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# LAW ON THE EXECUTION OF CRIMINAL SANCTIONS

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NOTE: Corrigenda to the Law on the Execution of Criminal Sanctions, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 42/99, is not included in this translation.

NOTE: The High Representative Decision Enacting the Law on Amendments to the Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina, No. 25/09, was published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 12/09.

# **LAW ON THE EXECUTION OF CRIMINAL SANCTIONS**

## **I. BASIC PROVISIONS**

### Article 1

This Law governs the execution of criminal sanctions in the Federation of BiH and other measures passed in criminal proceedings (hereinafter: sanctions) that are provided for in the legislation of the Federation of Bosnia and Herzegovina (hereinafter: the Federation) including sentences of imprisonment, long-term imprisonment, juvenile imprisonment, the position of persons serving prison term, treatment of inmates, release on parole, release of inmates and assistance after their having served the prison term, institutions in which prison term is served (prisons), economic departments in penitentiary institutions, labour related status of prison staff, the execution of security measures, the execution of correctional measures, the execution of institutional measures (detention orders), postponement, termination and completion of correctional measures, assistance after the termination of institutional measures (detention orders) and other issues of importance for the execution of criminal sanctions in the Federation. The issues concerning the execution of fines, sanctions passed for corporate offences and minor offence, security and correctional measures not governed by this Law shall be governed by cantonal laws.

### Article 2

The rights and freedoms of the persons against whom sanctions are executed may be restricted only insofar as it is necessary to achieve the purpose for which sanctions have been passed, in pursuance of law.

### Article 3

The execution of a sanction shall begin when the decision ordering the sanction has become finally binding and if there is no legal bar to the execution. The execution may start before the decision ordering the sanction has become finally binding only if the law provides for it specifically.

### Article 4

When requirements for the execution of sanction have been met, the competent court or the court specified in the cantonal law (hereinafter: the court) shall take necessary steps in order to start executing the sanction without delay in pursuance of this Law. The execution of sanction may be postponed only in cases and under circumstances defined by law.

## Article 5

Administration authorities, institutions and other legal persons under whose jurisdiction the implementation of medical, social welfare, correctional and other measures relevant to the execution of sanction falls, shall cooperate with the institutions/prisons.

In order to achieve the purpose of criminal sanction as completely as possible the institutions/prisons shall cooperate with the legal persons that may render them assistance in accordance with their line of work.

The institutions shall enable inmates to have access to and communication with national and international organizations and institutions that are in charge of monitoring and protecting human rights and fundamental freedoms pursuant to the domestic legislation and international instruments.

## Article 6

The person against whom a sanction is executed shall not pay costs of the execution, except for the fine and other costs provided by law.

## Article 7

Submissions, official actions, decisions and other documents related to the execution shall not be subject to payment of stamp-duty.

## Article 8

In order to monitor, study and advance the system of execution of sanctions, the Federal Minister of Justice (hereinafter: the Federal Minister) may establish a professional board consisting of representatives of scientific institutions, courts, administration authorities, professional associations and other institutions dealing with the matter of character development and crimes.

## Article 9

The affairs involved in the execution of sanctions are affairs of special interest for the Federation.

## **II EXECUTION OF SENTENCES OF IMPRISONMENT, LONG-TERM IMPRISONMENT AND JUVENILE IMPRISONMENT**

### **General Provisions**

#### Article 10

The purpose of execution of sentences of imprisonment, long-term imprisonment and juvenile imprisonment (hereinafter: sentences of imprisonment) is that during the period of serving his term, through a modern system of correctional measures, the convicted person should accept the valid system of social values with the view of easier rehabilitation in the community once he is a free man and should act as law abiding and dutiful citizen.

#### Article 11

Treatment of convicted persons shall be humane and with due respect of their human dignity and personal integrity, which, at the same time, will ensure maintenance of necessary peace and order.

No convicted person shall be subjected to torture or other cruel, inhuman or degrading treatment by official persons.

No discrimination on the grounds of convicted person's race, colour, sex, language, religion or conviction, political or other opinion, national or social origin, family relation, property or other status shall be applied in treatment of convicted persons.

#### Article 12

Any convicted person shall have the right to practise his religion freely.

The institutions shall ensure conditions under which convicted persons can practise religion in a satisfactory manner.

#### Article 13

Any convicted person shall be treated in the manner corresponding to his personality as much as possible and tuned to the progress achieved in the correctional efforts.

In order to achieve success in the correctional efforts, convicted persons shall be grouped/ classified.

#### Article 14

The sense of responsibility for one's own actions should be developed in convicted persons and they should be encouraged to contribute to their own correction.

During the prison term any convicted person shall be allowed to participate in keeping peace and order and to take part in education classes and cultural, sporting and other activities in the institution.

#### Article 15

As a rule, convicted persons shall serve their prison term together with other convicted persons.

A convicted person may be ordered to serve his prison time separated from others when the health condition of the convicted person requires so or when the law provides for it.

Male and female convicts shall serve their prison term separately. As a rule, juveniles shall serve their prison term separately from adults.

#### Article 16

Any convicted person shall enjoy rights and privileges provided for in this law, other laws and regulations enacted pursuant to the laws.

#### Article 17

Convicted persons shall be enabled to work in accordance with their physical, mental and professional abilities and with possibilities of the institution.

Work of convicted persons should be useful and performed in circumstances as similar as possible to the performance outside the institution.

The purpose of this work is to enable the convicted persons to attain or maintain or enhance skills, competence and knowledge necessary for easier rehabilitation in the community after imprisonment.

The convicted persons who work earn means for personal needs and payment of court ordered maintenance and other liabilities in pursuance of the law.

Making profit through the work of convicted persons shall be without prejudice to the achievement of the purpose of the work.

## Article 18

General and occupational education shall be provided for the convicted persons who need it.

With the view of convicted persons' achieving general knowledge and correcting their behavior various forms of education, courses of lectures, elective activities, culture related activities and physical education shall be organized and books, press and other mass media shall be accessible to them during the prison term.

## Article 19

In order to encourage inmates to take effort to easier rehabilitate in the community after having served the prison term, the inmates, who are reasonably expected to rehabilitate well in the community and not to fall into recidivism when released, may be released on parole in pursuance of the Criminal Code of the Federation of Bosnia and Herzegovina (hereinafter: Criminal Code of the Federation).

## Article 20

Competent authorities, institutions and other legal persons shall render assistance to the inmates who are released from prison in order for them to rehabilitate faster in the community.

## **2. Sending A Convicted Person to Serve His Prison Term**

### Article 21

A convicted person shall be sent to serve his prison term in an appropriate institution in accordance with the finally binding decision of court ordering the imprisonment.

### Article 22

A convicted person shall be sent to serve his prison term by the court in whose jurisdiction the person resides permanently or temporarily.

### Article 23

The court shall take steps required for the execution of the sentence of imprisonment immediately upon receipt of the finally binding decision and at the latest within three days after the receipt.

## Article 24

The court shall summon a convicted person, who is at liberty, to inform him about the date when he is to report to the particular institution to start serving his term.

The date shall be assigned so that the convicted person shall have from minimum eight days to maximum 15 days before he reports to the institution to start serving his term.

While informing the convicting person the court shall give him the letter of confinement (uputni akt) and a ticket if he is to take public transport to the institution. At the same time or three days after the convicted person was informed at the latest, the court shall inform the institution about the date when the convicted person will report to it to start serving his term.

The court shall send to the institution a copy of the verdict and the criminal record enclosed to the letter of confinement.

The institution shall inform the court within eight days that the convicted person started serving his term.

If a convicted person, who is at liberty, does not report to the institution to start serving his term, the institution shall inform the court within three days after the assigned date that the convicted person has not reported to the institution.

If a duly summoned and instructed convicted person has not reported to the institution by the deadline, the court shall order for the convicted person to be apprehended by the judicial police.

If a convicted person is hiding or has escaped, the court shall issue a warrant for his arrest and shall forward it to the competent law enforcement agency.

When the convicted person has been apprehended he shall be brought under police escort to the institution.

The costs incurred by bringing a convicted person in situations under paragraph 8 and 9 of this article shall be paid by the convicted person.

## Article 25

The commencement of serving the term shall be counted from the date when the convicted person reported to the institution or the date when he was brought to the institution by police.

## Article 26

If the convicted person who is being sent to serve his prison term has minor dependants or other dependants of whom he alone takes care, the court shall inform the competent social welfare authorities.

The Federal Minister in agreement with the Deputy Federal Minister shall enact the Rules on the Criteria for Sending Convicted Persons to Serve Prison Term.

### **3. Postponement of the Execution of Sentence of Imprisonment**

## Article 27

At the request of convicted person or request of his family members filed with his consent or at the proposal of the competent social welfare authorities, the execution of sentence of imprisonment may be granted to the convicted person, who is at liberty, if

- 1) he suffers from a serious disease,
- 2) a convicted person's family member has died or developed a serious disease,
- 3) the postponement is required for the reason that works on the farm or seasonal works or works caused by an act of God or some accident have to be done whereas the convicted person's family has no other members of family fit for work and due to straitened circumstances of the family nobody can be paid to perform the works,
- 4) the convicted person is obliged to finish some works he has already begun whereas non-performance will bring about irreparable or significant damage,
- 5) the postponement is required for the reason that the convicted person will complete his schooling or take the examination he has been preparing,
- 6) his/her spouse or other member of his/her household has received a sentence of imprisonment together with the convicted person or if they have been already serving their prison term and simultaneous serving their prison terms would threaten the maintenance of minor, ill or old members of the household,
- 7) the convicted person is a woman breast-feeding her baby under one year old or a pregnant woman,
- 8) the convicted person is the breadwinner in the family whereas his imprisonment would threaten the maintenance of members of the household.

The postponement under item 1 of paragraph 1 of this article may last as long as the disease lasts, the postponement under items 2 through 4 may last three months at the longest, the postponement under items 5, 6 and 8 may last six months at the longest and the postponement under item 7 may last until the child turn one year.

## Article 28

The request for a postponement of the execution of sentence of imprisonment shall be filed within three days after the date when the letter of confinement under article 24(1) is given to the convicted person.

If the reasons for the postponement under article 27(1) and 27(2)(1) have arisen after the time limit, the request may be filed until the date when the convicted person is to report to the institution.

The request shall contain reasons and evidence of facts that substantiate the postponement.

The request for a postponement of the execution of sentence of imprisonment shall be decided by the president of court who shall issue a decision within five days of the receipt of the request.

Before issuing the decision the court may perform some verification in order to find facts alleged in the request.

Any request that has not been filed to meet the deadline or does not contain reasons, evidence and facts shall be dismissed by the court by issuing a decision (rješenje) on it.

If a request has been submitted to state the same reasons as the previous one that was dismissed, the court shall reject it.

#### Article 29

A convicted person is entitled to file an appeal against the decision dismissing or rejecting his request within three days of the receipt of the decision issued by competent cantonal court.

The appeal shall stay the execution.

The competent cantonal court shall issue a decision on the appeal under paragraph 1 of this article within three days of the receipt of the appeal and within five days after the issuance of decision it shall send it to the court responsible for the execution of sentence of imprisonment.

