

LAW ON THE AMENDMENTS TO THE LAW ON THE COURT OF BOSNIA AND HERZEGOVINA

The Law on the Court of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina No.29/00, No. 16/02, No.24/02, No.3/03 No. 37/03, 42/03, 4/04, 9/04 and 35/04), is hereby amended as follows.

Article 1

In Article 11, paragraph 3 shall be amended and shall read as follows:

“3. The Court Budget shall include separate items specifying the budget requirements for the work of Section I for War Crimes and Section II for Organized Crime, Economic Crime and Corruption of the Criminal and Appellate Divisions (hereinafter “Section I and Section II of the Criminal and Appellate Divisions”).”

Article 2

In Article 12, after paragraph 4, the following new paragraph 5 shall be inserted:

“5. The Registry for Section I and Section II of the Criminal Division and Section 1 and Section II of the Appellate Division (hereinafter “the Registry for Section I and Section II”) may issue additional rules for attorneys who appear before Section I and Section II of the Criminal and Appellate Divisions which shall become an integral part of the Rules of Procedure of the Court”.

Article 3

In Article 13, paragraph 3, after item a), a new item b) shall be inserted:

“b) The Court shall further be competent to issue practice directions on the application of the substantive criminal law of Bosnia and Herzegovina falling within the competence of the Court on genocide, crimes against humanity, war crimes and violations of the laws and practices of warfare and individual criminal responsibility related to those crimes, *ex officio* or on the request by any court of the Entities or of the Brcko District of Bosnia and Herzegovina.”

Previous items b), c) and d) shall become items c), d) and e) respectively.

Article 4

In Article 19, after paragraph 2 a new paragraph 3 shall be inserted:

“3. The Criminal Division and the Appellate Division shall each have three Sections as defined by this Law”.

Previous paragraph 3 shall become paragraph 4.

Previous paragraphs 4 and 5 shall be deleted.

Article 5

In Article 21, paragraph 1, item b shall be amended and shall read as follows:

“b) the appointment of judges to the different divisions and panels unless otherwise defined by this Law;”

In paragraph 1, item h the following words shall be deleted “or a Deputy Registrar”.

Article 6

In Article 22, paragraph 2, item c shall be amended and shall read as follows :

“c) shall draw up and adopt the rules of procedure of Section III of the Criminal and Appellate Divisions and of the Administrative Division;”

In paragraph 2, item d the following words shall be deleted “and two Deputy Registrars”.

Article 7

In Article 23, paragraph 5 the following words shall be deleted “except in the Special Appellate Panel”.

Article 8

Article 24 shall be amended and shall read as follows:

“1. The Criminal Division shall consist of three Sections:

- a) Section I for War Crimes ,
- b) Section II for Organized Crime, Economic Crime and Corruption
- c) Section III for all other crimes under the jurisdiction of the Court.

2. Individual judges from the respective Sections may serve as a preliminary proceeding judge or as a preliminary hearing judge.

3. Section III of the Criminal Division is chaired by its President who is elected by all judges of Section III, serving for a term of five years.”

Article 9

In Article 25, paragraph 1 after the words ‘of the Division’, a coma and the following words shall be inserted “,serving for a term of five years”.

Article 10

Article 26 shall be amended and shall read as follows:

“1. The Appellate Division shall consist of three Sections:

- a) Section I to hear appeals against judgments of Section I of the Criminal Division,
- b) Section II to hear appeals against judgements of Section II of the Criminal Division,
- c) Section III to hear appeals against judgements of Section III of the Criminal Division, and against judgements of the Administrative Division. Section III shall hear also complaints in electoral matters pursuant to Article 15 (2)a..

2. Section III of the Appellate Division is chaired by its President who is elected by all judges of Section serving for a term of five years.”

