



Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



LAW ON COURTS OF THE REPUBLIKA SRPSKA

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LAW ON COURTS OF THE REPUBLIKA SRPSKA

CHAPTER I

GENERAL PROVISIONS

Scope of the law

Article 1

The scope of this law is to establish the structure, jurisdiction and operation of the Basic Courts, District Courts and the Supreme Court of the Republika Srpska (hereinafter: the Supreme Court).

Judicial Power

Article 2

The courts shall exercise judicial power in the Republika Srpska.

Independence

Article 3

The courts shall be autonomous and independent of the legislative and executive branches of government.

Courts shall operate in an unbiased, timely and efficient manner.

No one may influence the independence and impartiality of a judge in deciding the cases assigned to him.

Establishment of Courts

Article 4

Courts shall be established and dissolved by law.

Protection of Rights
Article 5

The courts shall protect the rights and freedoms guaranteed in the Constitutions of Bosnia and Herzegovina and of the Republika Srpska and by law, and shall ensure constitutionality and legality.

Review of Court Decisions
Article 6

Court decisions may be reviewed only by a competent court by way of legal remedies in a procedure prescribed by the constitution or by law.

Binding Effect of Court Decisions
Article 7

The decisions of courts in Bosnia and Herzegovina shall be binding in the territory of the Republika Srpska.

Publicity and Transparency
Article 8

The work of the courts shall be open to the public, except as provided by law.

The transparency of the work of the courts shall be achieved by holding public court hearings, disclosing the composition of the court, providing information about the course of court proceedings to the public as provided by law. Transparency may also be accomplished by publishing court decisions and other information of interest to the public.

Composition of Courts
Article 9

Courts shall adjudicate by individual judges or by panels of judges and lay judges, or in certain instances permitted by law, by judicial associates.

The composition of panels shall be prescribed by specific laws.

Official Languages
Article 10

The official languages of the courts shall be the language of the Serbian people, the language of the Bosniak people and the language of the Croat people, and the official scripts shall be Cyrillic and Latin.

Decisions shall be issued and hearings shall be held in the language of the individual judge in the proceedings, or as decided by the president of a panel, and a party shall obtain a translation at the hearing, at his request, and of any decision in the language that the party uses in the proceeding, at the expense of the court in criminal proceedings and at the expense of the requesting party in all other proceedings. Parties may file documents with the court in any of the official languages.

Identification Cards
Article 11

Judges shall be issued official identification cards.

The High Judicial and Prosecutorial Council shall regulate the design and format, and the Ministry of Justice shall issue them.

Dress
Article 12

Judges shall wear robes during trials and when making public announcements of decisions.

The High Judicial and Prosecutorial Council shall regulate the use and design of robes to be worn by judges, and the Ministry of Justice shall secure their procurement and distribution.

Symbols
Article 13

Judges and court staff may not express any religious, political, ethnic or other affiliation, while performing their official duties.

Symbols of religious, political, ethnic or other affiliation may not be displayed on the court building or in the court premises.

The prohibition referred to in paragraph 1 shall not apply to parties in the proceedings and third parties.

Seal
Article 14

Court shall have seals in accordance with law.

Co-operation and Legal Assistance
Article 15

The courts shall co-operate with each other, as well as with state bodies and foreign courts.

Courts in Bosnia and Herzegovina shall provide legal assistance to each other on matters within their jurisdiction in compliance with the law.

State bodies and legal entities acting as public authorities will provide the courts at their request, in a timely manner, files, documents and other information needed for the conducting of court proceedings.

The court shall provide international legal assistance in accordance with international acts and agreements or based on principles of reciprocity.

CHAPTER II

STRUCTURE AND JURISDICTION OF COURTS

1. Organization and territory of the Courts

Basic Courts
Article 16

Basic Courts shall be established for the territory of one or more municipalities.

District Courts
Article 17

District Courts shall be established for the territory covered by two or more Basic Courts.

Supreme Court
Article 18

The Supreme Court shall be the highest court in the Republika Srpska.

The seat of the Supreme Court shall be in Banja Luka.

Conducting Proceedings in and outside the Court Seat
Article 19

The courts shall conduct their activities at their seats.

Notwithstanding the provisions of Paragraph 1 of this Article, Basic Courts may conduct their activities outside their seats in court branches, and by holding court days elsewhere, as provided by law.

The Supreme Court and the District Courts may conduct their activities outside their seats for reasons of efficiency, cost decrease, or other justifiable reasons.

