Analyses OSW

CENTRE FOR EASTERN STUDIES 6.03.2025 www.osw.waw.pl

The Dodik trial: a test of strength against Serb separatism in Bosnia and Herzegovina

Paulina Wankiewicz-Kłoczko

Tensions are rising in Bosnia and Herzegovina (BiH) over Milorad Dodik, the President of Republika Srpska, an entity within BiH. On 26 February, the Court of BiH found him guilty, in the first instance, of failing to comply with decisions issued by the High Representative in Bosnia and Herzegovina. He was sentenced to one year in prison and given a six-year ban on holding public office. If neither party lodges an appeal, the verdict will become final within 15 days.

The trial, which lasted more than a year, is the latest chapter in the dispute between the Bosnian Serb leader and BiH's central authorities, who are backed by High Representative Christian Schmidt. In response to the court's ruling, Russia, Serbia, and Hungary expressed support for Dodik, denouncing the trial as political persecution. Meanwhile, the European Union and the US State Department stressed the need to uphold the rule of law and BiH's sovereignty, opposing actions that destabilise the country. The international community, particularly the new US administration, will play a key role in curbing Dodik's separatist tendencies.

Subject of the dispute

Since 2021, Dodik has intensified his secessionist policies aimed at weakening central institutions and enhancing Republika Srpska's autonomy, potentially leading to its separation from BiH. As part of this strategy, he has advocated for the withdrawal of Bosnian Serbs from key central bodies, including the judiciary, the army, and the tax system (see '*Bośnia i Hercegowina – gry separatyzmem Republiki Serbskiej*'). The High Representative, appointed under the 1995 Dayton Agreement to oversee the country's post-war peace and stability, is safeguarding BiH's state structures and territorial integrity. Dodik regards representatives of the international community as the main obstacle to Republika Srpska's secession.

In May 2023, Dodik signed laws stating that rulings by the Constitutional Court of BiH (CC BiH) and decisions issued by the High Representative would no longer apply in Republika Srpska. Schmidt annulled these laws and, on 1 July 2023, introduced amendments to the Bosnian criminal code under which non-compliance with High Representative decisions is considered a crime. Under the revised code, any public official who refuses to implement, enforce, or otherwise abide by these decisions faces up to five years in prison. Nevertheless, on 7 July, Dodik re-signed the contested laws, which were subsequently published in Republika Srpska's Official Gazette.

Under the new provisions of the criminal code, the BiH prosecution authorities launched proceedings in August 2023, with both Dodik and Miloš Lukić, the acting director of Republika Srpska's Official Gazette, facing charges. Dodik was charged with re-signing the contested laws despite being aware of the amendments introduced by the High Representative. Lukić, meanwhile, was accused of facilitating the publication of these laws.

Dodik's strategy

The Bosnian Serb leader used the trial to mobilise his electorate and confront BiH's central institutions. The proceedings, which lasted over a year, were accompanied by protests and various propaganda efforts, including billboards advocating the transfer of powers from the central level (BiH) to the entity level (Republika Srpska). Amid declining support, Dodik sought to consolidate his electorate by equating himself with Republika Srpska's interests. He claimed that the case against him was politically motivated and aimed at dismantling Republika Srpska. A week before the verdict, Republika Srpska Prime Minister Radovan Višković convened a meeting of mayors (no opposition representatives were present), during which participants argued that the trial was targeted against Republika Srpska institutions. The meeting served as a mobilisation effort and a prelude to a rally in Banja Luka, held the day before the verdict was announced. Despite significant pressure on local authorities and the public sector in Republika Srpska, a small number of demonstrators took to the streets to support Dodik.