Article 11

Article 27 shall be amended and shall read as follows:

“Registry

1. There shall be a Common Registry and a Registry for Section I and Section II.

2. The Common Registry is responsible for the administration and servicing of Section III of the Criminal and Appellate Divisions and the Administrative Division.
3. The Common Registry is managed by a Chief Registrar, under the supervision of the President of the Court and under the conditions specified in the rules of procedure of the Court. The basic salary and benefits of the Chief Registrar shall be equivalent to 80% of the basic salary and benefits received by the judges of the Court .
4. The Chief Registrar shall be assisted by two officers.
5. The Registry for Section I and Section II is managed by a Registrar who is responsible, in cooperation with the President of the Court, for the administration and provision of support services to Section I and Section II.”

Article 12

In the title of Article 28 after the words ‘The Registrar of’, the following words shall be inserted “ Section III of”.

In Article 28, paragraphs 1 and 2 shall be amended and shall read as follows:

- “1. The Registrar of Section III of the Criminal Division, under the supervision of the Chief Registrar, assist the work of the judges.
2. The Registrar of Section III of the Criminal Division works on behalf of, and pursuant to, orders of Section III of the Criminal Division and a judge thereof.”

Article 13

In Article 29, paragraph 1 the following words shall be deleted “and the two Deputy Registrars”.

Article 14

In the title of Article 30 after the words ‘The Registrar of’, the following words shall be inserted “ Section III of”.

In Article 30, paragraphs 1 and 2 shall be amended and shall read as follows:

- “1. The Registrar of Section III of the Appellate Division, under the supervision of the Chief Registrar, assist the work of the judges.
2. The Registrar of Section III of the Appellate Division works on behalf of, and pursuant to, orders of Section III of the Appellate Division and a judge thereof.”

Article 15

Article 61 shall be deleted.

Article 16

In Article 62, in paragraphs 1, 2 and 4 before the words ‘the Appellate Division’ the following words shall be inserted “Section III of”.

Article 17

Article 65 shall be amended and shall read as follows:

- “1. During a transitional period, an international Registrar shall be appointed as Chief Registrar for Section I and Section II, responsible for the administration and provision of support services to Section I and Section II of the Criminal and Appellate Divisions. The transitional period shall not last more than five years.
2. The President of the Court, after consultation with the international Registrar shall be competent to assign judges of Section I and Section II of the Criminal and Appellate Divisions to any Chamber, or Panel. Section I and Section II Panels shall be composed of both national and international judges.
3. The international Registrar shall issue the Rules of Procedure for Section I and Section II of the Criminal and Appellate Divisions which shall become an integral part of the Rules of Procedure of the Court. The Registry shall establish a case allocation system for Section I and Section II of the Criminal and Appellate Divisions.
4. During the transitional period, a number of international judges may be appointed to Section I and Section II of the Criminal and Appellate Divisions. An international judge may be appointed to both Section I and Section II of the Criminal and Appellate Divisions. International judges shall not be citizens of Bosnia and Herzegovina or of any neighboring state.
5. An International judge of Section I and Section II of the Criminal and Appellate Divisions may serve as a preliminary proceeding judge, a preliminary hearing judge or as a single trial judge in proceedings before Section I and Section II of the Criminal and Appellate Divisions.
6. An International judge of Section I and Section II of the Criminal and Appellate Divisions may serve as a judge in the panel as referred to in Article 24 (6) of the Criminal Procedure Code of Bosnia and Herzegovina, including the panel as referred to in Article 16 of the Law on Protection of Witnesses under Threat and Vulnerable Witnesses of Bosnia and Herzegovina, in proceedings before Section I and Section II of the Criminal and Appellate Divisions.
7. An International judge shall not participate in the work of any panel of the Criminal, Appellate or Administrative Division other than provided for in the previous paragraphs.
8. An international judge shall not be criminally prosecuted, arrested or detained, nor shall he/she be liable in civil proceedings for an opinion expressed or decision made in the scope of his/her official duties.
9. International judges shall be authorized to use the English language in any of the proceedings of the Court of Bosnia and Herzegovina. Translation/Interpretation into one of the official languages of Bosnia and Herzegovina shall be provided by a court interpreter.”

Article 18

This Law shall enter into force eight days after the date of its publication in the “Official Gazette of Bosnia and Herzegovina”.