Court Branches
Article 20

Court branches shall be established and dissolved by law.

Court branches shall be permanently located at a place within the jurisdiction of the court but outside of its seat.

In the court branches, the courts, as a rule, shall perform all their activities for the territory for which the court branch has been established.

Court branches shall operate under the supervision of the Court President.

The Court President shall issue instructions determining the location for conducting proceedings and the method for establishing court panels in the cases in which the number of judges assigned to the court branch is not sufficient to conduct proceedings under the procedural laws. In issuing these instructions, the Court President shall take into consideration efficiency and cost of the court proceedings.

As an exception to paragraphs 3 and 5 of this Article, the Court President may, upon request of the presiding judge in specific cases, for reasons of efficiency, cost or other justifiable reasons, decide that the proceedings or particular actions in the proceedings be conducted in the location other than the one in which they would have been conducted under the provisions of this Article.

Court Days
Article 21

A court may set aside certain days to conduct judicial proceedings or to undertake other tasks at locations within its jurisdiction but outside its seat or branch.

The Court President decides on the location, date and time of court days.

The locations, dates and times of court days shall be posted on the court's notice board and on the notice board in the building in which the court days are held.

Seat and Territory of the Basic Courts

Article 22

The Basic Courts shall be:

1. the Basic Court in Banja Luka for the territory of the Banja Luka, Laktaši and Knezevo municipalities;
2. the Basic Court in Bijeljina for the territory of the Bijeljina, Ugljevik and Lopare municipalities;
3. the Basic Court in Višegrad for the territory of the Višegrad, Rudo, Rogatica and Ustipraca municipalities;
4. the Basic Court in Vlasenica for the territory of the Vlasenica, Šekovici, Han Pijesak and Milići municipalities;
5. the Basic Court in Gradiška for the territory of Gradiška and Srbac municipalities;
6. the Basic Court in Derвента for the territory of the Derвента and Bosanski Brod municipalities;
7. the Basic Court in Doboј for the territory of the Doboј and Petrovo municipalities;
8. the Basic Court in Zvornik for the territory of the Zvornik and Osmaci municipalities;
9. the Basic Court in Kotor Varoš for the territory of the Kotor Varoš, Čelinac municipalities;
10. the Basic Court in Modriča for the territory of the Modriča, Vukosavlje, Šamac, Pelagićevo and Donji Zabari municipalities;
11. the Basic Court in Mrkonjić Grad for the territory of the Mrkonjić Grad, Šipovo, Jezero, East Drvar, Drinic, Kupres in Republika Srpska and Ribnik municipalities;
12. the Basic Court in Novi Grad for the territory of the Novi Grad, Kostajnica and Krupa na Uni municipalities;
13. the Basic Court in Prijedor for the territory of the Prijedor, Ostra Luka and Kozarska Dubica municipalities;
14. the Basic Court in Prnjavor for the territory of the Prnjavor municipality;
15. the Basic Court in Sokolac for the territory of Sokolac, East Stari Grad, Pale, Lukavica, Kasindol and Trnovo municipalities. The Basic Court in Sokolac shall have

a branch in East Sarajevo for the territory of East Sarajevo, Kasindol and Trnovo municipalities;

16. the Basic Court in Teslić for the territory of the Teslić municipality;

17. the Basic Court in Trebinje for the territory of Trebinje, Ljubinje, Berkovići, Bileća, East Mostar, Nevesinje and Gacko municipalities. Trebinje Basic Court shall have a branch in Nevesinje covering the territory of the Nevesinje, Gacko and East Mostar;

18. the Basic Court in Foča for the territory of the Foča, Kalinovik and Čajniče municipalities;

19. the Basic Court in Srebrenica for the territory of the Srebrenica and Bratunac municipalities.

Basic Courts with Commercial Departments

Article 23

Basic Courts in which commercial departments are established shall have territorial jurisdiction in commercial matters over the entire territory that falls under the jurisdiction of the relevant District Court.

The following Basic Courts shall have commercial departments: the Basic Courts in Banja Luka, Bijeljina, Doboj, Trebinje and Sokolac.

Basic Courts with Registers

Article 24

If the law prescribes that certain tasks related to registering legal entities or sole proprietors are to be performed by courts, those tasks shall be performed by the Basic Courts in Banja Luka, Bijeljina, Doboj, Trebinje and Sokolac for the entire territory that falls under the jurisdiction of the relevant District Court.

