

## **(“Official Gazette” of the Brcko District of Bosnia and Herzegovina, No. 14/07)**

By virtue of Article 22 of the Statute of the Brcko District of Bosnia and Herzegovina (Official gazette of Brcko District of Bosnia and Herzegovina, No. 1/00, 4/00, 7/04, 20/05, 24/05 i 3/07), the Assembly of the Brcko District of Bosnia and Herzegovina, at its 6<sup>h</sup> extraordinary session, held on May 05, 2007, adopted the following

### **LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA**

#### **Article 1 (Amendment to Article 135)**

(1) In the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina (Official Gazette of the Brcko District of Bosnia and Herzegovina, Nos. 10/03, 48/04 and 6/05; hereinafter: the Code), Article 135 (*Duration of Custody in the Course of Investigation*), after Paragraph (3) a new Paragraph (4) shall be added to read:

“(4) Exceptionally and in an extraordinarily complex case concerning a criminal offense for which a long-term imprisonment is prescribed, custody may again be extended for no longer than three (3) months after the extension of the custody referred to in paragraph 3 of this Article. Such an extension may occur twice consecutively, following a substantiated motion of the Prosecutor for each extension, which needs to contain the statement of the Prosecutor about the necessary measures that have to be undertaken in order to complete the investigation (Article 225, Paragraph 3). An appeal against the decision on the custody extension shall be decided by the Appellate Court. An appeal does not stay the execution of the decision.”

(2) In the current Paragraph (4) of Article 135 of the Code, which shall become Paragraph (5), the words “Paragraph 1 through 3” shall be replaced by the words “Paragraph 1 through 4”.

#### **Article 2 (Amendment to Article 137)**

(1) Paragraph (2) of Article 137 (*Custody after the Indictment Confirmation*) of the Code shall be amended to read:

“After the confirmation of an indictment and before the first instance verdict is pronounced, the custody may not last longer than:

- a) one year in the case of a criminal offense for which a punishment of imprisonment for a term up to five years is prescribed;
- b) one year and six months in the case of a criminal offense for which a punishment of imprisonment for a term up to ten years is prescribed;
- c) two years in the case of a criminal offense for which a punishment of imprisonment for a term exceeding ten years may be imposed, but not the long-term imprisonment;
- d) three years in the case of a criminal offense for which a punishment of long-term imprisonment is prescribed.

(2) After Paragraph (2) of Article 137 of the Code, a new Paragraph (3) shall be added, which shall read:

“(3) If, during the period referred to in Paragraph 2 of this Article, no first instance verdict is pronounced, the custody shall be terminated and the accused released.”

(3) In the current Paragraph (3) of Article 137 of the Code, which shall become Paragraph (4), first and third sentences, the words “six (6) months” shall be replaced by the words “nine (9) months”.

(4) Current Paragraph (4) of Article 137 of the Code shall become Paragraph (5).

**Article 3**  
**(Amendment to Article 138)**

In Paragraph (3) of Article 138 (*Ordering Custody after the Verdict is pronounced*) of the Code, the words “a judgment becomes legally binding” shall be replaced by the words “committing the person to serve the sentence”, and the word “first instance” shall be replaced by the words “legally binding judgment”.

**Article 4**  
**(Amendment to Article 287)**

In Article 287 (*Custody After Pronouncement of the Judgment*) of the Code the words “and until the judgment becomes legally binding” shall be deleted.

**Article 5**  
**(Application of this Law)**

This Law shall apply to all cases in which the final verdict has not been rendered before the date of entry into force of this Law.

**Article 6**  
**(Entry into Force of this Law)**

This Law shall enter into force on a day after its publication in the “Official Gazette of the Brcko District of Bosnia and Herzegovina”.

No. 0-02-022-47/07  
Brcko, 23 Mart 2007

PRESIDENT OF  
THE ASSEMBLY OF BRCKO DISTRICT  
**Prof. dr. Milan Tomić**