Dragan T. Dakić*

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UNITED STATES SANCTIONS AGAINST INDIVIDUALS IN REPUBLIC OF SRPSKA AND LEGAL REMEDIES

Summary

The challenges posed by unilateral sanctions on the Sustainable Developmental Goals, financial stability, the service provision sector, and human rights have been increasingly debated in recent years. This research focuses on the economic sanctions enacted by the United States of America (USA) targeting individuals in the Western Balkans region, or specifically in the Republic of Srpska. The research is framed in this way for several reasons, including primarily the ongoing Stabilization and Association Process, supported by the effective Stabilization and Association Agreement (SAA) between the European Communities, their Member States, and Bosnia and Herzegovina (BiH). This has imposed the necessity to consider the relevant EU legislation governing sanctions and ways to navigate their adverse consequences. In addition, multilateral sanctions targeting individuals — such as those enacted by the UNSC — have been recognized under international law as part of the collective security framework provided by the UN Charter, while unilateral individual sanctions do not have the same international legal standing. Without intending to evaluate directly these sanctions in terms of international law or human rights law, irrespective of how it is presented, we have identified their key characteristics: they target top-ranking officials, with the legislative activities of the National Assembly as one of the grounds for sanctioning, and they affect untargeted entities including the business and NGO sectors. Those characteristics have decided the inquiry into

* PhD, Assistant Professor, Faculty of Law, University of Kragujevac, Serbia.
E-mail: *ddakic@jura.kg.ac.rs*
ORCID: *https://orcid.org/0000-0002-9612-4133*

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the legal remedies available. In that sense, we have addressed legal remedies available to BiH and the Republic of Srpska, with a view to specific remedies available to the sanctioned individuals including private persons and legal entities.

Keywords: US sanctions, legal remedies, the Republic of Srpska.

SANKCIJE SJEDINJENIH AMERIČKIH DRŽAVA PROTIV LICA U REPUBLICI SRPSKOJ I PRAVNI LEKOVI

Sažetak

Poslednjih godina sve se više raspravlja o izazovima koje sa sobom nose jednostrane sankcije usmerene na očuvanje održivog razvoja, finansijske stabilnosti, te na sektor pružanja usluga i ljudskih prava. Predmet ovog rada tiče se ekonomskih sankcija uvedenih od strane Sjedinjenih Američkih Država (SAD), a koje su usmerene na lica u regionu Zapadnog Balkana, odnosno u Republici Srpskoj. Predmet istraživanja postavljen je na opisan način iz nekoliko razloga, uključujući pre svega tekući Proces stabilizacije i pridruživanja, propraćen efektivnim Sporazumom o stabilizaciji i pridruživanju (SSP) između Evropskih zajednica, njihovih država članica i Bosne i Hercegovine (BiH). Sve je to je nametnulo potrebu da se razmotri relevantno zakonodavstvo EU koje reguliše sankcije, kao i načini da se uoče i preduprede njihove štetne posljedice.

Multilateralne sankcije usmerene na lica – poput onih koje je doneo SB UN-a – priznate su prema međunarodnom pravu kao deo okvira kolektivne bezbednosti predviđenog Poveljom UN, dok jednostrane pojedinačne sankcije nemaju isti međunarodni pravni položaj. Bez namere da se ove sankcije direktno ocenjuju u smislu međunarodnog prava ili prava ljudskih prava, autor je nastojao da identifikuje njihove ključne karakteristike. Naime, one su usmerene na najviše zvaničnike, sa zakonodavnim aktivnostima u Narodnoj skupštini kao jednim od osnova za sankcionisanje. One, pritom, utiču na neciljane subjekte, uključujući fizička lica, poslovni i nevladini sektor. Pomenute karakteristike nametnule su pitanje o dostupnim pravnim lekovima. U tom smislu, u radu je posvećena pažnja pravnim lekovima koji stoje na raspolaganju BiH i Republici Srpskoj, sa osvrtom na konkretne pravne lekove dostupne sankcionisanim fizičkim i pravnim licima.

Ključne reči: Sankcije SAD, pravni lekovi, Republika Srpska.

1. Introduction

According to Article 41 of the UN Charter, sanctions are authorized as a means of enforcing international law without resorting to the use of armed forces. They are typically used when the UN Security Council decides that a country threatens international peace and security, allowing the member states to impose trade or economic sanctions that either partially or completely disrupt economic relations with the target country (Van Rooyen & Nath, 2020, p. 75). Sanctions, particularly within the context of international law, are measures taken by one or more countries to compel a change in the policy of another country, and can take many forms, including economic measures such as trade sanctions (embargoes and boycotts), financial sanctions such as asset freezes, and restrictions on financial transactions related to the targeted country. The form of sanctions depends on the enacting authority and their target and scope. While multilateral sanctions are implemented by multiple states within the United Nations (UN) (Orakhelashvili, 2015, p. 4), there are also unilateral sanctions that are enacted by a single state or by a group of states failing short of the UN Security Council (UNSC) authorization. In addition, the so-called regional sanctions include sanctions imposed by a regional organization, such as the European Union, against a country or a group within or outside of the region. Such sanctions are based on the regional organization's legal instruments and its member states' collective decisions. As such, they also depart from the established system within the ambit of the UN Charter.

Sanctions can be comprehensive, affecting nearly overall economic activity, or targeted (also referred to as "smart sanctions"), focusing on specific individuals, companies, or sectors, to minimize the humanitarian impacts and focus on the governing elite or specific policies (Park & Choi, 2022, pp. 3-4). Examples of targeted sanctions include asset freezes, travel bans, arms embargoes, and restrictions on particular goods (such as luxury items or dual-use technologies that can have military applications). The concept of smart or targeted sanctions has evolved to address concerns that broad sanctions can disproportionately impact the general population of a country rather than its leadership. It is considered that the evolution of smart or targeted sanctions has commenced with a fundamental shift in the international community's perception of conflict-related sexual violence (Biersteker & Hudáková, 2021, p. 112). This change in perspective now views such violence as a threat to international peace and security, warranting intervention by the UNSC.

Consequently, the UNSC has started imposing targeted sanctions against specific individuals and entities to deter sexual violence against civilians in

conflict zones. Targeted sanctions are considered a tool within the broader framework of the Women, Peace, and Security initiatives aimed at combating such forms of violence in conflicts. This approach to using targeted sanctions signifies the move from broader, all-encompassing sanctions to more focused measures that aim to penalize specific actors rather than having widespread effects on the general population. Instead of imposing sanctions on an entire country, targeted sanctions are intended to increase the cost of permitting or engaging in sexual violence during armed conflict directly for those responsible (Biersteker & Hudáková, 2021, pp. 112-113). The effectiveness of these targeted sanctions, however, requires improved implementation, which includes making actions against violators consistent, comprehensive, and transparent (Orakhelashvili, 2015, p. 19).