No administrative dispute is allowed to contest the decision on appeal under paragraph 3 of this article issued by the cantonal court.

The court shall inform the institution in which the convicted person is to be sent about the postponement of the execution of sentence of imprisonment.

#### Article 30

A convicted person who has been summoned to serve in the army shall be sent to serve his prison term before serving in the army. A postponement of the execution of sentence of imprisonment shall be granted to the person who has received a sentence of up to six months' imprisonment during his service in the army or military exercises for a

criminal offence committed before he started serving in the army or performing military exercises until the service or exercises have been completed.

A postponement of the execution of sentence of imprisonment shall be granted to the person who has received a sentence of up to two years' imprisonment for a criminal offence committed before he started serving in the army if there are less than six months of the service to go.

#### Article 31

When the competent prosecutor requests a postponement of the execution of sentence of imprisonment in pursuance of his statutory powers, the court shall not summon the convicted person to send him to serve his prison term and, if it has already summoned him and the deadline for his reporting to the institution has not expired yet, the court shall issue a decision on the postponement of the execution of sentence of imprisonment.

The postponement of the execution of sentence of imprisonment under paragraph 1 of this article shall last until the prosecutor has informed the court that the sentence may be executed or until a decision on legal remedy is issued by the prosecutor.

### **4. Admittance and Classification of Inmates**

#### Article 32

A convicted person shall be admitted in an institution on the basis of the letter of confinement.

While being received in the institution, his identity shall be verified and he shall be placed in the admittance ward.

A person having received a sentence of up to one year shall be kept in the admittance ward for up to 15 days and a person having received a sentence of more than one year shall be kept in the admittance ward for 30 days maximum.

#### Article 33

At the admittance all convicted person's money, valuables and other personal belongings, which an inmate is not allowed to possess in pursuance of the Prison Rules, shall be placed in a safe place and an inventory shall be made.

The property under paragraph 1 of this article shall be returned to the convicted person when he is released or shall be given to his family with his consent.

#### Article 34

In the admittance ward the convicted person shall be entered in the prison register (maticna knjiga), a prison file (osobni list) shall be opened for him and his health condition shall be established.

A person having received a sentence of more than six months shall be photographed.

While the convicted person is in the admittance ward, a proposal for the corrective training (tretman) of the convicted person shall be made.

The instructions on the prison registry, the prison file and the manner of determining the corrective training (tretman) shall be enacted by the Federal Minister.

#### Article 35

While serving his prison term any convicted person may be reclassified depending on the progress achieved in the correctional efforts (tretman).

#### Article 36

At the beginning of imprisonment a convicted person shall be informed about prison rules, his rights and responsibilities during the imprisonment, the manner of exercising his rights and disciplinary offences and punishments imposed for them.

During the imprisonment inmates shall have access to provisions of this law and other regulations respecting the execution of sentence of imprisonment and relevant to inmates' rights and responsibilities, which shall be in charge of the governor.

#### Article 37

The institution shall immediately inform the competent Ministry of the Interior office in whose territory the convicted person has permanent or temporary residence and the competent Ministry of Defence office that has the convicted person in its military register (hereinafter: the competent Ministry of Defence office) about the date of beginning of imprisonment and the date of release from prison.

### **III THE POSITION OF PERSONS SERVING THEIR PRISON TERM**

#### **1. Accommodation and Hygienic Conditions**

#### Article 38

Accommodation of inmates shall meet hygienic requirements set forth in this law and shall be suitable for the local weather.

## Article 39

As a rule, each inmate shall have a separate room for sleeping except in the event that accommodation in rooms shared by inmates is deemed to have particular advantages.

Each inmate shall have a separate bed and bed linen.

Social life of inmates shall be ensured in the working place, during education courses, meals and elective activities, in the sitting room and in similar occasions.

## Article 40

In all rooms where inmates live, health and hygienic needs shall be met, sufficient amount of air, light, heat and ventilation shall be provided as well as 4 square meters with at least 10 cubic meters of room per an inmate.

In all rooms where inmates live, windows shall be big enough to make working and reading possible in daylight under normal conditions, to let fresh air in, unless air-conditioners are installed, and to be of standard appearance and size.

The artificial light shall conform to valid standard quality.

The toilet facilities shall ensure adequate meeting of physiological needs of inmates under clean and decent conditions.

Inmates shall be provided with bathroom facilities to have a bath or shower with water of temperature suitable for the climatic conditions at intervals that enable normal personal hygiene, once a week at least. All rooms of institution shall be duly maintained and cleaned.

## Article 41

Inmates shall ensure personal hygiene and water and toilet articles shall be provided for them.

For medical reasons and in order to keep their self-respect, inmates shall be allowed to grow normal beard and hair or shave regularly.

## Article 42

The institutions that do not meet requirements under articles 38 through 41 of this law shall not admit inmates, which is the Federal Minister's duty to decide.

## **2. Clothes and Food**

#### Article 43

Inmates who are not allowed to wear their own clothes shall have clothes and footwear that are suitable for the climatic conditions so that their health will not be harmed.

The clothes that the institution provides for the inmates shall not be degrading or humiliating.

The Prison Rules on Inmates' Clothes and Footwear shall be enacted by the Federal Minister.

#### Article 44

Inmates shall be provided with food at regular intervals, in meals whose quality and quantity shall meet nutritional and hygienic standards and shall fit the age, the health condition, the type of work the inmates perform and their cultural and religious customs.

Adult inmates shall get food of the calorific value of at least 12,000 joules per day and juvenile inmates shall get food of the calorific value of at least 14,500 joules per day.

The Prison Rules on Inmates' Food and the Chart of the Calorific Value of Food shall be enacted by the Federal Minister.

### **3. Health Care**

#### Article 45

Inmates shall be provided with medical care and hospital treatment.

The costs of health care shall be paid by the institution unless the inmate is found to have injured himself on purpose.

#### Article 46

Every institution should have its own doctor and organized health service if possible.

The doctor shall decide on whether an inmate will be taken to the prison hospital or prison patient's room.

In the event that medical treatment is not available in the institution, an ill inmate shall be sent to an institution in which medical treatment is available.

In the event of emergency or running risk with the long duration of transport to the other institution or unavailable specialized treatment in the other institution, an ill inmate shall be sent to hospital and the governor shall decide the issue.

The time in hospital shall be counted in the term served.

#### Article 47

An ill inmate is entitled to ask for a specialist doctor's examination at his expense if the prison doctor has not decided on the examination.

#### Article 48

The female inmates who are pregnant or new mothers shall be provided with medical care.

At the mother's request, a child may stay with his mother until he/she turns three, and afterwards, in agreement with the mother, he/she shall be handed over to the family or competent social welfare authorities that shall take necessary steps to place the child appropriately.

A pregnant female inmate may only do light work and six months before and six months after childbirth she may only do what the doctor allows her.

#### Article 49

An inmate who develops a mental disease or shows signs of mental disorder shall be sent to an appropriate mental institution.

#### Article 50

No medical operation required by inmate's health condition shall be performed without the inmate's consent except in cases provided for in the health legislation.

#### Article 51

In the event of an accident at work or occupational disease, inmates are entitled to disability benefit in pursuance of the pension scheme legislation.

### **4. Restriction of Inmates' Movement and the Right to Communicate**

#### Article 52

The use of restraining devices such as cuffs, strait-jackets and other devices for restriction of movement shall be used only as a measure to prevent escape of inmate being brought under police escort or for medical reasons, by doctor's order or upon

medical examination, in order to prevent the inmate from inflicting injuries on himself and causing damage to property.

Restraining devices shall not be used as means of punishment.

#### Article 53

Inmates are allowed to have a conversation with the officer in charge of supervision over the execution of sentence of imprisonment and other official persons visiting the prison.

The conversation under paragraph 1 of this article shall be carried without the presence of members of prison staff.

Inmates are allowed to send requests, complaints and other submissions to competent authorities to seek redress for violations of their rights.

The requests and complaints shall be decided without delay.

#### Article 54

Inmates shall be allowed to communicate with their families and individuals or organizations that can help in the correctional efforts.

#### Article 55

Inmates are entitled to be informed about news worldwide through daily and periodical newspapers, radio, TV and other suitable manner, which shall be in charge of the governor.

The convicted persons who are aliens shall be informed about the right to get in touch with a diplomatic or consular official of the country whose citizens they are or a diplomatic or consular office of a foreign country representing the country whose citizens they are or a national or international organizations whose responsibility is to act in the interest of such persons.

#### Article 56

In the event of a serious disease or death of an inmate the prison administration shall immediately inform the inmate's family or the person earlier designated by the inmate about it.

An inmate shall be informed about a serious disease or death of the inmate's member of family.

In the case under paragraph 1 of this article, if possible, the inmate shall be given leave of absence to see the deceased member of family or to attend the funeral.

The mortal remains of an inmate shall be delivered over to his family or shall be buried in the cemetery designated by the institution.

#### **IV INTERRUPTION OF IMPRISONMENT AND TRANSFER**

##### Article 57

An inmate may be allowed to interrupt the imprisonment.

Provisions of articles 27 through 29 and 31 shall be applied accordingly in the event of interruption of imprisonment.

The imprisonment shall be also interrupted when the court orders his pre-trial detention of the inmate because of another criminal offence he has committed.

The court that passed the original verdict shall decide on the interruption of imprisonment by issuing a decision (rješenje).

In the case under paragraph 4 of this article the court shall sit in three members' panel.

##### Article 58

The inmate's request and the institution's opinion shall be forwarded to the court within 15 days.

##### Article 59

The inmate may lodge an appeal against the decision under article 57 of this law to the appeal court within eight days of the receipt of the decision.

The decision passed on the appeal is finally binding and no administrative dispute shall be brought to contest it.

The time of the interruption of imprisonment shall not be counted in the term served.

##### Article 60

If during the interruption of imprisonment it has been established that the circumstances over which the interruption of imprisonment was allowed have ceased to exist or that the interruption of imprisonment was granted on grounds of false documents or other false evidence or that the interruption of imprisonment is not serving the purpose

for which it was granted, the decision under article 59 of this law shall be revoked and the convicted person shall be ordered to report for the continuation of imprisonment immediately or within three days of the receipt of decision at the latest.

The decision under paragraph 1 of this article shall be sent to the institution and the convicted person.

If the convicted person fails to report for the continuation of imprisonment within the time limit set forth in the decision, the institution shall proceed in pursuance of article 24(7) through 24(9) of this law.

## **2. Transfer of Inmates**

### Article 61

After an inmate has served one third of his term, at the request of inmate or on the proposal of governor, a transfer of the inmate to another institution may be granted.

The Federal Ministry of Justice (hereinafter: the Federal Ministry) shall decide on the transfer after having got an opinion of the institution.

The inmate may lodge an appeal against the decision under paragraph 2 of this article to the Federal Minister.

If the request under paragraph 1 of this article was rejected, a new appeal may be lodged after the lapse of six months counting from the date of issuance of the decision under paragraph 2 of this article.

