 million, \$2.6 million) as a result of this preferential treatment between 2010 and 2016.⁷⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote74sym>)
- A Strategy for Justice Sector Reform 2014-2018 was adopted in September 2015, but its action plan was not implemented until February 2017, creating concerns that the Strategy's aims will not be fulfilled within the proposed timeframe. The Strategy foresaw amendments to the Law on the HJCP and the creation of a state-level Appeals Court by the end of 2017, though neither of these goals were achieved.⁷⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote75sym>)
- The BiH Human Rights Ombudsman highlighted complications to the system of serving criminal sanctions in its 2016 annual report, owing to BiH's complex administrative structure. Four different laws regulate criminal sanctions, meaning that not all prisoners have the same rights. The Ombudsman also stated that while prisons in the RS have enough capacity, in the FBiH, and especially in Sarajevo, prisons are overcrowded. This issue may be alleviated through courts imposing alternative sanctions, like community service orders instead of imprisonment.⁷⁶ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote76sym>) A new state prison near Sarajevo will have capacity for 350 prisoners, but its construction was not completed by the end of the year.

Corruption:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.50	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00	5.00

- Both grand and petty corruption continued to be problems in BiH during 2017. Anticorruption initiatives mostly came down to a few NGOs and media activities, while at the same time institutions did not show much will to solve this widespread problem. Despite small and unprecedented improvements regarding the detection and prosecution of conflicts of interest, and the adoption of a whistleblower protection law in RS, anticorruption legislation still lacked many of the mechanisms required to perform efficiently, and legislation remained dissonant at all levels of power.
- There has not been significant progress in the fight against corruption in recent years, while citizens have little trust in the success of anticorruption efforts.⁷⁷ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote77sym>) During the year, the anticorruption NGO Transparency International (TI) BiH received more than 1,500 reports of corruption, with most callers recounting instances of corrupt practices in public administration, education, and the judiciary.⁷⁸ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote78sym>)
- Another issue delaying anticorruption efforts was the slow adoption of new legislation, including laws allowing the investigation of the origins of politicians' property, while the unsatisfactory implementation of existing laws presented a further problem. However, small progress was made in June, when the RS National Assembly adopted the Law on Whistleblowers Protection, the second of its kind in BiH after a state level law took effect in 2014. However, the two laws are completely different. Most notably, the RS law provides court protection from adverse actions for whistleblowers in both the private and public sectors. The state law only applies to about 22,000 employees in state institutions, and is administered by the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK). The state law has not had much success since its enactment; of the 19 requests for granting whistleblower status that APIK

received between January 2014 and June 2017, only four were approved. Throughout the country, whistleblower protection remained insufficient in 2017, as the FBiH and Brčko District do not yet have corresponding laws.⁷⁹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote79sym>)

- APIK was founded in 2009 and is responsible for implementing the Strategy for the Fight against Corruption, but its role and influence continued to be limited during the year due to a lack of investigative authority to tackle corruption. APIK had responsibility for conflict of interest cases at the state and FBiH level. Three APIK representatives, as well as six representatives from the state parliament, were members of the Commission for Determining Conflict of Interest, which operates on the BiH and FBiH level. After years of stalemate, the first decisions regarding conflicts of interest—in 10 cases concerning low-level officials—were finally made in late 2016 and during 2017. Nine officials were sanctioned with a 10-20 percent reduction of their salaries for a period of up to six months.⁸⁰ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote80sym>) Among those found to have had a conflict of interest, two were members of the state-level Independent Police Oversight Board while simultaneously holding senior managerial positions in public corporations. Both have since resigned.⁸¹ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote81sym>)
- There has been insignificant success in the judicial prosecution of corruption in 2017, especially in cases involving high-ranking officials. The last eight years were marked by a constant decline in efficiency, with fewer reports of corruption, initiated investigations, and convictions for corruption offences. For instance, 616 investigations were initiated in 2016 and 634 in 2015, which is in total less than in 2012. The Prosecutor's Office in Goražde Canton did not conduct a single corruption investigation in two years. At the same time, 30 percent of corruption proceedings resulted in convictions, with two thirds of matters ending with the termination of proceedings. Among imposed sentences, 70 percent were conditional. The Court of BiH, which deals with most serious corruption offences, imposed only eight prison sentences in two years.⁸² (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote82sym>)
- Several high-profile cases emerged during the year, though these matters were not concluded by the end of the year. In March, Amir Zukić, Asim Sarajlić, and Mirsad Kukić, the secretary general and vice presidents⁸³ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote83sym>) of one of BiH's strongest parties, SDA, were indicted for allegedly taking bribes and using their influence to help others secure jobs at the public energy company "Elektroprivreda BiH"; Sarajlić is also a legislator at the state parliament, while Zukić is a legislator with the FBiH parliament. Sarajevo Canton prosecutors also investigated whether FBiH lawmakers abused allowances for living away from home, and the illegal appointment of advisors by Lidija Bradara, the FBiH House of Peoples chairwoman; both stories were first reported by the Center for Investigative Reporting.⁸⁴ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote84sym>) In February, Kemal Čaušević, the former director of the Indirect Taxation Authority of BiH, was indicted for money laundering, taking bribes, and abuse of office.⁸⁵ (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote85sym>)