Another way to categorize sanctions that are relevant to our research is the distinction between primary and secondary sanctions. Primary sanctions refer to restrictions or prohibitions on economic transactions that a country imposes on its own nationals or entities within its jurisdiction. These sanctions primarily affect transactions involving the territory or nationals of the imposing country and the target country. On the other hand, secondary sanctions are imposed by a country on entities or individuals in a different country that are engaged in specific activities with the target of the sanctions. These sanctions target foreign entities or individuals conducting business with the primary target of the sanctions. Secondary sanctions have an extraterritorial impact as they influence the relations between a different country and the target country. Secondary sanctions aim to shape the behavior of third parties by limiting their access to the financial or commercial markets in the imposing country (Ruys & Ryngaert 2020, pp. 7-9).

Our main concerns in this research are the economic sanctions enacted by the United States of America (USA) targeting individuals in the Western Balkans region, or specifically in the Republic of Srpska. We will refer to those sanctions as unilateral, individual, targeted, economic, or secondary sanctions, as needed. The current research framework has been conditioned by the following circumstances. Namely, the countries in this region are facing the European Union (EU) integration process. The process of integrating the Western Balkans into the European Union is guided by a specific legal framework called the Stabilization and Association Process, which is supported by Stabilization and Association Agreements (SAA). These are comprehensive and bilateral agreements, establishing a formal partnership with the EU and involving shared responsibilities and privileges. In 2015, the Stabilization and Association Agreement was signed between the European Communities, their Member States, and Bosnia and Herzegovina. It encompasses various policy areas, such as economic policies, trade relations, industrial collaboration, and education. Within the EU legal system, SAAs are

considered primary sources of law and carry more weight than secondary legislation, underscoring their essential role. Additionally, the EU has recently opened accession negotiations with Bosnia and Herzegovina.

A core element of SAAs is aligning the country's laws with the EU legislation. Bosnia and Herzegovina has committed to gradually harmonizing its current and future legislation with the EU standards and ensuring proper implementation and enforcement of these laws. According to the complex constitutional structure of Bosnia and Herzegovina (BiH), the legislative jurisdiction is mostly divided between two entities, the Republic of Srpska and the Federation of Bosnia and Herzegovina, together comprising BiH. Therefore, according to the SAA, the Republic of Srpska is obliged to harmonize its relevant legislation, such as payment services legislation, and adopt the legislation governing sanctions in line with that of the EU.

Concerning payment services legislation, the EU Directive 2015/2366 still leaves some uncertainties regarding the responsibilities, the level of trust established among users and payment service providers, and the compensation procedures for losses arising from unregulated incidents in this sector (Palević, 2022a, pp. 202-204). Hence, the Republic of Srpska needs to address these gaps to enhance legal certainty. The issue of the right of recourse also poses challenges in terms of resolving such claims and needs to be addressed in the national legislation. Even though targeted sanctions are expected also to hurt the financial stability of the BiH, indirectly affecting the EU interests, this aspect will not be addressed here. Instead, we will analyze the prospective adoption of the legislation governing sanctions.

In addition, while multilateral sanctions targeting individuals — such as those enacted by the UNSC — have been recognized under international law as part of the collective security framework provided by the UN Charter,[1] unilateral individual sanctions do not have the same international legal standing and are

[1] The authority to impose sanctions by the Security Council is not influenced by the political decisions of the UN General Assembly or the legal oversight of the International Court of Justice (ICJ). In 2009, the Security Council established its Ombudsperson Office to deal with concerns regarding the sanctions regime that specifically focuses on individuals without adequate procedural safeguards. Serving as an autonomous and impartial entity within the framework of the UN, the Ombudsperson is tasked with receiving appeals from affected individuals under sanctions and carrying out unbiased assessments of their situations. The creation of the Ombudsperson Office aimed to ensure that those under UN sanctions have a means to contest their categorization in a just and equitable manner and seek recourse if they feel they have been unfairly sanctioned. This mechanism has played a role in alleviating concerns over the absence of appropriate procedural protections for individuals under UN sanctions, thus advancing equity and procedural fairness in the application of sanctions (Biersteker, Van der Herik & Brubaker, 2021, p. 5).

instead based on the national laws of the imposing state (Palević, 2022b, p. 109). The illegality of unilateral sanctions deprives the EU of legal tools that would enable the enforcement of contractual obligations to compel candidate countries to align with its foreign policy in this regard (Palevic, 2022b, p. 119). Following the present analysis of the international legal framework covering sanctions, the discussion will shift to a generalized analysis of unilateral economic sanctions against individuals. This will be followed by a more concrete examination of the US sanctions targeting individuals, before turning to a detailed investigation of the US sanctions imposed against individuals in the Republic of Srpska. The paper provides a systematic map of the available legal remedies to protect both financial stability, including financial institutions and operating banks, and the targeted individuals.

2. International Law Governing Sanctions

International law regulates the imposition of sanctions through a variety of sources and principles, which are intended to ensure that such measures are applied lawfully and respect the international standards. A general overview may include laws and principles that provide a framework for limiting the scope of sanctions to those that are lawful and aligned with the UN principles, including respect for human rights and due process (Nabti, 2015, pp. 63-66). In this regard, the Charter is the most significant source of authority for the imposition of sanctions. According to Article 41, the UNSC has the power to decide upon measures not involving the use of armed force to give effect to its decisions for the maintenance of international peace and security. The sanctions authorized by the UNSC are binding for all member states. This particular obligation arises from Article 25 of the UN Charter, prescribing the obligation of all UN member states to carry out the decisions of the UNSC, including those relating to sanctions. However, this obligation can be claimed only when such decisions comply with the provisions and principles of the UN Charter, introducing limitations on the member states to adopt or enforce sanctions that would be against the Charter. This includes the requirement of compliance with human rights: the application of sanctions by the UNSC must accord with the purposes and principles of the United Nations, including the promotion and encouragement of respect for human rights. Any application of sanctions that violates human rights law is deemed problematic.

Bearing in mind Article 41 and essentially exclusive power of the UNSC to impose sanctions, unilateral sanctions appear troublesome. Namely, unilateral

sanctions imply economic measures that one state imposes on another to compel a policy change. However, in international law, unilateral sanctions present a complex challenge. They may be seen to contradict the principle of non-intervention[2] and possibly violate international law, particularly if they affect the human rights of the civilian population or the legal intercourse among states. The United Nations General Assembly has expressed their concern on multiple occasions that unilateral coercive measures are contrary to international law, the principles of the UN Charter, and the rules of free trade and friendly relations among states. For instance, comprehensive economic sanctions, which could amount to collective punishment, have been noted as being in contradiction to the basic principles of justice and human rights. The right to life and adequate healthcare is part of the *jus cogens* of the general international law, or the fundamental principles that must be upheld under all circumstances.