Seat and Territory of the District Courts

Article 25

The District Courts shall be:

1. the District Court in Banja Luka for the territories covered by the Basic Courts in Banja Luka, Gradiška, Kotor Varoš, Prijedor, Prnjavor, Novi Grad and Mrkonjić Grad;
2. the District Court in Bijeljina for the territories covered by the Basic Courts in Bijeljina, Zvornik and Srebrenica;

3. the District Court in Doboj for the territories covered by the Basic Courts in Doboj, Derventa, Modriča and Teslić;
4. the District Court in Trebinje for the territories covered by the Basic Courts in Trebinje and Foča; and
5. the District Court in East Sarajevo for the territories covered by the Basic Courts in Sokolac, Višegrad and Vlasenica.

2. SUBJECT MATTER JURISDICTION

Subject Matter Jurisdiction of Basic Courts Article 26

Basic Courts shall have jurisdiction over the following matters:

1. Criminal matters

a) first instance jurisdiction over:

- criminal offences for which the law prescribes as main punishment a fine or sentence of imprisonment up to 10 years, unless the jurisdiction of another court is prescribed by a separate law;
- criminal offences for which the jurisdiction of the basic court is prescribed by a separate law;
- criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to the Basic Court;
- all criminal proceedings against juveniles;

- b) to proceed during the investigation and after the bringing of the indictment in accordance with law;
- c) decisions on extraordinary legal remedies when provided by law;
- d) decisions to expunge a conviction from the record, or to terminate a security measure or the legal effect of a conviction, based on a decision of the court; and
- e) to proceed upon requests for pardon in accordance with law.

2. Civil matters

First instance jurisdiction over:

- a) all civil disputes; and
- b) non-disputed proceedings.

3. Commercial matters, in those courts with a commercial department:

First instance jurisdiction over:

- a) disputes related to the rights and obligations arising from legal transactions involving goods, services, securities, ownership or other property rights in real estate, or the rights and obligations arising from securities, in which both parties in the proceedings are either a legal entity or a physical person who, in the capacity of an independent entrepreneur or in another capacity, performs business or other registered activity as his main or additional profession;
 - b) disputes related to ships or navigation on the sea and inland waters, and disputes to which maritime law applies, with the exception of disputes related to the transport of passengers;
 - c) disputes related to airplanes and disputes to which aviation law applies, with the exception of disputes related to the transport of passengers;
 - d) disputes related to copyright, related rights or rights relating to intellectual property;
 - e) disputes arising from acts alleged to constitute unfair competition or monopolistic agreements; and
 - f) bankruptcy and liquidation proceedings, as prescribed by law, and all disputes arising during and related to bankruptcy and liquidation proceedings.
4. Other matters:
- a) enforcement procedure, unless otherwise provided by law;
 - b) security measures, unless otherwise provided by law;
 - c) special proceedings, unless otherwise provided by law;
 - d) the Land Registry activities, in accordance with law;
 - e) legal assistance to courts in Bosnia and Herzegovina;
 - f) tasks related to international legal assistance, except for those tasks that have been assigned by law to the district court;
 - g) performing tasks related to registering legal entities and sole proprietors, if prescribed by law; and
 - h) other activities as prescribed by law.

Subject Matter Jurisdiction of District Courts
Article 27

District Courts shall have jurisdiction over the following matters:

1. First instance jurisdiction
 - a) criminal offences for which more than 10 years of imprisonment or long-term imprisonment is prescribed, unless the competence of another court is prescribed by law;
 - b) to proceed during the investigation and after the bringing of the indictment in accordance with law;
 - c) criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to a District Court; and
 - d) to decide on administrative disputes, according to the seat of the first instance administrative organ, as well as on requests for protection of freedoms and rights guaranteed by the Constitution, if such rights and freedoms have been violated by a final individual act or activity of an authorized person in an administrative body, or of an authorized person in a company, institution or another legal entity in cases in which other court protection has not been provided.

2. Second instance jurisdiction
 - a) to decide on appeals against decisions of Basic Courts;
 - b) to decide on appeals against decisions of Minor Offence Courts;
 - c) to decide on other ordinary and extraordinary legal remedies, if provided by law.