## **V TREATMENT OF INMATES**

### **1. Inmates' Work and Remuneration**

#### Article 62

Work to be performed by inmates shall be assigned in accordance with their corrective training, psychological and physical abilities, aptitudes, personal characteristics and achieved skills, possibilities of the institution and peace and order related requirements.

In assigning work to inmates their preferences concerning the type of work shall be taken into account as well.

Organization and methods of work performed in the economic departments of penitentiary institution should conform to modern labour standards and techniques and a state-of-the-art management of production.

#### Article 63

Inmates fit for work shall work in economic departments (plants, workshops, farms and other operational units) of the penitentiary institution, on building sites outside the penitentiary compounds and outside penitentiary institution in general.

Individual inmates may be sent to work outside the institution only with the approval of the Federal Minister.

#### Article 64

The convicted person who has received a sentence of up to six months' imprisonment and who is in full-time employment may continue working in the company he has been working in if the institution and the convicted person agree with it and if it is feasible given the particular distance between the company and the institution, which shall be decided by the Federal Minister.

Mutual rights and responsibilities in a case under paragraph 1 of this article shall be stipulated in an agreement between the governor and the competent person in the company.

#### Article 65

The profit made through the work of inmate should not take priority over inmate's corrective training (tretman).

#### Article 66

Working hours of inmates shall be determined in pursuance of labour law legislation respecting working hours of employees in companies (hereinafter: labour law legislation).

#### Article 67

Safety at work regulations shall be applied to work of inmates at the same level as in companies in which similar jobs are performed.

#### Article 68

Inmates are entitled to the same social security scheme insuring them against accident at work and occupational disease under same terms and conditions as employees in companies.

#### Article 69

Maximum working hours of inmates per day and per week should be in line with working hours set forth in the labour law legislation.

#### Article 70

Inmates are entitled to daily recess and at least one day off work per week and to have time enough to study and perform other activities in accordance with their corrective training programme.

#### Article 71

Inmates who live and work in closed space shall be allowed to spend at least three hours in the open air.

#### Article 72

Inmates are entitled to remuneration for their work.

The remuneration shall depend on the type of work, its quality and quantity, the length of working hours and contribution towards productivity and profitability of the business.

The remuneration shall be from one third to one half of the wage that can be earned in companies for the same or similar work.

Remuneration for overtime, work at night and work under difficult conditions shall be computed in pursuance of the labour law legislation or on the basis of a contract if the latter is more favourable for inmates.

Inmates who attend practical skills training are entitled to 70 % of the average remuneration under paragraph 3 of this article.

#### Article 73

The governor shall enact the Prison Rules on Remuneration with approval of the Federal Minister.

#### Article 74

The inmates who do not work and have not their own means at all shall receive the required articles to meet the most essential needs (toilet articles, articles for correspondence and the like).

#### Article 75

The inmate who has developed an occupational disease in the institution is entitled to benefit during the period of inability to work in pursuance of the health insurance legislation, unless the inmate has injured himself on purpose.

#### Article 76

An inmate shall have the remuneration at his disposal.

As an exception to paragraph 1 of this article, half of the remuneration may be attached for the payment of court ordered maintenance of children, spouse or parents, as a compensation for damage caused by the criminal offence or other liabilities.

#### Article 77

The governor may issue a decision (rješenje) ordering for a portion of an inmate's remuneration or money he brought on him when admitted to the institution or money sent to him to be attached in compensation for damages caused by the inmate on purpose or through gross negligence during the imprisonment or for the payment of costs incurred by bringing an inmate to the institution under police escort after the inmate's escape or other instances of bringing an inmate to the institution under police escort provided for in this law as cases where the inmate pays costs of bringing him to the institution under police escort.

The inmate may lodge an appeal against the decision of governor to the Federal Minister within 15 days of the receipt of the decision.

No administrative dispute to contest the decision under paragraph 2 of this article shall be brought.

If the damage exceeds the amount of 300 KM and the inmate does not consent to the payment the institution may claim damages before the competent court.

#### Article 78

Inmates shall receive rewards for inventions and technical improvement they made during imprisonment in pursuance of the generally applied legislation.

#### Article 79

The inmates who have been performing regular work for six months altogether, including the time of medical treatment, unless they injured themselves on purpose, are entitled to leave of absence from work for at least 18 consecutive days and maximum 30 consecutive days in a year.

Compensation to be paid to inmates during the leave shall be determined in pursuance of the labour law legislation.

Duration and manner of having the leave shall be regulated in the Prison Rules.

#### Article 80

When the labour law legislation provides for the recognition of time spent in a particular post as the basis for acquiring qualification for the post, the time spent in the institution in the same post shall be recognized as the basis for acquiring qualification for the post as well.

## **2. Education of Inmates**

#### Article 81

If juvenile inmates and junior adult inmates have not completed eight years' primary school, the institution shall organize training courses with the view of enabling them to complete primary school and vocational school and to acquire qualifications in pursuance of laws on primary and secondary education.

The training courses under paragraph 1 of this article shall be organized for other inmates for whom it is useful and needed.

If it is more convenient the institution may organize the training courses under paragraph 1 of this article in cooperation with local schools, entering into a contract with them.

Inmates may be enrolled in correspondence courses at all level of education outside the institution if the security allows it. The corrective training programme shall include it if it is deemed to be needed and useful for accomplishing the purpose of punishment.

The inmates who complete particular school or gain particular qualification in the institution shall be given a certificate of education.

The certificate shall not indicate that the general education or qualification has been gained in an institution.

#### Article 82

Schools that are established in institutions shall conform to the laws on primary and secondary education of the canton in whose territory the institution is located.

### Article 83

Every institution should have a library to be at disposal of inmates from all classes.

The library should be well-stocked with a large variety of belles-letters and scientific books and constantly supplied with new books in accordance with available funds.

Inmates should be allowed to read their own books as well.

If possible the library should be organized in cooperation with the local library.

### Article 84

During inmates' free time elective activities (physical education and different forms of cultural and educational activities) shall be organized in the institution as a supplemental form of general, physical and occupational education in order to make inmates to fall into good habits of rational use of free time they will practise once they are released.

In order to perform activities under paragraph 1 of this article inmates may establish sports, acting, literary, musical and other groups and hold performances and contests.

## **3. Rights and Privileges**

### Article 85

Inmates are entitled to receive official papers from authorities and institutions and send submissions to them in order to have their rights redressed and statutory interests protected, without restrictions or control.

Aliens may turn to a diplomatic or consular office of the country whose citizens they are or a diplomatic or consular office of a foreign country protecting interests of the country whose citizens they are, unless otherwise provided for in a separate law.

Stateless persons and refugees may turn to the institutions that protect their interests in pursuance of international law.

#### Article 86

Inmates are entitled to correspondence with their family members without any restriction.

#### Article 87

Inmates are entitled to be visited by their family members and, with the approval of the institution, other individuals in pursuance of the Prison Rules.

If an inmate is an alien, a consular officer of the country whose citizen he is or a consular officer of a foreign country protecting interests of the country whose citizens he is, shall have the right to visit the inmate within limitations set forth in the Prison Rules.

The right under paragraph 2 of this article shall be denied insofar the right is denied to a diplomatic or consular official of Bosnia and Herzegovina in the country whose citizen the inmate is, unless otherwise provided for in a separate law.

If an inmate is a stateless person or refugee, he is entitled to be visited by an international organization, which protects rights of stateless persons and refugees, in pursuance of the Prison Rules.

#### Article 88

Inmates are entitled to receive from their family members parcels with underwear, personal belongings, newspapers, books and money to spend, in pursuance of the Prison Rules.

#### Article 89

Any inmate may be allowed to spend a weekend at home depending on the progress achieved in the correctional efforts, possibilities and needs of the institution and when security of the individual inmate allows it.

#### Article 90

In the event of a serious disease or death of an inmate's member of family, the inmate shall be granted leave of absence of up to seven days.

#### Article 91

An institution may grant other privileges provided for in the Prison Rules to the inmates for good behaviour and dedication to work and if it deems that it will influence the inmates in a positive fashion.

#### Article 92

Any inmate is entitled to lodge a complaint against members of prison staff about a violation of his right to the Federal Ministry or competent cantonal administrative body.

#### **4. Disciplinary Responsibility**

##### Article 93

Inmates shall be held disciplinary responsible for any behavior in violation of laws, the Book of Prison Rules or orders given by prison staff.

The behaviour under paragraph 1 of this article constitutes a disciplinary offence.

Disciplinary offences are classified as serious and minor ones.

Serious disciplinary offenses are as follows:

- 1) disobedience of orders given by prison staff,
- 2) active or passive resistance to prison staff,
- 3) escape or preparation of escape from prison or helping others in escaping or preparation of escape,
- 4) leaving the institution or working place without permission of authorized person,
- 5) consuming and taking alcohol and drugs in the prison,
- 6) unlawful possession of articles,
- 7) inexcusably delayed returns when going out or from leave of absence or annual leave,
- 8) brawls and fights among inmates,
- 9) making articles or doing private jobs for oneself or others without orders given by prison staff,
- 10) singing, making noise, shouting from one room to another, out of the window or in corridors, making a line-up, entering or leaving the building disorderly,
- 11) rude behavior towards the prison staff,
- 12) avoiding the exchange of greetings with prison staff,
- 13) keeping sitting rooms, linen, clothes and shoes untidy,
- 14) smoking in non-smoking designated areas, throwing away litter and cigarette butts in corridors and prison compound,
- 15) entering bedrooms and other rooms at restricted hours,
- 16) any resale or barter of articles among inmates, thefts, gambling, playing illicit games,
- 17) bringing in the institution articles the possession of which is restricted to inmates,
- 18) any other acts banned by the Prison Rules, instructions or orders given by the governor.

Minor disciplinary offences shall be defined in the Prison Rules.

#### Article 94

Disciplinary proceedings against an inmate may be instituted by the governor and wardens of operational units of the institution.

Inmates shall not be punished collectively for a disciplinary offence and they shall not be punished twice for the same act either.

#### Article 95

If an inmate commits another criminal offence punishable by a fine or a sentence of up to one year of imprisonment while serving his term in the institution, he shall be punished by a sentence provided for a serious disciplinary offence.

#### Article 96

For a minor disciplinary offence, an inmate may receive the following sentences:

- 1) admonition and
- 2) public admonition.

For a serious disciplinary offence, an inmate may receive the following sentences:

- 1) a fine,
- 2) putting him in solitary confinement for up to 20 days.

The fine may amount to maximum 15 % of the average remuneration the inmate received for his work in the institution in the last month.

The sanction of solitary confinement shall be passed only for disciplinary offences under items 1 through 8 of paragraph 4 of article 93 of this law.

#### Article 97

The disciplinary committee, which shall be appointed by the governor, shall conduct disciplinary proceedings and pass disciplinary sanctions.

During the proceedings the inmate shall be allowed to present his defence.

After a disciplinary sanction under paragraph 2 of article 96 of this law was passed, it may be conditionally suspended for a period of up to six months.

The conditional suspension shall be revoked if the inmate receiving the conditionally suspended sentence receives another disciplinary sanction within the period of suspension.

An inmate is entitled to lodge an appeal against the disciplinary committee's decision on disciplinary sanction to the governor within 15 days counting from the date of receipt of decision.