That said, unilateral sanctions, especially those imposed by powerful nations, are often a controversial aspect of international relations. While they may be pursued by individual states as part of their foreign policy goals, their alignment with international law depends on specific circumstances, including their impact on international peace and security, humanitarian conditions, and whether they conform to the existing international legal norms (Simonen, 2015 pp. 239, 241).

3. Unilateral Economic Sanctions Targeting Individuals

Unilateral sanctions targeting individuals are a form of restrictive measures imposed by a single state that specifically targets designated persons rather than a country as a whole. These individuals might be political leaders, government officials, business people, or any persons who are believed to be involved in activities that are considered objectionable or detrimental to the sanctioning state's interests, such as human rights abuses, corruption, or activities that undermine democracy or international peace and security. Such sanctions aimed at individuals typically include asset freezes, where any assets held by the targeted persons within the jurisdiction of the sanctioning state are blocked. They can also include travel bans, which prohibit individuals from entering the sanctioning country. The intent behind these sanctions is to pressure individuals to change their behavior by restricting their access to financial resources and international travel.

[2] Over the years, the principle of non-intervention has featured in various UN General Assembly resolutions. Although UNGA resolutions are not legally binding, they can reflect existing customary international law or contribute to its development, thus shaping the international legal framework regarding unilateral actions such as sanctions

Unilateral targeted sanctions against individuals are often part of a broader foreign policy strategy and are employed as a means of exerting influence without resorting to military force. However, these sanctions may raise legal and ethical issues, particularly regarding their conformity with the international law principles such as state sovereignty and non-intervention, due process, and human rights considerations.

3.1. Unilateral Sanctions Targeting Individuals and State Sovereignty

The position of international law regarding unilateral sanctions that target individuals, particularly when it concerns state sovereignty, is complex. On one hand, any state has the sovereign right to deny entry to non-citizens and to regulate its own financial system. However, when a state imposes sanctions targeting the individuals of another state, it can be seen as an encroachment on that other state's sovereignty, especially if such sanctions have extraterritorial effects or aim to coerce another government by applying pressure on its nationals. The principle of non-intervention under international law suggests that a state should refrain from coercive measures that interfere in the internal affairs of another state, which includes equally the use of force and the use of economic and other forms of coercion (Kreća, 2022, pp. 214-225). Imposing unilateral sanctions, especially when they have extraterritorial application, can sometimes be viewed as a breach of this principle if they dictate policy outcomes or constrain the sovereignty and political independence of the targeted state. These sanctions often raise questions about the balance between enforcing international norms and respecting state sovereignty. While they can be seen as a means of upholding certain international standards, such as human rights and anti-corruption policies, they may also be perceived as unilateral attempts to exert pressure and leverage on other states, which could contravene the spirit of sovereign equality as enshrined in the United Nations Charter and international law.

3.2. Unilateral Sanctions Targeting Individuals and the Principle of Non-Intervention

The principle of non-intervention holds that a state should not interfere in the internal affairs of another state, and it is a fundamental element underpinning the sovereignty of states within the international system, as enshrined in the United Nations Charter. When an individual state decides to impose sanctions on the individuals of another state (such as government officials, business leaders, or other entities), it may be viewed as a form of intervention if such measures aim to

compel a change in policy or behavior of the target state. These sanctions can be seen as an attempt to influence internal matters, especially if they are intended to affect political or economic decisions. Concerns arise when unilateral sanctions have extraterritorial effects, such as when they penalize non-nationals or companies from third countries for their involvement with the sanctioned individuals or when they affect the targeted individuals' activities beyond the borders of the sanctioning state. Such actions may extend the impact of the sanctions into the jurisdiction of another state, potentially violating the principle of non-intervention (Bogdanova, 2022, p. 74). International law generally rests on the voluntary multilateral consent of states when it comes to obligations that constrain their sovereign actions. Unilateral sanctions, by definition, do not have such a broad-based international consent. Consequently, their legality can be contested, especially if they appear to coerce the target state in a manner that undermines its political independence or territorial integrity – the key aspects protected by the non-intervention principle.

However, imposing such sanctions is often justified by sanctioning states on various grounds including human rights protection, countering terrorism, and upholding international peace and security. It should be noted that while such unilateral actions may be legally justified under the sanctioning state's domestic law, their compatibility with international law is often debated and can lead to political and legal disputes on the international stage. The United Nations General Assembly has highlighted concerns regarding unilateral coercive measures, suggesting that such measures may not align with the international law principles (A/RES/68/8; Asian-African Legal Consultative Organization, 2013).

3.3. Unilateral Sanctions Targeting Individuals and Due Process

In the context of unilateral sanctions targeting individuals, due process concerns arise as these measures directly affect individuals' rights and freedoms, such as their ability to access financial resources and freedom of movement. Due process, a legal concept that is widely accepted as a fundamental part of international human rights law, suggests that individuals are entitled to fair treatment through a normal judicial process, especially when their rights are at stake. When a state imposes unilateral sanctions on the individuals from another state, issues of due process can include procedural guarantees such as notice, evidence, the right to be heard, and judicial review. Namely, individuals should be informed that they are being sanctioned and about the reasons for such measures, and they should have the right to know the evidence against them that has lead to the imposition of sanctions. Each person affected by sanctions should be granted the opportunity to

present their case and challenge the sanctions imposed on them before a mechanism to appeal or review the decision to sanction (Allen, 2024, p. 271).

When unilateral sanctions are imposed without adequate due process, the targeted individuals may have limited or no recourse to challenge the sanctions, especially if the sanctioning state does not provide a legal avenue for review (Moiseienko, 2021, p. 407). The lack of an international legal framework specifically governing unilateral sanctions means that assessing due process largely depends on the national laws of the state imposing the sanctions. This can be problematic as it may result in a lack of uniform standards on how the individuals targeted by sanctions can defend their rights. Ensuring that unilateral sanctions respect the principles of due process is essential to uphold the credibility and legality of the sanctions regime itself. When due process is not observed, there can be significant criticism and pushback from the international community, and such sanctions may be challenged in international or domestic courts where the individuals have standing or where the sanctioning acts have an effect (Moiseienko, 2021 pp. 412-413).

Unilateral sanctions are also assessed in terms of proportionality and necessity. The fundamental element of this assessment begins with the notion of a legitimate aim, which has material as well as procedural dimensions. In the material sense, the legitimate aims for imposing targeted sanctions generally align with the internationally recognized aims such as the preservation or restoration of peace and security, the protection of human rights, and the prevention of illegal activities. More particularly, legitimate aims for these sanctions may include countering terrorism, non-proliferation, combating international criminal activities, and conflict resolution. In the procedural sense, sanctions must be enacted within the UN collective system of security. No other actor, including states or international organizations, has any authority to act otherwise.