The low turnout was partly due to a lack of support for Dodik from the Republika Srpska opposition. Milan Miličević, leader of SDS – the largest Serb opposition party – stated that the trial was not an attack on the office of the president but on Dodik himself, whom he urged to resign. Opposition parties argue that Dodik exploits state institutions to protect his own interests, destabilises BiH and undermines Republika Srpska's position within the country. From their perspective, weakening Dodik presents an opportunity to regain power, though it does not necessarily signal a shift in policy, as the opposition also seeks to expand Republika Srpska autonomy. Since 2006, Republika Srpska has been governed by the Alliance of Independent Social Democrats (SNSD), under Dodik's leadership.

The year-long trial was primarily a confrontation with the central justice system, which Dodik sees as a threat to his interests – both in the context of corruption allegations and efforts to seize state assets. He has utilised political pressure to ensure that no Republika Srpska judge currently sits on the BiH Constitutional Court, reinforcing his narrative of anti-Serb institutions and providing a justification for rejecting their authority (see '*Dispute over the justice system in Bosnia and Herzegovina*').

On the day the verdict was announced, the Republika Srpska parliament – without opposition participation – passed a law once again rejecting the ruling of the BiH Court and declaring decisions by judicial institutions, including the BiH Prosecutor's Office and the State Investigation and Protection Agency (SIPA), null and void. On 5 March, the President of Republika Srpska signed the controversial legislation. Dodik has further escalated threats against Serbs employed in these institutions. He met with representatives of security agencies and urged them to resign from BiH institutions.

International reactions

So far, Western efforts to stop Dodik from escalating tensions in BiH have been unsuccessful. In recent years, US sanctions against the Republika Srpska president and his inner circle have become Washington's main tool of pressure. Despite the financial difficulties they have caused, Dodik has not softened his stance – in fact, he has hardened it. Hopes among Bosnians for a more assertive approach from Joe Biden's administration have also gone unfulfilled. Following the change of administration in Washington, Dodik is now anticipating the lifting of sanctions and tacit approval for his political ambitions – expanding Republika Srpska autonomy or, in the most extreme scenario, secession from BiH.

The EU's strategy in BiH has likewise failed to yield the desired results. Brussels assumed that the prospect of EU membership would be enough to incentivise reforms, but this has not materialised. Moreover, the lack of a unified EU stance on Dodik's actions has further weakened the bloc's position. The Hungarian Prime Minister Viktor Orbán is one of Dodik's key European allies and has branded the trial a 'political witch hunt', accusing judicial institutions of using the legal system against a democratically elected leader. Croatian President Zoran Milanović responded in a similar vein, describing the High Representative as a 'colonial administrator' whose aim is to remove the most popular politician among Bosnian Serbs. Both Croatia and Hungary oppose EU sanctions against Dodik.

Russia's Foreign Ministry has also backed the Bosnian Serb leader, claiming the 'trial was fabricated to remove the lawfully elected Republika Srpska president'. At Russia's initiative, the UN Security Council will hold informal consultations on the situation in BiH. Serbian President Aleksandar Vučić has also expressed support for Dodik. On the day the verdict was announced, he convened an emergency session of Serbia's Security Council before travelling to Banja Luka. However, while calling the trial an attack on Serbs, he also urged all political actors in BiH to reach a compromise. Vučić's efforts to ease tensions are driven by political calculations – Dodik's controversial actions may tarnish his own reputation.

Dodik's future

The effective enforcement of the verdict will be crucial to the development of democratic institutions in BiH. Any attempt by the Republika Srpska authorities to obstruct it would deepen the crisis and constitute another step towards *de facto* secession. Dodik has stated that he will not contest the ruling, although his lawyers claim otherwise. If the case is referred to an appeals court, the finalisation of the verdict could take up to six months, allowing him to continue serving as Republika Srpska president in the meantime. However, the ban on holding public office does not necessarily mean the end of Dodik's political career. The amendments introduced by the High Representative prohibit him from assuming positions in public institutions but do not restrict involvement in political parties. In practice, Dodik would still be able to lead SNSD and thus retain *de facto* control over Republika Srpska. Given the current climate of international uncertainty and his hopes for a more favourable approach from the new US administration, he may escalate separatist activities in the coming months.