The governor's decision on the appeal is finally binding and no administrative dispute shall be brought.

#### Article 98

The sanction of solitary confinement shall not be executed if its execution will jeopardize the inmate's health, which the prison doctor shall give his opinion of in written.

While undergoing the sanction of solitary confinement, the inmate shall have adequate hygienic and medical conditions.

#### Article 99

A measure of solitary confinement may be ordered against the inmate who, owing to his behaviour, poses a serious threat to the security of others and property of the institution, which may last for up to one sixth of the term and solitary confinement shall not last for more than three consecutive months.

The inmate ordered to serve the measure of solitary confinement shall be kept apart from other prisoners.

The execution of the measure of solitary confinement shall be terminated if, in a medical opinion, it is found that the physical and mental condition of the inmate does not allow his solitary confinement any further.

The measure of solitary confinement may be terminated before the expiration of its term if during the term it is found that the reasons for ordering it have ceased to exist.

During the term of sanction of solitary confinement or a measure of solitary confinement the inmate shall be seen by the prison doctor every day.

The decision in the a under paragraph 1 of this article shall be passed by the governor in agreement with the Federal Minister and the decision in a case under paragraphs 3 and 4 of this article shall be passed by the governor.

The inmate may lodge an appeal against the decision under paragraph 1 of this article to the Federal Minister within 15 days of the receipt of the decision.

The decision on the appeal under paragraph 7 of this article is finally binding and no administrative dispute shall be brought to contest it.

The Federal Minister shall enact the Prison Rules on the Conditions and Manner of Execution of Sanction of Solitary Confinement and the Measure of Solitary Confinement.

## **5. Book of Prison Rules**

### Article 100

The Book of Prison Rules shall govern in details the organization and way of living of convicted persons who are serving prison term in institutions and particularly the following: admittance area, acquaintance with the Book of Prison Rules and other regulations; accommodation, food and clothing; manner of receiving medical care and taking hygienic measures; manner and conditions for practising religion; correspondence, receiving visits and mail, conditions and manner of disposal of money received through remuneration, bonuses and by mail, manner of taking consecutive days of annual leave; maintaining order and peace; the procedure for passing disciplinary sanctions and measures of solitary confinement; conditions and manner of the execution of disciplinary sanctions; types of privileges and requirements for having them granted and exercising them; restrictions for receiving mail and visits and for exercising privileges; manner of organizing cultural and educational activities, entertainment and sporting and elective activities; manner of releasing from prison and assistance after the release and other issues that may be of importance for conditions and manner of serving prison term.

The Book of Prison Rules shall be passed by the governor in agreement with the Federal Minister.

## **VI EXECUTION OF JUVENILE IMPRISONMENT**

### Article 101

Provisions of this law shall apply to the execution of juvenile imprisonment unless otherwise provided in articles 101 through 107 of this law.

### Article 102

The sentence of juvenile imprisonment is imposed on senior juveniles in special penal and correctional institutions for juveniles – prisons for juveniles or separate juvenile wards in prisons, where they can stay until they reach twenty-three, if until that time they do not complete serving the sentence, they will be sent to prison for adults.

As an exception to paragraph 1 of this article, a person who is twenty three can stay in prison for juveniles or a separate juvenile ward in a prison, but only for as long as it is necessary for completion of his schooling or training and until he turns 25 at the latest.

Convicted juveniles shall have premises separated from convicted adults, if they serve prison term in a separate juvenile ward in prison.

#### Article 103

Primary and secondary school shall be established in any institution for juvenile imprisonment or any separate juvenile ward in the institution in pursuance of the laws on primary and secondary education or classes of primary and secondary school for education and schooling of convicted juveniles shall be established in cooperation with the local primary and secondary school.

In order to complete schooling he has started a juvenile inmate may be exceptionally allowed to attend school outside the institution under supervision of a prison office, if security and corrective training allow it.

#### Article 104

Juvenile inmates are allowed to do physical exercises in the institution.

#### Article 105

Juvenile inmates shall not be restricted in correspondence with their parents and other members of family.

#### Article 106

The governor may give a leave of absence to a juvenile inmate, who behaves well and dedicates to school and work, to visit his parents and other members of family.

#### Article 107

A sanction of solitary confinement lasting for more than 5 days shall not be passed on a juvenile inmate.

A juvenile inmate who attends school shall be allowed during the term of solitary confinement to attend classes regularly, read school books and do homework.

A measure of solitary confinement shall not be passed on a juvenile inmate.

## **VII RELEASE ON PAROLE, RELEASE FROM PRISON AND ASSISTENCE AFTER THE RELEASE**

### **1. Release on Parole/Conditional Release**

#### Article 108

The Commission for Release on Parole shall decide on conditional release of convicted persons in pursuance of the Criminal Code of the Federation.

Conditional release of convicted persons who are serving prison term in the Federation shall be decided by the Commission appointed by the Government of the Federation of Bosnia and Herzegovina (hereinafter: Federation Government).

The Commission for Release on Parole shall have the chair, four members and their deputies.

The Commission for Release on Parole shall consist of representatives of the Supreme Court of the Federation of Bosnia and Herzegovina, the Federal Prosecutor's office, the Federal Ministry and other federal administrative bodies whose competence are social welfare and defence.

The Commission for Release on Parole shall enact the Rules of Procedure.

#### Article 109

The Commission shall decide on release on parole on the basis of a request lodged by inmate or his family members or on the basis of the governor's proposal.

The requests or proposals shall be forwarded to the Commission thorough the institution.

The institution shall enclose information about the progress in the inmate's corrective training and other pieces of information relevant to the Commission's decision, as well as an opinion about grounds for release on parole.

#### Article 110

The Commission may issue only one decision if it is deciding several requests of inmates.

The decision shall be sent to the institution which shall inform about it the inmate in written and the court that has sent the inmate to serve the prison term if the decision is in favour of the inmate and if it is against the inmate it shall inform about it only the inmate.

If the applicant was a family member the Federal Minister shall inform him about the outcome of request.

#### Article 111

No appeal is allowed against the decision of the Commissions nor shall any administrative dispute be brought to contest it.

## **2. Release from Prison**

#### Article 112

An inmate shall be released from prison on the date when the term of sentence has expired or when the term of release on parole has begun.

If the last day of the term of sentence falls on a non-working day the inmate shall be released on the preceding working day.

As an exception to paragraph 2 of this article, if an inmate is serving prison term in substitution of a fine, he shall be released on the non-working day.

The institution shall inform the court within eight days that the convicted person was released from prison.

#### Article 113

Any inmate being released is entitled to have the costs of transport to his home or a family member's home paid and if the inmate is a foreigner it shall apply to the costs of transport to a border crossing.

The institution from which the inmate has been released shall pay the costs.

If an inmate being released has not his own cloths and shoes nor has any money to buy, then the institution shall provide him with them free of charge.

If an inmate being released is seriously ill and in no condition to travel, the institution shall place him in the nearest hospital for treatment. If the inmate has not means to cover the costs, the institution shall cover them in the first month and costs incurred afterwards shall be paid by the municipality in whose territory the inmate had permanent residence at the time of starting serving the term.

#### Article 114

An inmate released on parole shall indicate the place where he is going to reside during the period of conditional release. Upon his arrival to the place the inmate shall report to the authorities under article 37 of this law.

In the event of changing his address the inmate shall notify the authorities under paragraph 1 of this article of his new address.

#### Article 115

The inmate who has served the prison term or has been released on parole shall get a confirmation of the served prison term or release on parole.

The governor shall issue the confirmation under paragraph 1 of this article.

The form and contents of the confirmation shall be defined by the Federal Minister.

### **3. Assistance after the Release of Convicted Person from Prison**

#### Article 116

If after release from prison an inmate needs assistance, the institution shall inform about it the social welfare authorities in the territory of his permanent residence in a timely fashion.

#### Article 117

The competent social welfare authorities shall render assistance to inmates having been released from prison, according to their possibilities, to easier rehabilitate in the community and shall develop their sense of responsibility for active participation in solving their own problems.

The assistance shall include temporary accommodation and food, urgently needed medical treatment, finding new community to place the inmate, sorting out domestic circumstances, finding employment and completing occupational training and giving money for the most essential needs.

#### Article 118

The institution shall allow health care authorities, social welfare authorities, employment agencies and other concerned organizations to visit inmates in order to get familiar with their personal and family troubles, to participate in solving them and to organize their reception after release from prison.

## **VIII INSTITUTIONS FOR THE EXECUTION OF SENTENCES OF IMPRISONMENT**

### **1. General Provisions**

#### Article 119

Institutions for the execution of sentence of imprisonment in pursuance of this law are separate Federal institutions.

The institutions under paragraph 1 of this law are penal and correctional institutions (prisons/institutions) that shall be established in pursuance of this or some other specific federal law.

The penal and correctional institutions (prisons/penitentiary institutions) shall not have the status of a legal person.

The legislation respecting federal administrative bodies shall apply also to issues of organization and manner of work of institutions under paragraph 2 of this article shall, unless this law specifies otherwise.

All sentences of imprisonment passed in criminal proceedings shall be executed in the institutions.

### **2. Organization of Penal and Correctional Institutions (Penitentiary Institutions)**

#### Article 120

The penitentiary institutions shall be established as:

- 1) prison for men,
- 2) prison for male juveniles,
- 3) prison for women,
- 4) prison for female juvenile,
- 5) prison hospital.

Separate wards for the execution of juvenile imprisonment and separate wards for the execution of correctional measure of sending an offender to the corrective training institution may be established within the institutions under items 1 and 3 of paragraph 1 of this article.

#### Article 121

According to the level of security and restriction of movement of inmates and measures of correctional treatment applied to them, an institution may be classified as closed, semi-open or open institution.

In closed institutions, semi-open wards may be established and in semi-open institutions, open wards may be established.

#### Article 122

The structure of institution shall be governed in the Rules on Prison Structure that shall be enacted by the governor with approval of the Federal Minister.

As a rule, operational units to deal with security, education and corrective training, health care, employment of inmates and administration, finance and logistics (opći i zajednički poslovi) shall be established in an institution.

The Rules on Prison Structure may provide, depending on needs and the nature of affairs, for the establishment of other operational units in pursuance of the legislation governing principles of determining the structure of federal administrative bodies and institutions.

### **3. Prison Administration and Prison Staff**

#### Article 123

An institution shall be managed by the governor.

A deputy governor shall be employed to replace the governor in the event of his absence or inability to work and to assist the governor in performing his jobs within his competence.

The governor and deputy governor shall be appointed and dismissed by the Federation Government without an open competition procedure.

The governor and deputy governor shall be appointed for a four years' term and may be re-appointed.

A person, who has bachelor's degree and at least five years of experience gained after the graduation, may be appointed governor or deputy governor.

The governor and deputy governor shall not belong to the same constituent ethnic group.

The governor shall organize the work of the institution, coordinate the operational units, ensure regular and legal operation of the institution, represent the institution and perform other jobs in his competence provided for by law and regulations.

The governor and deputy governor shall report to the Federation Government and Federal Minister.