4. United States Sanctions Targeting Individuals

The United States leverages its position in the global economy to enforce secondary sanctions on foreign firms through various mechanisms and strategies. Perhaps one of the most influential mechanisms is restricting foreign firms' access to the US financial system. When it comes to technology, it should be borne in mind that it also refers to the Society for Worldwide Interbank Financial Telecommunication (SWIFT). SWIFT, which operates a global messaging network for financial institutions, uses its own technology and infrastructure. However, the US government has employed SWIFT as a tool to enforce economic sanctions against targeted individuals, entities, and countries as part of its foreign policy

and national security goals (Cipriani, Goldberg & La Spada, 2023, p. 23). Through its regulatory authority and influence, the US can restrict access to the SWIFT network for entities facing sanctions, limiting their international financial transaction capabilities. In various geopolitical scenarios, including actions against Iran, Russia, North Korea, and others, the US government has utilized SWIFT to enforce sanctions by designating specific entities or individuals for sanctions and restricting their access to SWIFT. As a cooperative entity, SWIFT must comply with the US sanctions regulations, potentially leading to the disconnection of sanctioned parties from its messaging system (Cipriani, Goldberg & La Spada, 2023, p. 25). Through its regulatory influence, the US can limit the sanctioned entities' access to the SWIFT network, thereby obstructing their participation in international financial transactions.

In addition, many international transactions are conducted in US Dollars or involve US financial institutions, giving the US significant leverage over global financial flows (Ruys & Ryngaert, 2020, pp. 15-16). By cutting off foreign firms from the US financial system, the US can effectively limit their ability to conduct business with the sanctioned countries or entities. Therefore, transactions in US Dollars, as well as the use of US technology, allow the US to exercise extraterritorial jurisdiction and apply its laws beyond its borders, targeting foreign firms that engage in the activities deemed detrimental to the US foreign policy goals. The US imposes severe civil and criminal penalties on non-US firms, including those with limited connections to the US, for violating the US sanctions laws. The threat of these penalties serves as a deterrent, compelling foreign firms to comply with US sanctions even if they have minimal ties to the US market (Ruys & Ryngaert, 2020, pp. 16-17). Potentially, even if they only relate to the US controlled technology.

Different countries have faced consequences of US secondary sanctions as a result of their economic activities involving countries or organizations under US sanctions (Ruys & Ryngaert, 2020, p. 41). Iran, for example, has been a major target of these secondary sanctions, particularly within the framework of the Iran sanctions regime.[3] Foreign companies engaging in business with Iran have been at risk of facing US secondary sanctions, prompting many to scale back or cease their operations in Iran to prevent any penalties. Additionally, entities involved

[3] The United States, under Iran sanctions, has enforced secondary sanctions on non-US individuals and organizations that participate in specific activities with Iran. The goal of these supplementary sanctions is to dissuade foreign entities from conducting business with Iran and to put strain on the Iranian administration. Some instances of US secondary sanctions operating under the Iran sanctions system encompass declining export-import bank loans, refusal of US military technology export licenses, declined US bank loans, ban on US government purchases, limitations on foreign exchange transactions, investment prohibition, and banishment from the United States (see: Bootwala, 2020, p. 139).

in trading or financial activities with North Korea in violation of international sanctions have also been subject to secondary sanctions. This strategy is aimed at economically isolating North Korea and applying pressure on its government to denuclearize. Concerning Venezuela, the US has enforced secondary sanctions on individuals and organizations supporting the Venezuelan government, particularly in light of human rights violations and anti-democratic practices. These sanctions target primarily areas such as oil, finance, and mining. The US has also imposed secondary sanctions on entities conducting business with Cuba, especially in the context of the enduring US embargo on the nation. These measures are intended to limit trade and financial transactions with Cuba to push the Cuban government on matters related to human rights and politics. Further, secondary sanctions have been placed on entities involved in transactions with the Syrian government or entities associated with the Syrian regime. The objective is to isolate the Syrian government and discourage backing for its actions in the ongoing conflict. In response to Russia's actions in Ukraine and the alleged interference in the US elections, the US has implemented secondary sanctions on entities participating in specific transactions with Russia, concentrating on the sectors such as energy, defense, and finance, with continual expansion.

Bearing in mind international law frameworks governing sanctions, unilateral sanctions fall out of the scope of international legality. Still, when assessing whether targeted sanctions imposed by the United States are in line with international human rights law several critical factors need to be considered. Fundamental to this is a strict adherence to due process, involving aspects such as giving ample prior notification, providing clear justifications for designations, presenting substantial evidence, granting a fair hearing, and guaranteeing access to review by an unbiased tribunal (Chachko, 2019, p. 159). Moreover, the legal framework supporting these sanctions must be in line with international human rights norms. The legal justification for sanctions, including the legislative statutes backing their imposition, must be consistent with international legal standards.

In this regard, the United States must harmonize its implementation of targeted sanctions with the emerging international human rights frameworks applicable to such measures (Chachko, 2019, p. 161). It must take into account the evolving standards and practices in the global community concerning the use of sanctions (Chachko, 2019, p. 162). Additionally, the principle of proportionality plays a significant role, stipulating that sanctions should be commensurate with the threat or misconduct they aim to address. They should not inflict unnecessary harm or limitations beyond what is essential to achieve their intended goals. In terms of procedure, the pivotal elements are transparency in the designation process and access to remedies. While considerations of national security may

warrant non-disclosure of classified information, there should be mechanisms in place ensuring both accountability and transparency in the sanctioning process. All individuals and entities affected by targeted sanctions should be provided with effective avenues for redress, including options for administrative and judicial review (Chachko, 2019, p. 162). This safeguards their rights and guarantees recourse in the event of unjust sanctions imposed.

5. United States Sanctions Targeting Individuals in Republica of Srpska

Milorad Dodik, President of Republic of Srpska, was officially sanctioned by the United States on 5 January 2022, under Executive Order 14033 (E.O.) recalling his alleged involvement in actions that have disrupted the Dayton Peace Agreement (DPA) and corrupt practices (US Department of the Treasury, 2022). This followed a previous designation on 17 July 2017, under E.O. 13304 for impeding the DPA. Several businesses based in the Republic of Srpska, including Global Liberty d.o.o. Laktasi (Global Liberty), Agro Voce d.o.o. Laktasi (Agro Voce), Agape Gorica Dodik i Ivana Dodik s.p. Banja Luka (Agape), and Fruit Eco d.o.o. Gradiska (Gradiska), belong to a group of enterprises operating across Bosnia and Herzegovina in the hospitality and wholesale trade sectors. These companies were qualified as benefiting from preferential treatment in receiving public assistance from the Republic of Srpska due to their connection to the Dodik family, and were sanctioned as well.

