

“Official Gazette” of Bosnia and Herzegovina, 93/09

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 63rd session of the House of Representatives, held on November 4th, 2009, and the 38th session of the House of Peoples, held on November 13th, 2009, passed the

LAW

ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF BOSNIA AND HERZEGOVINA

Article 1

In the Criminal Procedure Code of Bosnia and Herzegovina (*Official Gazette of BiH*, No. 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09 and 16/09), after Article 27, a new Article 27a shall be added and read as follows:

“Article 27a

Transfer of jurisdiction for the criminal offences referred to in Chapter XVII of the CC of BiH

- (1) If the proceedings are pending for the criminal offences referred to in Articles 171 through 183 of the Criminal Code Bosnia and Herzegovina, under its decision, the Court may transfer the proceedings to another court in whose area the criminal offence was attempted or committed, no later than by the time of scheduling the main trial, while taking into account the gravity of the criminal offence, the capacity of the perpetrator and other circumstances of importance in assessing the complexity of the case.
- (2) The Court may render the decision referred to in Paragraph 1 of this Article also upon the motion of the parties or defence counsel, while at the stage of investigation, only upon the prosecution motion.
- (3) The decision referred to in Paragraph 1 of this Article shall be rendered by the Panel referred to in Article 24(7) of the Code, composed of three Judges. No appeal from the decision of the Panel shall be allowed.”

Article 2

In Article 45, Paragraph 6, in the second sentence after the word “Court”, the following wording shall be added: “following the order of the list of attorneys”.

After Paragraph 6, a new Paragraph 7 shall be added and read:

- “(7) If the requested attorney is unable to take over the defence, the Court shall request the next attorney from the list of attorneys. The Court shall inform the relevant bar association about the refusal of the requested attorney to assume the ex officio defence.

Article 3

In Article 46, Paragraph 2, in the second sentence after the word “Panel”, a comma and the following wording shall be added: “pursuant to Article 45, Paragraph 6”.

Article 4

Article 138, Paragraph 1 shall be amended and read:

- “(1) When the Court pronounces a sentence of imprisonment against an accused, the Court may order custody of the accused or the custody shall be extended if that is necessary in order to ensure an unhindered conduct of the criminal proceedings, while taking into account all the circumstances related to the commission of the criminal offence and the personality of the perpetrator.
If the sentence pronounced is imprisonment of five years or longer, the Court shall order or extend

custody immediately. In such case, a special decision shall be issued, and an appeal from such decision shall not stay its execution.”

Article 5

The heading “Chapter XXX - PROCEDURE TO RENDER INTERNATIONAL LEGAL AID AND TO ENFORCE INTERNATIONAL AGREEMENTS IN CRIMINAL MATTERS” shall be deleted.

Articles 407, 408, 409, 410, 412 and 413 shall be deleted.

Former Article 411 shall become Article 407.

Article 6

The heading “Chapter XXXI - PROCEDURE TO EXTRADITE SUSPECTS OR ACCUSED AND CONVICTED PERSONS” shall be deleted.

Articles 414 through 431 shall be deleted.

Article 7

Former Chapters XXXII through XXXIV shall become chapters XXX through XXXII.

Article 8

In Article 449, Paragraph 2, after the word “defence attorney”, the word “not” in the BHS version shall be deleted, and after the word “case” the following wording shall be added: “while taking into account the gravity of the criminal offence, the capacity of the perpetrator and other circumstances of importance in assessing the complexity of the case”.

Article 9

The Constitutional and Legal Commission of the House of Representatives and the Constitutional and Legal Commission of the House of Peoples of the Parliamentary Assembly of BiH are hereby authorised to present the consolidated text of the Criminal Procedure Code of Bosnia and Herzegovina.

Article 10

This Code shall enter into force on the eight day of its issuance in the Official Gazette of BiH.

Parliamentary Assembly of BiH, No. 450/09

13 November 2009

Sarajevo

Speaker of the
House of Representatives of the
Parliamentary Assembly of BiH
Dr. **Milorad Živković**, sgd.

Speaker of the
House of Peoples of the
Parliamentary Assembly of BiH
Ilija Filipović, sgd.