## Article 124

Supervisors shall assist the governor in managing particular lines of work.

The supervisory staff shall consist of assistants and advisors.

The assistants and advisors shall be appointed by the governor without an open competition procedure, with approval of the Federal Minister.

Posts of supervisory staff under this article and job descriptions shall be set forth in the Rules on Prison Structure.

## Article 125

In order to achieve the purpose of execution of sentences of imprisonment under article 10 of this law, the operational unit in charge of corrective training shall plan and coordinate educational/correctional efforts, evaluate personal characteristics of inmates, develop the individual corrective training programme for each inmate, directly monitor work and behavior of inmates serving their term with the assistance of other operational units and occupational trainers, collect and compile information and observations of occupational trainers, teachers and other officers who work directly with inmates about comport and behavior of inmates, evaluate and study the progress and effects of measures taken, and on the basis of the progress take necessary measures and improve corrective training in the institution, employing modern forms and methods.

Corrective training shall be performed by a sufficient number of educators having relevant bachelor's degree so that, as a rule, there shall be up to 50 inmates per an educator.

A group of experts (psychologist, pedagogue, social worker, doctor, lawyer and the like), who shall evaluate personal characteristics and determine programs of corrective training of inmates, shall be employed in the institution.

The educators, psychologists, pedagogues and social workers shall take the qualifying examination before the Commission appointed by the Federal Minister.

The Prison Rules on Qualifying Examination under paragraph 4 of this article shall be enacted by the Federal Minister.

## Article 126

In an institution, work by inmates shall be performed in economic departments (plants, workshops, farms).

Officers employed in the economic departments shall take care of the organization and operation of the departments, organize occupational training for the

posts inmates take in the economic departments and shall perform other jobs assigned in the Rules on Prison Structure.

In order to train inmates for particular jobs in the institution a sufficient number of occupational trainers shall be ensured.

#### Article 127

In order to provide medical treatment to inmates, medical care shall be ensured in the institution.

Services of a psychiatrist for diagnosing and implementation of particular measures shall also be insured, as required, in the institution.

In a prison for women, a maternity ward and appropriate premises for children shall be ensured.

#### Article 128

Administrative, legal, financial, office, personnel and logistics related jobs (opći poslovi) shall be performed by prison staff in pursuance of the Rules on Prison Structure.

#### Article 129

Persons that are employed in the institution as prison police - warders/prison guards (hereinafter: the prison guards) shall meet, besides requirements set forth for federal civil servants, also health, mental and physical requirements set forth for police officers of the Federation Ministry of the Interior.

#### Article 130

Prison staff and Federal Ministry staff that work in posts where they directly influence inmates and prison guards shall have the same rights arising from health, pension and disability schemes as well as other rights arising from employment as the judicial police and the police of the Federal Ministry of the Interior in pursuance of the federal law.

Owing to specific conditions under which they work and the nature of their work and duties, funds for salaries of officers under paragraph 1 of this article shall be larger in comparison with the funds ensured for salaries in other federal administrative bodies.

The Federal Ministry shall keep records of officers under paragraph 1 of this article and issue certificates to confirm the duration of their service in the posts.

The Federation Government shall determine which posts shall attach the rights under paragraph 1 of this article.

## Article 131

An officer under paragraph 1 of article 130, who got killed in the line of work discharging his duties or in circumstances surrounding his work, shall be buried at the expense of the institution or the Ministry in the place his family wishes.

The family supported by the deceased is entitled to receive once-occurring aid to the extent of six months' pay the officer received before the death.

### **4. Accountability of Prison Staff for Misconduct in Office**

## Article 132

Prison staff shall be held accountable for misconduct in office.

Prison staff shall be held accountable in disciplinary proceedings for misconduct in discharging duties and responsibilities provided for in this law and other laws, other regulations or the Rules on Prison Structure.

The misconduct in office may be minor or serious misconduct.

The instances of serious misconduct in office shall be:

- 1) abuse of official position and exceeding authority,
- 2) violation of obligation to keep official secret,
- 3) misfeasance in office,
- 4) inexcusable absence from work for more than three consecutive days,
- 5) non-application or insufficient application of measure that may have or might have had harmful results,
- 6) any action or non-performance of action that prevents or undermines proper and efficient operation of the institution,
- 7) rejecting an assigned task,
- 8) any relation with an inmate beyond prescribed duties and orders of the governor, which does not bring about a normal execution of sentence of imprisonment nor is linked to correctional training of the inmate,
- 9) indecent behaviour harming the reputation of the institution,
- 10) violation of regulations respecting safety against fire, explosion and acts of God,
- 11) negligence in handling property, uniform, weapons and equipment,
- 12) coming to work under influence of alcohol or narcotics that diminish working capacity,
- 13) unauthorized using of equipment and means meant for discharging duty,
- 14) failure to submit reports or submitting untimely reports, documents and information requested by authorized bodies and organizations,
- 15) frequent repetition of instances of minor misconduct in office, taking action that constitutes a criminal offence of misconduct in office under the Criminal Code or other criminal offence harming the reputation of the institution.

The Rules on Prison Structure shall define the instances of slight misconduct in office.

#### Article 133

The Law on Labour Relations and Salaries of Civil Servants of the Federation of Bosnia and Herzegovina shall be applied to prison staff accordingly unless some matter is otherwise governed in this law.

### **5. Specific Provisions on Security Unit**

#### **A) Prison police – prison guards**

#### Article 134

Security in institutions shall be ensured by prison police – warders/guards (hereinafter: the prison guards).

The prison guards shall secure institutions, maternity wards and premises in which inmates stay and work, guard the inmates in and outside the institutions, maintain peace and order among the inmates, escort inmates around and do other jobs provided for by law, regulations enacted in pursuance of laws and prison books of rules.

In a prison for women, the prison guards shall be women.

#### Article 135

The prison guards shall discharge their tasks and duties even if they are connected with the life risk.

#### Article 136

The prison guards shall carry weapons and wear uniforms.

The prison guards are entitled to free uniforms, security enforcement kit and weapons.

The prison guards shall hold official identity cards/badges to prove the official capacity and the entitlement to carry and use weapons.

Also the governors and the deputy governors shall hold official identity cards/badges.

The contents and format of the official identity card/badge under paragraphs 3 and 4 of this article shall be determined by the Federal Minister.

### Article 137

A person who is employed in the security unit on probation shall meet, besides the requirements under article 129 of this law, the following specific requirements:

- 1) he has completed service in the army,
- 2) he is under 25,
- 3) he has completed secondary school.

### Article 138

A person who is employed in the security unit for the first time shall have the title of prison guard on probation.

The probation period shall last six months.

Courses of lectures, workshops and training shall be organized for prison guards on probation to improve their practical skills and competence.

During the probation period prison guards on probation shall be trained through practical work in the institution in particular posts, with professional assistance and supervision, to perform jobs and tasks independently.

Any prison guard on probation shall take the qualifying examination to become a trained/certified prison guard within three months counting from the date of the expiry of probation period.

They shall take the qualifying examination under paragraph 5 of this article before the Commission appointed by the Federal Minister.

### Article 139

The prison guard on probation who fails to complete the practical training successfully shall not take the qualifying examination.

The employment of the prison guard on probation under paragraph 1 of this article and of the prison guard on probation who fails the qualifying examination after the practical training shall be terminated.

The prison guard on probation who passes the qualifying examination shall be placed in the post of prison guard.

#### Article 140

As an exception, a person who worked as a judicial police officer, may be employed in the post of prison guard without having to serve probation period under condition that he should pass the qualifying examination consisting of subjects different from those included in the qualifying examination for a judicial police officer within six months counting from the date of recruitment.

The qualifying examination under paragraph 1 of this article shall be taken before the Commission under paragraph 6 of article 138 according to the syllabus determined by the Federal Minister.

The person who fails the qualifying examination under paragraph 1 of this article shall his employment terminated in the institution.

#### Article 141

Insignia, badge, uniform, colours and insignia on vehicles, titles and ranks, rank signs and requirements for conferment of titles and ranks shall be determined by the Federation Government on the proposal of the Federal Minister.

Rules and regulations on the operation of security unit, weapons and security kit, their useful life, reimbursement for them when destroyed, organizaion of practical training and the manner of taking and syllabus of qualifying examinations shall be enacted by the Federal Minister.

#### Article 142

For in-service training of prison guards and other prison staff dealing with the execution of sentence of imprisonment, the Federal Ministry may organize courses, seminars and workshops and other forms of in-service trainings.

The Federal Ministry may decide that in-service training of prison guards and other prison staff dealing with the execution of sentence of imprisonment shall be conducted in accordance with a special curriculum in an appropriate school.

#### Article 143

When it is in the interest of prison service, the Federal Ministry may temporarily place a prison guard in another institution for a period not exceeding six months per year.

The period may last longer than six months if the prison guard under paragraph 1 of this article consents to it.

The prison guard, who is temporarily placed in another institution in terms of paragraphs 1 and 2 of this article, shall receive per diems to the extent determined in the

Book of Rules of the institution he has employment in if he is sent to the other institution for 30 days and if he is sent to the other institution for more than 30 days he shall receive separation allowance.

The prison guard, who is temporarily placed in another institution in terms of paragraphs 1 and 2 of this article, shall not receive salary less than the average salary that was paid to him in the last three months before sent to the other institution.

## **b) Use of Means of Force and Other Powers of Officers**

### Article 144

Means of force shall be used only when they are necessary to prevent escape, assault against prison staff or inmates, inflicting injuries on another person, resistance offered by inmate against lawful actions of official persons, inflicting injuries on oneself and causing damage to property by inmates.

### Article 145

While performing actions under article 144 of this law, prison guards are allowed to use firearms only if it is the only way to:

- 1) protect people's lives, Avert imminent assault threatening them and other official persons, Avert attack at the facilities they are guarding,
- 2) prevent an inmate from escaping from closed prison or special closed ward of a prison,
- 3) prevent an inmate, whom they are bringing under escort or guarding, from escaping.

In the cases under paragraph 1 of this law, prison guards are allowed to use firearms only if they cannot ensure discharging of the task by using bodily force, batons or other means of force provided for in law.

In the presence of governor, prison guards are allowed to use firearms only by his order or an order of person replacing him.

An order for the use of firearms may be given by the governor or his deputy only in the cases under paragraph 1 of this article.

The governor is authorized to order for firearms to be used when he estimates that one of the situations under paragraph 1 of this article exists.

#### Article 146

When an inmate has escaped from prison or has escaped while under police escort and has hidden in an apartment or other room, a prison guard is allowed to enter it without search warrant and search the premises in order to find and arrest the inmate.

In the event of entering in the apartment or other room, a record shall not be made but a confirmation stating the reasons for entering shall be issued to the occupant/owner of the apartment/premises.

If a search of the apartment or other room has been conducted a record shall be made.

A search may be conducted without the presence of witnesses if they are not available.

In order to apprehend the escapee whom he is after or in order to transport to the nearest hospital any persons wounded while firearms were used, a prison guard is entitled to take any vehicle or use means of communication he can get hold of at the moment, if he cannot do it otherwise.