There is a notable situation regarding the US sanctions for legislative activities. Based on E.O. 14033, on 31 July 2023, the US Office of Foreign Asset Control (OFAC) designated Stevandic, Viskovic, Cvijanovic and Bukejlovic for their involvement in or complicity with actions that had allegedly hindered or threatened the enforcement of regional security, peace, cooperation, or mutual recognition agreements or frameworks related to the Western Balkans (US Embassy in Bosnia and Herzegovina, 2023). Namely, the adoption of the Republic of Srpska National Assembly (RSNA) law rendering the decisions of the BiH Constitutional Court (BiH CC) invalid in the RS was qualified as jeopardizing the enforcement of the Dayton Peace Agreement (DPA). Following the approval of the law by RSNA in June 2023, on 1 July, the High Representative for BiH utilized his authority to invalidate the legislation, publicly criticizing it for undermining the regional constitutional order, rule of law, and separation of powers. Despite the High Representative's efforts to annul the law, Dodik officially signed the law into effect on 7 July 2023. According to the OFAC, the process of passing laws, as illustrated on the RSNA website, indicates that the individuals implicated in the

current actions bear responsibility for initiating the special session of RSNA on 27 June to vote on this contentious legislation. Radovan Viskovic (RS Prime Minister), Nenad Stevandic (RSNA Speaker and Chairperson), and Zeljka Cvijanovic (Serb member of the BiH Presidency) are credited for having requested the special session on 27 June, while Milos Bukejlovic (RS Minister of Justice) presented the law to RSNA on behalf of the RS government. Consequently, these four individuals are held accountable for supporting the adoption of this legislation that allegedly endangers the implementation of the DPA.

All the sanctions imposed entail a freeze on all assets and interests in the United States belonging to the above designated individuals or held by US entities, which must be reported to the Office of Foreign Assets Control (OFAC). Moreover, entities that are owned 50 percent or more, directly or indirectly, by the blocked persons are also subject to blocking. Any transactions involving assets of the designated or blocked individuals within the US or passing through the US are prohibited unless authorized by OFAC through a general or specific license, or exempted. These restrictions cover financial contributions, provision of goods or services, or receipt of such from the blocked persons. The former note, comprising all the sanctions imposed, warned that financial institutions and other entities involved in transactions with the individuals under sanctions could potentially encounter sanctions or enforcement measures. Recent consequences of this warning have led to the shutdown of bank accounts held by the sanctioned individuals and their affiliated companies, as well as NGOs, effectively putting an end to their commercial (and humanitarian) operations.

6. Legal Remedies Against United States Targeted Sanctions

Without intending to evaluate the described US sanctions in terms of international law or human rights law presented above, it is possible to identify their key characteristics: they target top-ranking officials, and legislative activities of the National Assembly as one of the grounds for sanctioning, and they affect untargeted entities such as those in the business and NGO sectors. Those characteristics should frame further inquiries into the legal remedies available. In that sense, we can distinguish between the remedies available to Bosnia and Herzegovina from those available to the Republic of Srpska. In addition, it is possible to allocate distinct remedies available to sanctioned individuals that relate to private persons and legal entities.

6.1. Legal Remedies Available to Bosnia and Herzegovina

The practical application of the legal remedies accessible to Bosnia and Herzegovina is influenced largely by its complex political and constitutional structure. This framework translates into a fragmented decision-making process that requires agreement among numerous political representatives, making it difficult to establish effective and timely governance (Golić, 2020, p. 39). Nevertheless, it is important to acknowledge the remedies that exist, irrespective of Bosnia and Herzegovina's ability to implement them. Namely, along with diplomatic dispute settlement mechanisms, there are two additional remedial categories: judicial and quasi-judicial. Within the realm of judicial remedies, Bosnia and Herzegovina has the right to appear before the International Court of Justice. While private individuals, corporations, or non-governmental organizations cannot directly approach the ICJ to file cases against the US, Bosnia and Herzegovina is allowed to do so on behalf of its citizens or entities. Past instances have shown that states have taken this route, with the ICJ having established case law to inform such legal actions. One notable case is the *Belgium v. Spain* dispute in 1970 concerning the Barcelona Traction, Light and Power Company Limited, where Belgium lodged a complaint against Spain over its treatment of the Belgian company. This case brought attention to the concept of diplomatic protection, whereby a state acts in defense of its citizens whose rights have been violated by another state. Belgium contended that Spain's actions towards the Barcelona Traction constituted an infringement of international law, thus justifying a claim on behalf of the company. The ICJ ruling on the Barcelona Traction case delved into the intricacies of diplomatic protection, outlining the criteria for states to file claims on behalf of their nationals or companies. Through this decision, the Court shed light on the parameters of diplomatic protection and the interplay between states, individuals/entities, and alleged wrongdoings by foreign powers (Ruys & Ryngaert 2020, p. 18). Consequently, this case offers valuable perspectives on the legal principles surrounding diplomatic protection and the entitlement of states to seek justice for breaches of international law affecting their citizens or businesses.

Access to the European Court of Justice (ECJ) is an innovative judicial remedy. Namely, access to the ECJ is granted primarily to Member States, EU institutions, and individuals or entities directly affected by EU law (Court of Justice of the European Union – Procedure). As Bosnia and Herzegovina is not a Member State of the EU, it does not have direct access to the ECJ. Nevertheless, as a signatory to the Stabilization and Association Agreement – SAA (Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, 2015). Bosnia and Herzegovina retains the option to navigate matters relevant to the ECJ or EU legalities indirectly through the

interpretation and implementation of EU regulations within the scope of the agreement. When disputes materialize either between the EU and a non-EU nation or within the SAA confines, the correct interpretation and application of EU law play a fundamental role. During such instances, if there are concerns regarding the conformity of actions or measures taken by the non-EU nation with EU legislation, these matters might indirectly involve the ECJ. Moreover, given the position of the SAA in the EU legal hierarchy, it is plausible to believe that individuals and entities from Bosnia and Herzegovina can cite the SAA regulations directly in legal cases before the courts of Member States and the ECJ. This aligns with a level of rights akin to those of the European Union citizens, as indicated by Radivojević (2012).

