

Ref. No.: 01/1-50-3-1-44/26
Related Ref. No.: 01,02-01-2-125/26
Sarajevo, February 13, 2026

BOSNIA AND HERZEGOVINA
PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA
HOUSE OF REPRESENTATIVES
Constitutional-Law Committee

TO THE CONSTITUTIONAL COURT OF BOSNIA AND HERZEGOVINA

Re: U-43/26

Pursuant to Article 44(1)(g), in conjunction with Article 36 of the Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina (*Official Gazette of BiH*, Nos. 79/14, 81/15, 97/15, 78/19, 26/20, 53/22, 59/23, 87/23, 50/24 and 73/24), the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina hereby issues the following

OPINION

on the request of the Constitutional Court of Bosnia and Herzegovina to provide a response concerning the request for a review of the constitutionality of the provisions of Article 203a of the Criminal Code of Bosnia and Herzegovina, as well as of the stand-alone Article 4 of the Law Amending the Criminal Code of Bosnia and Herzegovina.

The Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina received, on January 27, 2026, the request of the Constitutional Court of Bosnia and Herzegovina, Ref. No. 01-02-01-2-125/26 of January 9, 2026, seeking a response to the request submitted by MPs of the National Assembly of Republika Srpska for a review of the constitutionality of Article 203a of the Criminal Code of Bosnia and Herzegovina, as well as of the stand-alone Article 4 of the Law Amending the Criminal Code of Bosnia and Herzegovina (*Official Gazette of BiH*, No. 47/23).

At its 74th session, held on February 3, 2026, the Collegium of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina designated the Constitutional-Law Committee of the House of Representatives as the competent body to provide a response to the allegations set out in this request.

At its 44th session, held on February 13, 2026, the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina considered the aforementioned request for a review of the constitutionality of Article 203a of the Criminal Code of Bosnia and Herzegovina, as well as of the stand-alone Article 4 of the Law Amending the Criminal Code of Bosnia and Herzegovina (*Official Gazette of BiH*, No. 47/23).

Following deliberation, the Constitutional-Law Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, by four votes in favour, three votes against, and with no abstentions, concluded that

- the High Representative in Bosnia and Herzegovina does not possess constitutional authority to enact laws, and that, consequently, the contested provisions of the Law Amending the Criminal Code of Bosnia and Herzegovina are unconstitutional.

CHAIR OF THE COMMITTEE

Albin Muslić

Distribution:

- Constitutional Court of Bosnia and Herzegovina
- Collegium of the House of Representatives
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