A confirmation shall be issued to the owners of the vehicle and means of communication so that he can be refunded for the costs incurred by the institution.

#### Article 147

The governor shall immediately inform the Ministry about each and every instance of using the means of force (bodily force, batons, hoses or chemical substances) or firearms against inmates.

#### Article 148

If a means of force is used within the limits of authority under article 145 of this law and if firearms are used within the limits of authority under article 146 of this law, the prison guard, who used them, shall not be hold criminally or disciplinary liable.

The Federal Minister shall enact detailed rules on the use of firearms and other means of force, on the contents of record of search of an apartment or other premises and on the contents of the confirmation of the use of vehicle or means of communication. .

#### Article 149

If criminal proceedings are instituted against a prison guard or governor for the use of means of force, firearms or other actions taken in discharging duty, he shall be provided with legal aid in the proceedings by the institution.

## Article 150

The persons who were injured, got ill or were rendered incapable of working for a longer period of time while, at the request of persons under paragraphs 3 and 4 of Article 136 of this law, rendering help in overwhelming and arresting prisoners who resisted arrest, rioted or escaped, shall enjoy all rights from health, pension and disability schemes that persons in employment enjoy.

If a person under paragraph 1 of this article got killed while rendering help he shall be buried at the expense of the institution, whose staff member he rendered help, in the place his family wishes.

In the case under paragraph 2 of this article the person or family supported by the killed is entitled to receive once-occurring aid to the extent of six average monthly salaries paid in the institution in the three last months.

If criminal proceedings are instituted against the person under paragraph 1 of this article, he shall be provided with legal aid.

The entitlements from this article shall be paid from the funds under Article 156 of this law.

## **6. Keeping Official Secrets**

### Article 151

Employees of institution shall keep official secrets.

The obligation of keeping official secrets shall be complied with even after the termination of employment in the institution.

Official secrets in term of this law are:

- 1) information and documents an employee has come into possession in the line of work or while discharging his duty, which are defined as official secrets by law, regulations enacted in pursuance of law and by-laws,
- 2) information and documents an employee has come into possession in the line of work or while discharging his duty, whose communication or revelation to another unauthorized person in any way may hinder or undermine work of the institution or may be detrimental to interests of the institution or legitimate interests of an individual or a legal person,
- 3) information and documents that are defined as official secrets by legislation on administration.

The governor shall prescribe in details what is considered official secrets, the manner of keeping an official secret and the release from keeping an official secret.

## **7. Supervision over Institutions**

### Article 152

In order to ensure a uniform system of the execution of sentence of imprisonment, sharing of lessons learned, analyzing and studying the work of and rendering assistance to individual operational units, the Federal Ministry shall supervise the institutions.

The supervision over the execution of sentences of imprisonment shall include the following in particular: lawful and duly treatment of inmates, supervision over the work and structure of institutions, manner of corrective training of inmates, the state of security and self-protection, work of the security unit, business affairs, manner of implementation of health protection and hygienic measures, food and clothing of inmates and requirements under articles 38 through 41 of this law.

The supervision under paragraph 2 of this article shall be performed by authorized officials (hereinafter: the inspector).

While carrying the inspections the inspectors under paragraph 3 of this article shall have rights, duties and responsibilities that are provide for inspectors of federal administrative bodies by law, unless otherwise determined in this law.

### Article 153

A written report shall be made every time an inspection is carried out, containing the inspector's findings in particular and ordering actions and setting timelines for rectifying found irregularities and ordering measures for improvements.

The report shall be delivered to the governor.

The institution shall comply with the ordered measures.

The institution is entitled to lodge objections against the ordered measures within 8 days of the receipt of the report.

### Article 154

The institution shall allow the Federal Ministry to inspect all law enforcement instruments and send in comprehensive data and information about them.

The institution shall submit an annual report, periodical and other statistics to the authority under paragraph 1 of this article.

## Article 155

When it is in the public interest or when the need arises to make it public, the Federal Ministry may release information about a particular subject concerning the execution of sentence of imprisonment to the press and other mass media.

The release of information and data shall be withheld when they are state or official secret, when it would be unfavourable to security or peace and order in the institution or if it would harm the purpose of the execution of sentence of imprisonment.

Data and information about work and state of affairs in an institution shall be released by the authority under paragraph 1 of this article.

### **9. Funds Appropriated for Prisons**

## Article 156

Funds required for the operation of prisons shall be appropriated in the Federation budget in pursuance of the Law on Federation Budget.

## **IX ECONOMIC DEPARTMENTS IN THE INSTITUTIONS**

## Article 157

In order to achieve the purpose of execution of sentences of imprisonment and the purpose of work provided for in this law, an economic department shall be established in each institution, which may be composed of plants, workshops, farms and other operational units.

## Article 158

The Rules on Prison Structure shall determine the establishment of an economic department, its name, head office, line of work, manner of providing resources for its establishment, rights and responsibilities of founders and other provisions required for the establishment and operation of economic department.

The establishment of the economic department shall be entered in the competent court's register of companies in pursuance of federal relevant legislation.

The economic department shall be represented by Federal Attorney General in the event of litigation.

#### Article 159

If the revenue generated by the economic department is not high enough to cover operating costs of economic department, they shall be covered from the Federation budget.

#### Article 160

The governor shall make plans for refurbishment, modernization and investments aimed at expansion of economic department in terms of line of work, with the approval of the Federation Government.

#### Article 161

The economic department may take bank loans and credits under terms and conditions applicable to companies.

#### Article 162

The economic department shall be exempted from:

- 1) tax on the profit,
- 2) developed land contribution (doprinos),
- 3) water supply contribution(doprinos),
- 4) other liabilities provided for by specific law.

The calculated added value of inmates' labour shall not be subject to taxation and payment of contributions.

Remuneration for inmates' work under article 72 of this law shall be considered operating costs.

#### Article 163

The economic department shall compute the profit tax under paragraph 1 of article 162 of this law and pay it to the Fund for Development of Institutions (hereinafter: the Fund) that has a separate bank account within the Federal Ministry budget.

Funds under paragraph 1 of this article shall be used for investments in economic departments: construction, expanding, refurbishment and equipping of premises for inmates, participation in construction of facilities for the execution of sentences of imprisonment, provision of funds for economic departments under article 159 of this law, funding the execution of sentences of imprisonment, meeting housing and other needs in connection with the execution of sentences of imprisonment.

The Federal Minister shall issue decisions on spending from the Fund under paragraph 1 of this article.

#### Article 164

The economic department may enter in business and technology related cooperation with companies and other legal persons, taking account of the goals provided for in this law.

#### Article 165

The economic department shall keep separate books in pursuance of the legislation respecting accounting.

The economic department shall carry financial transactions through a separate account opened with the Payment Bureau.

#### Article 166

The provisions of this law respecting business affairs of economic department shall not apply to services rendered by the institution itself to meet its own needs.

The income and expenditure in relation to services under paragraph 1 of this article shall be planned in the financial plan and budget of the institution.

### **X EXECUTION OF SECURITY MEASURES**

#### **1. Obligatory Psychiatric Treatment and Confinement in Mental Institution**

#### Article 167

The measure of obligatory psychiatric treatment and confinement in a mental institution shall be executed in a special medical institution established exclusively for that purpose or in a separate ward of a medical institution (hereinafter: the separate ward).

#### Article 168

The special medical institution under article 167 of this law shall be established and dissolved in pursuance of Federal law.

The Federal Ministry of Health shall determine in which medical institutions the separate wards for the execution of obligatory psychiatric treatment and confinement in a mental institution shall be established.

#### Article 169

As an exception to provisions of article 167 of this law the measure of obligatory psychiatric treatment and confinement in a mental institution may be executed in a special prison ward (hereinafter: the special prison ward).

#### Article 170

It is the court under article 22 of this law that shall send persons for obligatory psychiatric treatment and confinement in a mental institution.

#### Article 171

Only those restraints of movement and contact with other persons that are necessary for guarding and medically treating them or compliance with the Prison Rules and discipline in the medical institution or the separate ward shall be applied to persons sent for obligatory psychiatric treatment and confinement in a mental institution.

The Prison Rules under paragraph 1 of this article shall be enacted by the director of the medical institution with approval of supervising authorities under article 176 of this law.

#### Article 172

The medical institution to which a person was sent for obligatory psychiatric treatment and confinement in a mental institution shall inform the court having ordered the measure about the health condition of the person at least once a year.

When the psychiatric treatment of a person who was sent for obligatory psychiatric treatment and confinement in a mental institution has been completed, the medical institution shall inform the court having ordered the measure about it and it may propose release on parole, if his prison term has not expired yet, in pursuance of the Criminal Code of the Federation.

If the court finds that further confinement of the person who was sent for obligatory psychiatric treatment and confinement in a mental institution is not necessary, it shall issue a decision on the termination of the measure and the medical institution shall release the person immediately of the receipt of the decision and, if it is the person under article 64 of the Criminal Code of the Federation whose term has not expired yet, at the court's request the judicial police shall bring the person to an appropriate prison to serve the remainder of term.

#### Article 173

A person who was ordered to undergo obligatory psychiatric treatment and confinement in a mental institution shall be brought to a medical institution by judicial police.

The warrant for bringing the person under paragraph 1 of this article shall be issued by the court having ordered the measure.

#### Article 174

A person under article 173 of this law may stay in pre-trial detention or at liberty for maximum one month of the receipt of finally binding decision.

If the court decides to continue keeping the person under paragraph 1 of this article in pre-trial detention, it shall issue a separate decision after having obtained a psychiatrist's opinion.

The medical institution under articles 167 and 169 of this law shall admit the person who was sent to it and implement provisions of articles 167 through 174 of this law.

#### Article 175

External security of the medical institution or the special prison ward for the execution of the measure of obligatory psychiatric treatment and confinement in a mental institution shall be ensured by guards of the institution, as required.

The provisions of this law respecting prison guards shall be applied accordingly to guards under paragraph 1 of this article.

#### Article 176

Supervision over the execution of the measure of obligatory psychiatric treatment and confinement in a mental institution and the special prison ward shall be carried on by the Federal Ministry of Health.

Supervision over lawful and duly treatment of persons under paragraph 1 of this article shall be carried on by the court having ordered the measure and the court in whose jurisdiction the mental institution or the special prison ward, in which the measure of obligatory psychiatric treatment and confinement in a mental institution is executed, is located.

#### Article 177

The costs of bringing a person into the institution and the costs of the execution of the measure of obligatory psychiatric treatment and confinement in a mental institution shall be paid from the Federation Budget.

#### Article 178

Detailed rules and regulations on the execution of the measure of obligatory psychiatric treatment and confinement in a mental institution shall be enacted by the Federal Ministry of Health.

## **2. Obligatory Psychiatric Treatment Without Confinement**

#### Article 179

The measure of obligatory psychiatric treatment without confinement shall be executed in a mental institution.

The Federal Ministry of Health shall determine in which medical institution the measure under paragraph 1 of this law shall be executed.

#### Article 180

The court under article 22 of this law that shall send a person for obligatory psychiatric treatment in a mental institution without confinement within eight day after the decision on the measure has become finally binding.