The guiding principles in this regard can be found in ECJ judgments dated 3 September 2008, in Joined Cases C-402/05 P and C-415/05 P, known as the *Kadi* case, Reports of Cases. 2008 I-06351 (Appeal Case before the General Court T-315/01). The ECJ judgment addressed the legality of the sanctions imposed by the European Union on Yassin Abdullah Kadi and Al Barakaat International Foundation, who were listed as individuals and entities associated with Al-Qaeda. This legal case brought up intricate matters regarding fundamental rights such as the right to a fair trial, the right to be heard, and the right to effective judicial protection within the sanctions systems. It emphasized the necessity of ensuring that sanctions are enforced in compliance with international human rights norms, guaranteeing fair trial rights and access to effective remedies. The judgment of the ECJ in this case underscored the need for robust procedural safeguards and mechanisms for individuals and entities affected by sanctions to challenge their designation and seek redress for any violations of their rights. Nonetheless, at present, the feasibility of this prospect is hindered by the absence of relevant domestic legislation and will not be further elaborated here.

In addition, the recent lifting of sanctions against Russian businessmen Petr Aven and Mikhail Fridman, on 10 April 2024, in cases T-301/22 (*Aven v Council*) and T-304/22 (*Fridman v Council*) offers valuable insights into the interpretation of the relevant EU legislation on sanctions and human rights by the European Court of Justice (ECJ), as discussed herein. These individuals, holding Russian and Latvian nationality, i.e., Russian and Israeli nationality, respectively, were designated by the Council as major shareholders of Alfa Group, which encompasses Alfa Bank, a prominent Russian financial institution. The sanctions imposed included asset freezes and economic restrictions due to alleged associations with other sanctioned individuals and ties to Vladimir Putin.

The Council justified the sanctions by asserting that Aven and Friedman had aided the Russian government financially and supported activities undermining Ukraine's sovereignty and territorial integrity. However, both the businessmen

contested the Council's evidence as unreliable and disputed the accuracy of its assessments using two main arguments (*Aven v Council*, paras. 38-39). The first argument questions the reliability and credibility of the evidence presented by the Council. The plaintiffs argued that the material evidence is outdated, inconsistent, sourced anonymously, lacks credibility, and was not thoroughly investigated or cross-examined. By raising this point, the plaintiffs effectively cast doubt on the validity of the evidence used against them, leading to the imposition of consequences. The evidence put forth by the Council failed to meet the standard of "beyond a reasonable doubt," (see: Shapiro, 2008, pp. 1033, 1035), necessary for legal disqualification. The second argument stems from the incorrect factual situation established in the case. The plaintiffs contested the Council's claims of actively supporting actions that could threaten Ukraine's territorial integrity, sovereignty, and independence. Furthermore, they disputed providing any active material or financial support to the Russian authorities involved in annexing Crimea and destabilizing Ukraine. By presenting these additional arguments, which are secondary to the first argument, the court logically concluded that the sanctions were unjustified.

The ECJ sided with the plaintiffs, annulling the original sanctions and extending the relief from sanctions for the period between 28 February 2022 and 15 March 2023. The General Court criticized the lack of credibility and reliability in the Council's justifications, deeming the sanctions unjustified. This critique applied equally to the extension of the initial sanctions. As stated by the General Court, the reasons provided by the Council could potentially justify the argument regarding the proximity of the appointees to the Russian Federation's leadership. However, this does not establish that the plaintiffs backed actions or strategies that weaken or endanger the territorial integrity, sovereignty, and independence of Ukraine. Nor does it demonstrate their involvement in offering material or financial aid to the Russian officials accountable for the annexation of Crimea or the destabilization of Ukraine, or their receipt of advantages from the decision-makers.

Among quasi-judicial remedies, Bosnia and Herzegovina could utilize the dispute settlement mechanism available within the World Trade Organization (WTO). While the WTO focuses mainly on resolving trade disputes, the enforcement of sanctions beyond national borders, such as secondary sanctions, can raise concerns regarding adherence to global trade regulations and commitments. It is crucial to consider that pursuing a resolution within the WTO for secondary sanctions may be affected by various factors, such as the level of willingness among member countries to participate in the resolution process and the availability of a fully functional Appellate Body. The intricate nature of extraterritorial sanctions and their interaction with international trade regulations could create

obstacles when seeking remedies within the WTO framework. Nevertheless, as a WTO member, Bosnia and Herzegovina has the option to contest the legality of targeted US sanctions by initiating dispute settlement procedures (see: World Trade Organization, Members and Observes). These procedures involve panels and the Appellate Body assessing whether the sanctions are in line with the WTO regulations and agreements (Bogdanova, 2021, p. 172).

Concerning the conformity of sanctions with the WTO laws, it is notable that only Article XXI of the GATT allows members to implement measures deemed necessary for safeguarding their vital security interests (Bogdanova, 2021, p. 179). Indeed, this provision offers a broad exception that can be utilized to justify specific trade-limiting actions, including economic sanctions, but exclusively if implemented for national security considerations. As evident from recent events, the US did not invoke this justification when imposing targeted economic sanctions on individuals from the Republic of Srpska.

The analysis and illustration of the relevant cases are presented in the following text (Bogdanova, 2021, p. 187). One notable instance is DS512, which involves Russia's Traffic in Transit (World Trade Organization, 2019a). In this particular case, a dispute arose between the Russian Federation and Ukraine, leading the panel to classify the situation as an "emergency in international relations." It was determined that Russia's trade-restrictive actions were a response to this emergency scenario. Another case worth mentioning is DS574, focusing on the United States Measures Relating to Trade in Goods and Services (World Trade Organization, 2019b). Here, Venezuela raised concerns regarding the compliance of certain US-imposed measures with the WTO regulations. Despite Venezuela's panel request, the US declined consultations and rejected the Dispute Settlement Body's agenda, resulting in Venezuela retracting its appeal. DS526, pertaining to the United Arab Emirates, addressed trade measures concerning goods, services, and intellectual property rights (World Trade Organization, 2022). This case sheds light on the growing trend of the WTO challenges related to unilateral economic sanctions. Lastly, DS567 spotlighted Saudi Arabia Measures Concerning the Protection of Intellectual Property Rights, further showcasing the intricate nature of disputes stemming from unilateral economic sanctions and their repercussions on trade relationships (World Trade Organization, 2020).

6.2. Legal Remedies Available to Republic of Srpska

Even threats of sanctions can have destabilizing effects on targeted individuals, potentially leading to political changes (Özdamar & Shahin, 2021, pp. 1652-1653). A prospective initiative of the Republic of Srpska toward the central

institutions of Bosnia and Herzegovina to utilize their powers and actions to safeguard the welfare of its citizens would be somewhere between political and legal instruments. Neglecting such an initiative could result in noteworthy legal ramifications. Currently, the Republic of Srpska is unable to represent its citizens or entities before international courts or dispute resolution forums outside the framework established by the Dayton Accords. Nevertheless, the Republic of Srpska has the constitutional capacity to pass laws governing key areas impacted by targeted economic sanctions, notably in the financial, banking, and security sectors. In addition, the Republic of Srpska is required to conform to EU regulations and the Blocking Statute should not be overlooked in this process.

