

(“Official Gazette” of Bosnia and Herzegovina, No. 42/03)

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives, held on 13 October, 2003 and at the session of the House of Peoples, held on 29 October, 2003, adopted

LAW RE-AMENDING THE LAW ON THE COURT OF BOSNIA AND HERZEGOVINA

Preamble

The Law on the Court of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina No.29/00), as amended by Article 73 of the Law on High Judicial and Prosecutorial Council (Official Gazette of Bosnia and Herzegovina No. 15/02), as further amended by the Law on Amendments to the Law on Court of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina No.24/02) (hereinafter the ‘Law’), is hereby re-amended as follows

Article 1

Article 9, paragraph 2 of the Law shall be deleted.

Article 2

Article 13 of the Law shall be deleted and the following new Article 13 shall be inserted:

‘1. The Court has jurisdiction over criminal offences defined in the Criminal Code of Bosnia and Herzegovina and other laws of Bosnia and Herzegovina.

2. The Court has further jurisdiction over criminal offences prescribed in the Laws of the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brcko District of Bosnia and Herzegovina when such criminal offences:

- a) endanger the sovereignty, territorial integrity, political independence, national security or international personality of Bosnia and Herzegovina;
- b) may have serious repercussions or detrimental consequences to the economy of Bosnia and Herzegovina or may have other detrimental consequences to Bosnia and Herzegovina or may cause serious economic damage or other detrimental consequences beyond the territory of an Entity or the Brcko District of Bosnia and Herzegovina.

3. The Court shall further be competent to:

- a) take a final and legally binding position on the implementation of Laws of Bosnia and Herzegovina and international treaties on request by any court of the Entities or any court of the Brcko District of Bosnia and Herzegovina entrusted to implement the Law of Bosnia and Herzegovina;
- b) decide any issue relating to International and inter-Entity criminal law enforcement, including relations with Interpol and other international police institutions, such as decisions on the transfer of convicted persons, and on the extradition and surrender of persons, requested from any authority in the territory of Bosnia and Herzegovina, by foreign States or International Courts or Tribunals;

- c) decide any conflict of jurisdiction between the courts of the Entities, between the Courts of the Entities and the Courts of the Brcko District of Bosnia and Herzegovina and between the Court of Bosnia and Herzegovina and any other Court;
- d) decide on the reopening of criminal proceedings for criminal offences prescribed in the laws of Bosnia and Herzegovina.’

Article 3

In Article 14, paragraph 2, item c): after the words ‘and the courts of Brcko District’, the following words shall be inserted ‘and between the Court of Bosnia and Herzegovina and any other court’.

Article 4

Article 15, paragraph 1 shall be deleted and the following new Article 15, paragraph 1 shall be inserted:

‘1. The Court shall decide the following:

- a) appeals against a judgement or decision delivered by the Criminal Division of this Court;
- b) appeals against a judgement or decision delivered by the Administrative Division of this Court;
- c) extraordinary legal remedies against final judgments reached by the divisions of the Court, not including those that constitute the requests for reopening of proceedings.’

Article 5

Article 16, Article 17 and Article 18 of the Law shall be deleted.

Article 6

Article 23 as amended, shall be deleted and the following Article 23 shall be inserted:

‘1. The Administrative Division shall consist of at least five judges.

2. The Criminal Division shall consist of at least ten judges.

3. The Appellate Division shall consist of at least ten judges.

4. Panels of the Divisions shall be composed of three judges

5. A judge from another Division may be asked to sit in the Appellate Division except in the Special Appellate Panel.’

Article 7

Article 24, paragraphs 3, 4 and 5 as amended, shall be deleted and the new following Article 24, paragraphs 3, and 4 shall be inserted:

‘3. Individual judges may serve as a preliminary proceeding judge and as a preliminary hearing judge.

4. The Criminal Division is chaired by its President who is elected by all judges of the Division.’

Article 8

Article 32, Article 33, Article 34, Article 35, Article 36, Article 37, Article 38, Article 39, Article 40, Article 41 and Article 42 of the Law shall be deleted.

Article 9

Article 44, Article 45, Article 46, Article 47, Article 48, Article 49, Article 50, Article 51, Article 52, Article 53, Article 54, Article 55, Article 56, Article 57, Article 58, Article 59 and Article 60 of the Law shall be deleted.

Article 10

In Article 61, paragraph 1 the words ‘pursuant to Article 37 of this Law’ and the words ‘pursuant to Article 57 of this Law’ shall be deleted.

Article 61, paragraph 4 as amended, shall be deleted.

Article 11

Article 63 and Article 64 of the Law shall be deleted.

Article 12

Article 65 as amended, shall be deleted and the following new Article 65 shall be inserted:

‘1. During a transitional period, a maximum number of six (6) international judges may be appointed to the Special Panels for Organized Crime, Economic Crime and Corruption within the Criminal and Appellate Division. International judges shall not be citizens of Bosnia and Herzegovina or of any neighboring state. The transitional period shall last not more than four years.

2. International judges shall not be held criminally or civilly liable for any act carried out within the scope of their duties pursuant to this law.

Article 13

Entry into force

This Law re-amending the Law on the Court of Bosnia and Herzegovina entered into force on 1 February 2003.

PS BiH No. 122/03

29 October, 2003

Sarajevo

Chairman
House of Representative
Parliamentary Assembly of BiH
dr. Nikola Špirić

Chairman
House of Peoples
Parliamentary Assembly of BiH
Mustafa Pamuk