At the same time the court shall forward a copy of the decision to the social welfare authority that is competent according to the place of permanent or temporary residence of the person (hereinafter: the social welfare authority).

#### Article 181

The medical institution to which a person has been sent for obligatory psychiatric treatment without confinement shall admit the person and shall inform the court having ordered the measure about the health condition of the person every six months.

When the psychiatric treatment of the person under paragraph 1 of this article has been completed, the medical institution shall inform the court having ordered the measure about it.

#### Article 182

The costs of the execution of the measure of obligatory psychiatric treatment without confinement shall be paid from the Federation Budget.

### **3. Obligatory Treatment of Alcohol and Drug Addiction**

#### Article 183

The measure of obligatory treatment of alcohol and drug addiction ordered together with a sentence of imprisonment shall be executed in the prison where conditions for such treatment exist or in the medical institution under article 167 of this law. When the treatment has been completed, the sentenced person shall be sent to the prison, where he was originally sent to, to serve the remainder of his term if his prison term has not expired yet.

If the obligatory treatment of the person under paragraph 1 of this article has not been completed before the expiry of his prison term, the institution from which he is released shall inform about it the court having ordered the measure, the medical institution under paragraph 3 of this article and the social welfare authority that is competent according to the place of permanent or temporary residence, so that his reception and further treatment at liberty can be organized.

The measure of obligatory treatment of alcohol and drug addiction ordered together with a suspended sentence shall be executed in the medical institution designated by the Federal Ministry of Health.

In the event of revocation of suspended sentence, the measure of obligatory treatment of alcohol and drug addiction shall be executed or continued in pursuance of provisions of paragraphs 1 and 2 of this article.

#### Article 184

A person who was ordered to undergo obligatory treatment of alcohol and drug addiction together with a sentence of imprisonment shall be sent to a medical institution where the measure is executed.

It is the court under article 22 of this law that shall send persons for the execution of the measure under paragraph 1 of this article and if the sentenced person is kept in pre-trial detention the court in whose jurisdiction the pre-trial detention is shall send the person.

Supervision over the execution of the measure under paragraph 1 of this article shall be carried on by the Federal Ministry.

#### Article 185

If the measure of obligatory treatment of alcohol and drug addiction is ordered together with a suspended sentence the court shall send the offender to the in-patient or out-patient department of the particular medical institution.

If the offender fails to report to the particular medical institution for treatment or arbitrarily quits the treatment in the in-patient or out-patient department or refuses to be treated or avoids the treatment by non-complying with the therapy, the medical institution shall inform the court about it.

The medical institution shall inform the court having sent the offender for treatment and the court having ordered the measure under paragraph 1 of this article about the progress of treatment.

#### Article 186

The costs of obligatory treatment of alcohol and drug addiction in prison shall be paid by the institution.

If the persons are included in the health insurance scheme, the costs of obligatory treatment of alcohol and drug addiction in a medical institution shall be paid by the health insurance.

If the persons are not included in the health insurance scheme, the costs of obligatory treatment of alcohol and drug addiction in a medical institution as well as the portion of costs provided for in the health insurance legislation to be paid by beneficiaries shall be paid from the Federation budget.

#### Article 187

The Federal Minister is empowered to enact, as required, after having obtained an opinion of the Federal Ministry of Health, detailed rules and regulations on obligatory treatment of alcohol and drug addicts carried on in prisons and the Federal Ministry of Health is empowered to enact them if they are carried on in medical institutions.

### **4. Extradition from the Federation**

#### Article 188

The court that has issued a decision ordering the security measure of extradition of an alien from the Federation shall inform about it the competent law enforcement agency in whose territory the alien has temporary or permanent residence.

If such an alien has received a sentence of imprisonment, when his prison term has expired or has been pardoned or the person has been released on parole, the institution shall inform about it the competent law enforcement agency in whose territory the alien has temporary or permanent residence.

The law enforcement agency in charge of the execution of the security measure of extradition from the country shall set an appropriate deadline within which the alien who has received the measure shall leave the country.

If the alien who is a citizen of a neighbouring country does not leave the territory of the Federation within the deadline, he shall be brought to the border by the police and handed over to the border service of the neighbouring country.

The alien who is not a citizen of a neighbouring country or is a stateless person shall be placed in designated facilities till he leaves the Federation.

The alien shall not leave the facilities under paragraph 5 of this article without permission of the competent law enforcement agency.

#### Article 189

During the term of the security measure of extradition of alien the alien who has received it is prohibited from entering the territory of the Federation.

#### Article 190

Besides provisions of this law, provisions of the federal law governing the matter of movement and stay of aliens in the territory of the Federation shall be applied to the execution of the security measure of extradition of an alien from the Federation.

### **XI EXECUTION OF CORRECTIONAL MEASURES**

#### Article 191

The purpose of the execution of correctional measures is to ensure education, correction and proper development of juvenile offenders to the highest possible extent and to prevent them from committing criminal offences by providing protection, assistance and supervision over them.

#### Article 192

In the execution of correctional measures juvenile offenders shall be treated in the manner fit for their age and personal characteristics by adhering to pedagogical, androgical and psychiatric principles.

The juveniles should be encouraged to actively participate in their education, change of attitudes and bad habits and development of the sense of responsibility for their own actions.

During the execution of correctional measures the juveniles shall be provided with primary, secondary and vocational education as well in accordance with their age and personal characteristics and aptitudes for different occupations.

### Article 193

The court that conducted criminal proceedings involving a juvenile may order for the juvenile to start serving particular correctional measure even before the finally binding decision is rendered if it is necessary for the correction of a juvenile to separate him from the environment in which he has been living or to provide the minor with assistance, protection or a place to live, when accommodation for him cannot be otherwise provided, or when it is necessary to prevent him from committing criminal offences or behave in contravention of socially accepted standards.

### Article 194

Supervision over the lawful execution of correctional measures shall be carried on by the court having ordered the measure.

### Article 195

Provisions of this law respecting juveniles shall be applied to the persons who have become of age during the execution of correctional measures and to junior adults who received an correctional measure.

### Article 196

Correctional measures, except for the correctional measure of confinement in a corrective training institution (odgojno-popravni zavod), shall be executed by the competent social welfare authority in the procedure provided for in articles 191 through 195 of this law and cantonal laws.

## **XII EXECUTION OF INSTITUTIONAL MEASURES (DETENTION ORDERS)**

### **1. Sending A Person to an Educational Institution**

#### Article 197

The correctional measure of confinement in an educational institution shall be executed in an educational institution established for that purpose in pursuance of the law.

#### Article 198

The educational institution shall provide a juvenile with protection, assistance and supervision over them and take appropriate measures as required.

## Article 199

Upon admittance in an educational institution a juvenile shall be placed in a suitable educational group, depending on the age, completed class of school, psychical and physical characteristics and the level of neglect.

The educational group under paragraph 1 of this article shall consist of 10 juveniles at the most and shall have its own teacher/educator (odgojitelj).

## Article 200

In an educational institution, a juvenile shall be included in primary school and in appropriate secondary school in accordance with the possibilities of the institution and with consent of the juvenile and his parents.

## **2. Sending a Person to a Corrective Training Home**

### Article 201

The corrective training institution is designed for the execution of correctional measure of confinement in a corrective training home, established for that purpose and it shall ensure achievement of the purpose of the execution of this correctional measure in the process of correction of juvenile.

As an exception to paragraph 1 of this article, a separate ward for the execution of correctional measure of confinement in a corrective training home may be established in a prison under article 120(1)(1) and 120(1)(2) of this law.

### Article 202

According to the level of security and restriction of movement of juveniles and measures of correctional treatment applied to them, a corrective training institution may be classified as closed and semi-open institution.

Should the need arise, a closed ward may be established in a semi-open institution.

### Article 203

An corrective training institution shall be established and dissolved in pursuance of a Federal law and may be a corrective training institution for male juveniles or a corrective training institution for female juveniles.

Funds required for the operation of the corrective training institution under paragraph 1 of this article shall be appropriated in the Federation budget.

#### Article 204

A corrective training institution shall provide juveniles with protection, assistance and supervision over them in order to ensure education, correction and further proper development.

As a rule, one teacher/educator (odgojitelj) shall be in charge of 10 juveniles in a corrective training institution.

#### Article 205

In a corrective training institution, daily amount of food shall be given to juveniles in three regular meals whose calorific value shall not be less than 16,000 joules.

#### Article 206

In the event that medical treatment is not available in the institution, an ill juvenile shall be sent to a suitable medical institution.

#### Article 207

Primary and secondary education shall be ensured for juveniles in any corrective training institution.

Juveniles may acquire qualifications also outside the corrective training institution and such part-time studies and professional development may be allowed.

Qualifications that juveniles gain in schools, courses of training and workshops under paragraph of this article shall be valid as the qualifications gained in schools and workshops outside the corrective training institution and the certificates of education shall not indicate that the education has been gained in a corrective training institution.

The period of time a juvenile spent in a post in a corrective training institution shall be considered the period of time spent in employment when it is necessary for the acquisition of particular qualifications.

#### Article 208

Working hours of juveniles who attend school and work in workshops shall be determined in pursuance of the legislation respecting students of trade schools.

After working hours juveniles may be engaged in necessary keeping of the corrective training institution for an hour per day.

Juveniles shall have a rest of nine consecutive hours in 24 hours and two days in a week.

#### Article 209

The juveniles, who make satisfactory progress in school, dedicate to work and behave well, are entitled to a leave of absence of 15 days during the winter school recess and 45 days during the summer school recess.

Other juveniles and the juveniles who do not attend school or courses for acquiring qualifications and who have been performing regular work for six months altogether, including the time of medical treatment, unless they injured themselves on purpose, are entitled to vacation/leave of absence for a period of from 24 to 30 days in a year.

The time spent on school recess or vacation shall be credited to the term of confinement in corrective training institution.

The Book of Rules of the corrective training institution shall govern in details the manner of determining the length and having school recess and vacation.

#### Article 210

A juvenile is entitled to leave of absence of seven days in a year in the event of a serious disease or death of his member of family.

#### Article 211

Juveniles are entitled to remuneration for their work in the corrective training institution.

If a juvenile works full-time, he is entitled to remuneration to the extent of from one fourth to three fourth of the wage that can be earned in companies for the same work.

Inmates who attend school or work in workshops are entitled to 70 % of the average remuneration paid to students of the same school outside the institution.

#### Article 212

The juvenile who does not work through no fault of his and has not his own means at all shall receive resources to meet the most essential needs.

The juvenile who has developed occupational disease in the institution is entitled to benefit during the period of inability to work in pursuance of labour law legislation.

#### Article 213

Juveniles are entitled to receive and send mail without any restrictions.

Visits by family members and, with the approval of the governor, other individuals and the receipt of money and other consignments shall be allowed to juveniles in pursuance of the Book of Rules of the corrective training institution.

#### Article 214

Juveniles may receive awards for achieved progress in school and work and good behaviour and other privileges may be granted to them in pursuance of the Book of Rules of the corrective training institution.

#### Article 215

Juveniles shall obey laws and rules and regulations enacted in pursuance of the laws, execute orders given by staff of the corrective training institution and take care of property and assets entrusted to them for handling and using.