In fact, blocking statutes should be the first consideration among the legal remedies at the disposal of the Republic of Srpska. Namely, blocking statutes are implemented by either the EU or third countries, and aim to prevent adherence to specific foreign sanctions with extraterritorial reach. These regulations are designed to safeguard the well-being of domestic companies and citizens by offsetting the impact of foreign sanctions. By proscribing compliance with particular foreign sanctions, blocking statutes intend to shield local entities from legal consequences when conducting lawful operations. The European Union Blocking Statute is a notable example, established in 1996 in reaction to the extraterritorial enforcement of US sanctions (Ruys & Ryngaert, 2020, p. 81). This statute is intended to shield the European enterprises and individuals from the repercussions of select extraterritorial sanctions imposed by other nations, notably the United States. Continuously revised and revived, the EU Blocking Statute responds to diverse instances of extraterritorial sanctions, such as those targeting Iran, serving as a mechanism for the EU to safeguard its economic interests and uphold its sovereignty against unilateral sanctions enacted by foreign states (Dakić, 2024, p. 675).

Key components of this statute comprise the restriction on compliance, which bars all EU individuals from abiding by parts of extraterritorial sanctions not endorsed by the EU; annulment of foreign rulings, which voids all foreign court verdicts linked to extraterritorial sanctions unrecognized by the EU; entitlement to seek compensation, providing all EU individuals with the right to claim damages due to the implementation of extraterritorial sanctions; and obligatory reporting, mandating all EU individuals to inform the European Commission about any impacts of extraterritorial sanctions on their operations (Ruys & Ryngaert, 2020, pp. 86-87). Perhaps the EU Blocking Statute could provide a model for the Republic of Srpska to protect its financial and banking sectors including business entities operating within its jurisdiction.

The imposition of secondary sanctions can impact security considerations at both international and domestic levels, disrupting the economic activities of

the entities or individuals within the sanctioning state who have business ties with the targeted entities or countries. This disruption can lead to financial losses, market instability, and supply chain disruptions for businesses as a result of restrictions on trade, investment, or financial transactions with the sanctioned entities (Nguyen & Ahmed, 2023, pp. 91-92). Job losses and economic uncertainty may occur in the industries or sectors heavily reliant on international trade or business relationships with the targeted entities. Additionally, the imposition of secondary sanctions can undermine business confidence and discourage foreign investment in the sanctioning state, as companies may perceive the increased risks associated with operating in a jurisdiction that enforces such measures. The uncertainty surrounding economic relations and potential retaliatory actions by targeted countries can influence investment decisions and economic development. All that makes secondary sanctions inextricable from the context of the security of the Republic of Srpska.

The most significant security challenge posed by secondary sanctions lies in the implications for financial sector stability. The financial stability of targeted states and the influence of sanction threats on financial sectors are important factors in determining the costs and ultimate impacts of sanctions (Özdamar & Shahin, 2021, p. 1648). The financial sector may face difficulties due to the impact of secondary sanctions on banking relationships, access to international markets, and compliance with regulatory standards. Domestic financial institutions may have to bear costs related to heightened due diligence, compliance with sanction regulations, and risk management associated with exposure to sanctioned entities. Financial institutions of the Republic of Srpska, as well as those operating within its jurisdiction, are not exempt from this general consideration. Furthermore, those institutions are increasingly vulnerable due to the lack of a domestic equivalent to the EU Blocking Statute.

6.3. Legal Remedies Available to Individuals From Republic of Srpska

This aspect of inquiry revolves around human rights remedies, as the most suitable remedies to facilitate the rights of individuals affected by targeted sanctions. In addition, under the human rights standards, both private persons and legal entities referred to as individuals enjoy protection. Here we can also allocate judicial and quasi-judicial remedies. Judicial remedies can be sought before domestic, foreign, and international courts. Our research does not focus on domestic remedies as the Republic of Srpska lacks a blocking statute that counteracts the adverse effects of unilateral sanctions on domestic businesses and individuals. If domestic financial institutions and banks adhere to extraterritorial

sanctions, they could face litigation for enforcing foreign legal jurisdiction. Opting to present the case before foreign courts seems like a more advantageous choice. This pertains to jurisdictions with legislation safeguarding their citizens or entities from extraterritorial sanctions. Such courts have the authority to assess the legality of the sanctions by considering various factors, including compliance with domestic laws, international treaties, customary international law principles, and fundamental rights (Ruys & Ryngaert 2020, pp. 94-96).

An option to consider is the US courts. Targeted sanctions imposed by the US government can be contested by individuals before the US courts. They have the opportunity to claim that the sanctions go beyond the scope of the government's power or are not aligned with international law. Through lawsuits, individuals can request injunctions or declaratory judgments to dispute the legality of the sanctions. All individuals from the Republic of Srpska injured by targeted sanctions who can prove an effective connection to the US can invoke constitutional rights directly before the US courts as safeguarded to the US citizens (Ruys & Ryngaert 2020, p. 86). Additionally, when conditions are met, individuals from the Republic of Srpska can bring the case before the regional human rights bodies (see: Palević & Dakić, 2013, pp. 86-88).

Certainly, the most significant human rights protection is provided within the universal human rights monitoring systems. The crucial protection of civil and political rights is ensured by the International Covenant on Civil and Political Rights (ICCPR), a vital international human rights treaty. Within the framework of the ICCPR, key guarantees such as freedom of expression and due process are safeguarded. Oversight of the ICCPR falls under the responsibility of the UN Human Rights Committee, which scrutinizes state reports, issues general comments, and assesses individual complaints (communications) that claim violations of rights enshrined in the Covenant. To address alleged violations of the rights protected by the ICCPR, individuals may lodge complaints, known as communications, with the UN Human Rights Committee. For a communication to be considered admissible, it must adhere to the criteria established by the Human Rights Committee, including exhausting all domestic legal remedies and adhering to procedural requirements.

With consideration to the impacts of sanctions, the International Covenant on Economic, Social and Cultural Rights (ICESCR) stands out as a crucial international agreement safeguarding the most impacted rights. The ICESCR acknowledges the right of all individuals to pursue a livelihood through freely chosen or accepted work. Additionally, the ICESCR upholds the right of all individuals to a satisfactory quality of life for themselves and their families, encompassing the provisions relating to sustenance, attire, shelter, and healthcare. This

right includes access to social security, the right to fair and favorable working conditions, and the right to an adequate standard of living ensuring dignity, welfare, and opportunities for personal growth. All private persons or groups of individuals have the right to submit communications or complaints to the UN Committee on Economic, Social and Cultural Rights (CESCR) if they believe that their economic, social, or cultural rights under the ICESCR have been violated by a state party. These communications can raise specific issues, cases, or patterns of violations related to rights such as the right to work, the right to education, the right to health, or the right to an adequate standard of living. It is worth noting that in its General Comment No. 8, the CESCR has discussed the effects of economic sanctions on the enjoyment of economic, social, and cultural rights. The document emphasizes that using economic sanctions to achieve political goals should not come at the expense of human rights. It stresses the significance of ensuring that sanctions are focused, fair, and do not unfairly affect the most vulnerable segments of society. Specifically, General Comment No. 8 emphasizes the importance of governments prioritizing the protection of at-risk groups — children, women, the elderly, persons with disabilities, and marginalized communities — when formulating and enforcing sanctions.

