



BiH Dayton Project



The U.S. has a responsibility to help end the crisis it helped create

📅 August 4, 2025

Having helped generate the dangerous crisis in Bosnia and Herzegovina (BiH) caused by the prosecution of Republika Srpska President Milorad Dodik under a counterfeit law decreed by an unelected foreigner, the United States must not simply wash its hands of the matter. The United States has a responsibility to help repair its Biden-era meddling in BiH criminal justice by making clear that the prosecution and conviction of Mr. Dodik under a phony statute manifestly violated the rule of law.

The 1995 Dayton Agreement, which ended the 1992-1995 war in BiH, authorized the UN Security Council to appoint a High Representative (HR) with a strictly limited legal mandate as a coordinator of international activities and a facilitator of the parties' efforts. Despite having no legal authority whatsoever to make binding decisions, HRs have for many years been ruling BiH as unelected dictators, decreeing laws whenever they see fit. These edicts flagrantly violate the Dayton Agreement and the BiH Constitution, usurping the exclusive authority of BiH's democratic legislatures to enact laws.

In recent years, the United States has been instrumental in supporting the claim by a German named Christian Schmidt to the position of HR despite his appointment never

having been confirmed by the UN Security Council as required by the Dayton Agreement. Choosing a German to rule over BiH was an astonishing act of diplomatic malpractice given the genocidal campaign of Germany and its World War II allies against Serbs, Jews, and Roma in the Yugoslavia. The choice of Mr. Schmidt was especially appalling given his own history of extreme insensitivity to the victims of Nazi Germany.

Even worse, in 2023, the United States gave Mr. Schmidt the green light to decree a law establishing prison terms for those who fail to implement his own illegal edicts.

If the rule of law means anything, it means that laws—not least criminal laws—must be enacted only by the constitutionally-prescribed institutions. Mr. Schmidt's 2023 criminal edict is nothing like a real law, having never been approved by the BiH Parliamentary Assembly as the Constitution requires. Despite this, the U.S. Embassy said that it “strongly welcome[d]”^[1] Mr. Schmidt's shockingly repressive edict. Then-U.S. Assistant Secretary of State James O'Brien reiterated U.S. support for Mr. Schmidt's criminal prohibition against failure to implement his decrees.^[2]

The U.S. Embassy then instructed the BiH Prosecutor's Office to prosecute Mr. Dodik under the ersatz new criminal “statute.” The Prosecutor's Office, which has long taken orders from the U.S. Embassy and the HR, quickly got to work and, with unheard-of speed, brought an indictment of Mr. Dodik little more than a month after Mr. Schmidt announced his edict. The U.S. Embassy promptly welcomed the prosecution based on a foreigner's fake law, calling it, in Orwellian fashion, “an important step in the implementation of the rule of law.”^[3] Then-U.S. Ambassador to BiH Michael Murphy also endorsed the prosecution, saying in an interview that Mr. Dodik is “now facing the consequences” for “undermining the High Representative's decisions.”^[4]

By endorsing the prosecution of Mr. Dodik, the United States pre-judged the case and gave the Court of BiH unambiguous instructions to confirm the indictment and convict Mr. Dodik. In February 2025, the Court dutifully announced its conviction of Mr. Dodik, sentencing him to a year in prison and a six-year ban on holding public office. After an accelerated appeals process, the Court of BiH on August 1, 2025, followed its orders to confirm Mr. Dodik's conviction and sentence. From beginning to end, Mr. Dodik's trial and appeal were a political charade with pre-determined results. The acquittal of Mr.

Dodik's co-defendant helps demonstrate that the proceedings were always about removing Republika Srpska's democratically elected president from the political scene.

Since the current Trump Administration began, the United States has wisely declined to continue the Biden Administration's vocal support for Mr. Schmidt and the prosecution of President Dodik. Yet the Trump Administration has said and done nothing regarding the continued persecution of President Dodik based on a phony criminal "law." The United States played a leading role in creating the severe crisis that Mr. Dodik's conviction has triggered. It must not now shrink from helping to end the lawless persecution of Mr. Dodik and resolve the crisis.

[1] X.com account of U.S. Embassy Sarajevo, 1 July 2023.

[2] *U.S. Reaffirms Support for Bosnia's High Representative*, Radio Free Europe-Radio Liberty, 2 Feb. 2024.

[3] *Embassy of the US in BiH comments on the Indictment against Republika Srpska President*, Sarajevo Times, 12 Aug. 2023.

[4] *Dodik's statements undermine Dayton Peace Agreement, says US ambassador to BiH*, TemA, 1 Nov. 2023.

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