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Notes:

1 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote1anc>) "Council conclusions on Bosnia and Herzegovina", Council of the European Union, 16 October 2017, <http://www.consilium.europa.eu/media/23923/st13109en17.pdf> (<http://www.consilium.europa.eu/media/23923/st13109en17.pdf>)

2 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote2anc>) The state of BiH consists of two entities, the Federation of BiH and the Republika Srpska, and a third region, the Brčko District, that is under local administration.

3 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote3anc>) "Šepić i Kasumović: 2018. će se desiti velika promjena [Sepic and Kasumovic: Major changes will happen in 2018]", N1, 10 September, <http://ba.n1info.com/a203768/Vijesti/Vijesti/Sepic-i-Kasumovic-2018.-ce-se-desiti-velika-promjena.html> (<http://ba.n1info.com/a203768/Vijesti/Vijesti/Sepic-i-Kasumovic-2018.-ce-se-desiti-velika-promjena.html>)

4 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote4anc>) "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*) Judgement", International Court of Justice, page 199, 26 February 2007, <http://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf> (<http://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>)

5 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote5anc>) Amer Jahić, "Sakib Softić je znao u maju 2016. da mu je bila potrebna nova punomoć [Sakib Softić knew in May 2016 that he needed a new mandate]", Voice of America, 9 March 2017, <https://ba.voanews.com/a/sakib--softic--medjunarodni--sud--pravde/3757403.html> (<https://ba.voanews.com/a/sakib--softic--medjunarodni--sud--pravde/3757403.html>)

6 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote6anc>) Maja Garača Đurđević, "Bosnia Appeal in Genocide Case Against Serbia Rejected", Balkan Insight, 9 March 2017, <http://www.balkaninsight.com/en/article/bosnia-appeal-in-genocide-case-against-serbia-rejected-03-09-2017> (<http://www.balkaninsight.com/en/article/bosnia-appeal-in-genocide-case-against-serbia-rejected-03-09-2017>)

7 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote7anc>) "Notification of US Sanctions against Milorad Dodik", US Embassy Sarajevo, January 17 2017,

<https://www.youtube.com/watch?v=NlnqPiFlN-4&sns=fb> (<https://www.youtube.com/watch?v=NlnqPiFlN-4&sns=fb>)

8 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote8anc>) "Dodik: Ustav nije separatistički, ali će omogućiti secesiju [Dodik: Constitution is not of a separatist nature, but it will allow secession]", N1/HINA, 5 November, <http://rs.n1info.com/a339842/Svet/Region/Dodik-Novi-Ustav-RS-omogucice-secesiju.html> (<http://rs.n1info.com/a339842/Svet/Region/Dodik-Novi-Ustav-RS-omogucice-secesiju.html>)

9 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote9anc>) "Dodik odustao od referenduma o Tužilaštvu i Sudu BiH [Dodik gave up on referendum on state prosecutor's office and court]", N1, 19 September,

<http://rs.n1info.com/a319108/Svet/Region/Dodik-odustao-od-referenduma-o-Tuzilastvu-i-Sudu-BiH.html> (<http://rs.n1info.com/a319108/Svet/Region/Dodik-odustao-od-referenduma-o-Tuzilastvu-i-Sudu-BiH.html>)

10 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote10anc>) Džana Brkanić, "Bosnian Serb 'Statehood Day' Referendum Charges Rejected", Balkan Insight, 19 July 2017, <http://www.balkaninsight.com/en/article/bosnian-serb->

statehood-day-referendum-charges-thrown-out-07-19-2017

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11 (<https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote11anc>) Erna Mačkić, "Ratko Mladic Convicted of Genocide, jailed for Life", Balkan Insight, 22 November 2017, <http://www.balkaninsight.com/en/article/bosnian-serb-commander-ratko-mladic-genocide-crimes-against-humanity-verdict-11-21-2017> (<http://www.balkaninsight.com/en/article/bosnian-serb-commander-ratko-mladic-genocide-crimes-against-humanity-verdict-11-21-2017>)

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21 (https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote21anc) "This is the trajectory of many of the debates in Bosnian politics in the past decade. Parties declare their unhappiness about something. Dark warnings follow about the end of democracy and institutional melt-down. Before long international organisations step in, claiming a mandate to mediate where local institutions cannot cope on their own. In this way everyone has a role to play. Bosnia lives up to the cliché of a helpless society with a hapless elite."

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22 (https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina#sdendnote22anc) The Croat National Assembly meets every two years and lobbies for legislative amendments, including of the Constitution, which would favor of Bosnian Croats' goals. This year's session was held in Mostar in January.

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