Perhaps the most comprehensive mechanism within the UN human rights protection system available to individuals from the Republic of Srpska is the Human Rights Council complaint procedure (Human Rights Council resolution 5/1 of 18 June 2007). Acknowledging the significance of private complaints, the resolution sets up a complaint process that empowers individuals and groups to raise allegations of human rights violations to the Council (Khaliq, 2018, p. 370). That allows victims and advocates to pursue justice for violations and hold states accountable for upholding human rights standards. Emphasizing a victims-oriented, efficient approach, the resolution underscores the need for timely handling of complaints, stipulating that the period from complaint submission to Council consideration should not exceed 24 months. This commitment to promptness and victim-focused action aims to swiftly address human rights abuses and handle grievances effectively. Furthermore, the involvement of both the complainant and the state in the complaint process ensures that all relevant parties can engage in the procedure and present their viewpoints (Khaliq, 2018, p. 371).

The complaint procedure of the Human Rights Council is the only universal complaint procedure addressing all human rights and fundamental freedoms in all United Nations member states. Any individual, group of individuals, or non-governmental organization can submit a complaint. Any of the 193 member states can be subject to a complaint, regardless of their ratification status of specific treaties or reservations made under particular instruments. In

order for a complaint to be accepted by the complaint procedure of the Human Rights Council, it must adhere to specific admissibility criteria. These criteria include the exhaustion of all domestic remedies and the avoidance of duplication. Domestic remedies should be pursued and utilized fully unless they prove to be inadequate or unreasonably prolonged. The principle of non-duplication is crucial, indicating that the complaint should not be simultaneously under review by a special procedure, a treaty body, or any other United Nations or regional complaints procedure related to human rights issues.

Since the establishment of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights by the Human Rights Council, the complaint procedure available before this body has gained significant importance. The mandate was established through the adoption of resolution 27/21 (A/HRC/RES/27/21/Corr.1) on human rights and unilateral coercive measures on 26 September 2014. The resolution was last renewed in October 2023 under HRC resolution 54/15. These resolutions emphasize that unilateral coercive measures and practices violate international law, international humanitarian law, the UN Charter, and the principles governing peaceful relations among states. They also point out that these measures can lead to long-term social problems and raise humanitarian concerns in the targeted states. It is sensible to expect that the Human Rights Council would follow those resolutions in its reasoning on individual complaints.

7. Conclusions

The research segment exploring the available legal remedies for Bosnia and Herzegovina delves into two additional categories of remedies beyond diplomatic dispute resolution mechanisms. These include judicial and quasi-judicial options. Under the judicial remedies umbrella, Bosnia and Herzegovina holds the authority to present cases before the International Court of Justice on behalf of individuals from the Republic of Srpska. Furthermore, as a signatory to the Stabilization and Association Agreement (SAA), Bosnia and Herzegovina may consider bringing a case before the European Court of Justice (ECJ) under specific circumstances. In terms of quasi-judicial remedies, Bosnia and Herzegovina could turn to the dispute settlement mechanism within the World Trade Organization (WTO). Regarding the compatibility of sanctions with the WTO regulations, it is pertinent to note that only Article XXI of the General Agreement on Tariffs and Trade (GATT) permits members to enforce measures deemed necessary to protect their essential security interests. Nonetheless, the United States refrained

from invoking this provision when imposing targeted economic sanctions on individuals from the Republic of Srpska, thus offering them the opportunity to contest the sanctions' compliance with the GATT regulations.

The research segment focusing on the legal remedies available to the Republic of Srpska highlights the potential obligation to compel the central institutions of Bosnia and Herzegovina to exercise their powers and initiatives in safeguarding the well-being of its citizens. Alternatively, the Republic of Srpska may request that the central institutions of Bosnia and Herzegovina represent its individuals directly before the ICJ and other relevant forums. Given the constitutional authority of the Republic of Srpska, the enactment of the so-called blocking statutes should be prioritized. This legislative measure could be strongly reinforced by the legal mandate for the Republic of Srpska to align its legislation with that of the European Union, thereby enhancing its ability to safeguard financial stability for both institutions and individuals within its jurisdiction. In light of the security implications of economic sanctions, the Republic of Srpska must address this aspect with due diligence.

Regarding the legal options open to individuals (both private individuals and legal entities) from the Republic of Srpska, they can seek defense of their rights before judicial and quasi-judicial bodies. Judicial remedies are accessible through national, foreign, and international courts. Concerning national judicial proceedings, if domestic financial institutions and banks comply with external sanctions, they may be subject to legal action for enforcing foreign legal authority unlawfully. Nevertheless, our analysis does not concentrate on local remedies due to the absence of a blocking statute in the Republic of Srpska, making presenting the case to foreign courts a more favorable alternative. This applies to jurisdictions with laws protecting their citizens or entities from foreign sanctions. Such courts are empowered to evaluate the legitimacy of the sanctions based on several factors, including conformity with local laws, international agreements, customary international law principles, and the basic rights.

One viable option is to appeal to the US courts. Individuals can challenge specific sanctions imposed by the US government before these courts. They can argue that the sanctions exceed the government's jurisdiction or are not in line with international law. Through legal actions, individuals can petition for injunctions or declaratory judgments to challenge the legality of the sanctions. All individuals from the Republic of Srpska affected by targeted sanctions, who can demonstrate a substantial connection to the US, have the right to invoke constitutional rights directly before US courts.

In the realm of quasi-judicial remedies, individuals from the Republic of Srpska have the opportunity to approach the UN Human Rights Committee concerning their rights under the ICCPR (such as freedom of expression and due process),

and the UN Committee on Economic, Social, and Cultural Rights regarding their rights under the ICESCR (such as the right to work and adequate standard of living). Arguably, the most comprehensive mechanism within the UN human rights protection system available to individuals from the Republic of Srpska is the complaint mechanism to the Human Rights Council. This procedure is the sole universal grievance mechanism dealing with all human rights and fundamental freedoms in all UN member states. Any individual, group, or non-governmental organization can lodge a complaint against any member state. The EU has adopted legal tools that would enable the enforcement of contractual obligations to compel candidate countries to align with its foreign policy in this regard.

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