If violating the working discipline and behaving badly towards other juveniles or staff of the corrective training institution, juveniles may be subject to the measure of separation from others for up to five days, besides disciplinary sanctions provided for by law.

#### Article 216

The provisions of this law governing the establishment of prisons, the structure of prisons, economic departments, prison staff, position of inmates, admittance ward, the manner of classifying inmates, introduction with and implementation of Prison Rules and inmates' liabilities for damage shall be applied accordingly to the corrective training institutions and the execution of correctional measure of confinement in a corrective training home.

### **5. Sending A Person to a Rehabilitation Institution**

#### Article 217

The measure of confinement to a rehabilitation institution shall be executed in suitable social welfare institutions for persons with disabilities and persons with special educational needs, which provide retarded children and young people with care, upbringing and education in special environment, occupational counseling and training, health care and suitable types of specialized treatment.

#### Article 218

When the measure of confinement in a rehabilitation institution has been ordered instead of the measure of obligatory psychiatric treatment and confinement in a mental institution, a juvenile shall be guarded to the necessary extent and medically treated under constant doctor's supervision in an appropriate institution.

### **XIII POSTPONMENT, TERMINATION AND CESSATION OF CORRECTIONAL MEASURES**

#### Article 219

Postponement and termination of an educational institutional measure shall be governed by cantonal law.

#### Article 220

A juvenile shall be released from an institution for the execution of institutional measures as soon as the institution receives a court decision on the termination or replacement of the institutional measure (detention order) or as soon as the longest term of correctional measure, provided for by law, expires.

At the release under paragraph 1 of this article a juvenile shall be provided with means to cover fares to the place where he is going to reside and to buy necessary things he has not (clothes, underwear etc.).

#### Article 221

When a juvenile attends the leaving class or is about to finish occupational training and the release from the institution for the execution of institutional measures would prevent him from the completion of schooling or occupational training, at his request, the institution may allow the juvenile to complete schooling or occupational training.

While attending school or occupational training under paragraph 1 of this article the juvenile shall not be subject to the execution of institutional measure.

### **XIV ASSISTANCE TO A JUVENILE AFTER HIS HAVING SERVED AN INSTITUTIONAL MEASURE**

#### Article 222

During the period of the execution of institutional measure the competent social welfare authorities shall stay in contact with the juvenile, his family and the institution for the execution of institutional measures in order to prepare him for easier returning to his family and rehabilitation in the community.

The institution for the execution of institutional measures shall inform the competent social welfare authorities in a timely fashion about the release of juvenile from the institution and to suggest what actions the authorities should take in order to organize his reception after the release.

#### Article 223

In order to organize a juvenile's reception in the community he is returning to after the execution of institutional measure the competent social welfare authorities shall take special care of a parentless juvenile or a juvenile whose family circumstances are straitened.

#### Article 224

If a juvenile being released is seriously ill and in no condition to travel, the institution for the execution of institutional measures shall place him in the nearest hospital for treatment.

### **XV APPLICATION OF THE LAW TO CANTONAL INSTITUTIONS**

#### Article 225

The provisions of articles 1 through 118, articles 130 through 150, articles 152 through 155 and article 188 of this law shall be applied to cantonal institutions for the execution of sanction passed in minor offences proceedings.

The provisions of this law respecting powers of the prison governor shall be applied to governors of cantonal institutions under paragraph 1 of this law, unless otherwise provided for by cantonal law.

The provisions of this law respecting powers of the Federal Ministry/Federal Minister shall be applied to cantonal authorities in charge of the execution of criminal sanctions, sanctions passed in minor offences proceedings and other sanctions unless otherwise provided for by cantonal law.

### **XVI PENAL PROVISIONS**

#### Article 226

A fine to the extent of 1,000 to 5,000 KM shall be passed for an offence on: A medical institution that acts in contravention of provisions of paragraph 3 of article 174, paragraph 1 of article 181 and paragraph 3 of article 183 of this law.

The competent person in the medical institution shall be fined from 200 to 600 KM for the offence under paragraph 1 of this article.

#### Article 227

A fine to the extent of 200 to 500 KM shall be passed for an offence on an alien:

- 1) if he does not leave the Federation or fails to stay in the place designated until his departure from the Federation (paragraphs 4 and 5 of article 188),
- 2) if he acts in contravention of article 189 of this law.

#### Article 228

A fine to the extent of 50 to 200 KM shall be passed for an offence on a convicted person who has been ordered the security measure of obligatory treatment of alcohol and drug addicts if he fails to report to the medical institution for treatment or avoids the treatment by non-complying with the therapy or quits the treatment in the in-patient or out-patient department and on a convicted person who, after he having been released from an institution for the execution of sentence of imprisonment, fails to continue obligatory treatment ordered by the institution (paragraph 1 of article 183 and paragraph 2 of article 185 of this law).

If the person under paragraph 1 of this article starts the obligatory treatment the fine shall be cancelled if it has not been already paid.

#### Article 229

A fine to the extent of 20 to 100 KM shall be passed for an offence on a convicted person if he, after having been released on parole, fails to report to the law enforcement agency or if he fails to notify the authorities of a change of temporary or permanent residence (article 114).

### **XVII TRANSITIONAL AND FINAL PROVISIONS**

#### Article 230

Provisions of this law shall apply to the execution of finally binding decisions passed by foreign courts, unless otherwise provided in a special law of Bosnia and Herzegovina or an international instrument.

Provisions of this law shall apply to the execution of sanctions passed on aliens or stateless persons, unless otherwise provided in a special law of Bosnia and Herzegovina or an international instrument.

#### Article 231

Cantons shall enact rules and regulations respecting the issues under paragraph 2 of article 1 of this law within six months after the effective date of this law.

The federal ministers empowered by this law to enact rules and regulations to govern the implementation of particular provisions of this law shall enact the rules and regulations within six months after the effective date of this law.

The Rules on Prison Structure, the Prison Rules, the Prison Rules on Remuneration and the Prison Rules on Safety at Work shall be enacted within six months after the effective date of this law.

#### Article 232

Kazneno-popravni dom u Zenici shall continue operating as Kazneno-popravni zavod u Zenici sa Odjeljenjem maloljetnickog zatvora za maloljetnike u Zenici, a closed prison (Zenica Prison) with a separate Male Juvenile Ward of Zenica Prison .

All measures of obligatory psychiatric treatment and confinement in a mental institution passed in the territory of the Federation shall be executed in a separate ward of Zenica Prison until the Federal Ministry and the Federal Ministry of Health designate a medical institution where this measure will be executed.

The measure of obligatory psychiatric treatment and confinement in a mental institution shall be executed in a separate ward under paragraph 2 of this article for three years at the longest counting from the effective day of this law until when the execution shall have been organized in the institution under article 167 of this law.

Kazneno-popravni dom poluotvorenog tipa Butmir, a semi-open prison (Butmir Prison) (its part situated in the territory of the Federation) and Okruzni zatvor u Sarajevu (County Prison of Sarajevo) shall continue operating as Kazneno-popravni zavod poluotvorenog tipa u Sarajevu sa Odjeljenjem u Bosansko-podrinjskom kantonu/zupaniji, a semi-open prison (Sarajevo Prison) with Bosansko-podrinjski Prison Department.

Okruzni zatvor u Bihacu (County Prison of Bihac) shall continue operating as Kazneno-popravni zavod poluotvorenog tipa u Bihacu, a semi-open prison (Bihac Prison).

Okruzni zatvor u Mostaru (County Prison of Mostar) shall continue operating as Kazneno-popravni zavod poluotvorenog tipa u Hercegovacko-neretvanskom kantonu/zupaniji sa Odjeljenjem u Zapadno-hercegovackom kantonu/zupaniji, a semi-open prison (Hercegovacko-neretvanski Prison) with Zapadno-hercegovacki Prison Department.

Okruzni zatvor u Tuzli (County Prison of Tuzla) and Okruzni zatvor u Orasju (County Prison of Orasje) shall continue operating as Kazneno-popravni zavod poluotvorenog tipa u Tuzli sa Odjeljenjem u Posavskoj zupaniji/kantonu, a semi-open prison (Tuzla Prison) with Posavski Prison Department.

Buildings, land and other assets used by prisons in Zenica and Butmir-Sarajevo and county prisons in Bihac, Sarajevo, Mostar and Tuzla shall become property of the Federation and ownership over buildings, land and other assets used by county prisons in Busovaca nad Orasje shall be regulated in an agreement between the Federation Government and governments of cantons in whose territory the prisons are located.

### Article 233

Kazнено-popravni zavod poluotvorenog tipa u Tomislavgradu sa Odjeljenjem u Srednje-bosanskom kantonu/zupaniji, a semi-open prison (Tomislavgrad Prison) with Srednje-bosanski Prison Department, shall be established to start operating within three years at the latest counting from the effective date of this law.

Until the assignment of location and the beginning of operation of the Department under paragraph 1 of this law, Okruzni zatvor u Busovaci (Busovaca Prison) shall have been working as sami-open department of Tomislavgrad Prison.

### Article 234

Kazнено-popravni zavod za zene u Ljubuskom sa Odjeljenjem maloljetnickog zatvora za maloljetnice i Odjeljenjem za izvršenje odgojne mjere upucivanja u odgojno-popravni dom za maloljetnice, a women's prison (Ljubusko Prison) with a separate Female Juvenile Ward and the Female Ward for the Execution of Correctional Measure of Confinement in a Corrective Training Home, shall be established to start operating within three years at the latest counting from the effective date of this law.

Until the beginning of operation of the Prison under paragraph 1 of this law, women and female juveniles shall serve the sentence of imprisonment, the sentence of juvenile imprisonment and the correctional measure of confinement in a corrective training home in pursuance of the Rules on the Criteria for Sending Convicted Persons to Serve Prison Term under paragraph 1 of article 26.

### Article 235

The Federation Government shall assign the location of prisons and prison departments under articles 232 and 233 after having obtained opinion of cantonal governments in whose territory they will be located.

### Article 236

Until the enactment of laws under paragraph 2 of article 1 of this law, the sentence of imprisonment passed in minor offences proceedings shall be executed in separate wards in the Federation prisons under articles 232 and 233 of this law.

Separate wards for pre-trial detention ordered by court may be established in the prisons under articles 232 and 233 of this law until conditions under which people are kept in pre-trial detention have been regulated in cantonal legislation.

In a case under paragraph 1 and 2 of this article, the costs incurred by the execution of sentences of imprisonment passed in minor offences proceedings and by pre-trial detention shall be paid by the canton.

#### Article 237

Requirements under paragraph 1 of article 39 shall be fulfilled in pursuance of the special plan of the institution, in accordance with available resources, within five years at the latest, counting from the effective date of this law.

#### Article 238

On the effective date of this law, the law on the execution of criminal sanctions applicable in the Federation shall cease from applying, except the provisions governing issues under paragraph 2 of article 1 of this law, which shall cease from applying on the effective date of cantonal legislation under paragraph 1 of article 231 of this law.

#### Article 239

This Code shall enter into force on the eight day from the publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.