3. Other
 - a) to decide on conflicts of territorial jurisdiction among the Basic Courts in its territory, in accordance with law;
 - b) to decide on the transfer of territorial jurisdiction from one Basic Court to another within its territory;
 - c) to decide to expunge a conviction or to terminate a security measure or the legal effects of a conviction, based on a decision of the Court;
 - d) proceed upon requests for pardon in accordance with law;
 - e) to decide on the recognition of decisions of foreign courts, foreign commercial courts and foreign arbitration;
 - f) to provide international legal assistance in criminal matters; and
 - g) to perform other activities as prescribed by law.

Subject Matter Jurisdiction of the Supreme Court
Article 28

The Supreme Court shall have jurisdiction over the following matters:

1. to decide on regular legal remedies from decisions of the District Courts, if so prescribed by law;
2. to decide on extraordinary legal remedies from valid rulings of courts and minor offence courts, if so provided by law;
3. to decide on legal remedies from decisions of its panels, unless otherwise provided by law;
4. to resolve conflicts of jurisdiction between courts, unless otherwise regulated by law;
5. to decide on transfer of territorial jurisdiction from one court to another, when so prescribed by law; and
6. to perform other activities defined by law.

Proceedings before Constitutional Courts **Article 29**

Courts may initiate proceedings before the Constitutional Court of the Republika Srpska or the Constitutional Court of Bosnia and Herzegovina in accordance with Constitution and relevant regulations dealing with procedures before the Constitutional Court.

CHAPTER III

INTERNAL ORGANIZATION OF THE COURTS

Duties of the Court President **Article 30**

Court Presidents shall be responsible for the overall management of the court and court administration.

Court Presidents shall represent the court in relations with other bodies and institutions.

Court Presidents may delegate particular duties of their office to judges or court staff.

Each Court President shall appoint another judge to act as president in his absence.

Court Secretary **Article 31**

Courts with 7 or more judges may have a Court Secretary.

A Court Secretary shall be a law school graduate or another person with a university degree, with at least five years of work experience, including appropriate managerial experience.

Duties of the Court Secretary
Article 32

The Court Secretary shall be responsible for carrying out the administrative, technical and financial affairs of the court in a proper and timely manner.

In the performance of his duties, a Court Secretary shall be under the supervision of the Court President.

Courts without a Court Secretary
Article 33

In courts without a Court Secretary, the Court President shall ensure that the tasks of the Court Secretary are performed, either by himself or by other judges or court staff.

General Sessions
Article 34

A general session shall consist of all the judges in a court.

The Court President shall convene and preside over general sessions.

General sessions shall be convened as required by procedural laws.

The quorum for a general session shall be two-thirds of the judges and decisions shall be by a majority of the judges present.

Court Departments
Article 35

Court departments may be established in courts to deal with the matters in the same legal field.

Other Regulations Governing Internal Organization and Operations of Courts
Article 36

High Judicial and Prosecutorial Council, in co-operation with the Ministry of Justice of the Republika Srpska, shall prepare the Book of Rules on Internal Court Operations; then the High Judicial and Prosecutorial Council shall issue it.

The Court President, with the consent of the Minister of Justice, shall issue a Book of Rules on the Internal Organisation and Systematisation of Posts in accordance, in accordance with the criteria set forth in Article 49 of this Law.

After the Minister of Justice gives consent, Court President shall deliver a copy of a Book of Rules on Internal Organization and Systematization of Posts to the High Judicial and Prosecutorial Council.

CHAPTER IV

JUDICIAL ADMINISTRATION

The Ministry of Justice
Article 37

The Ministry of Justice shall have the following competencies:

1. monitor the application of this law and other regulations related to the organisation and method of operation of the courts;
2. monitor the performance of matters of court administration;
3. give consent to the Book of Rules on internal organization and systematisation of posts in courts;
4. work with the Court President in resolving complaints received by the Ministry relating to court administration;
5. make recommendations to and cooperate with the Court President for improving the organization and work of the court;
6. collect statistical information related to the work of courts and instruct the courts on collecting, keeping and submitting this information;
7. provide for material conditions for the work of courts, and
8. perform competencies related to the court budgets in accordance with Articles 69, 70, 72 and 73 of this Law.

Minister of Justice
Article 38

The Minister of Justice shall issue regulations as stipulated in this Law.

Information and Reports
Article 39

Courts shall provide all information requested by the Ministry of Justice in order to carry out its competencies referred to in Article 37 of this Law.

Courts shall submit yearly reports on its operations to the Ministry of Justice and to the High Judicial and Prosecutorial Council.

Inspections and Audits
Article 40

In carrying out its competencies referred to in Article 37 of this Law, the Ministry of Justice may inspect the operations of the court and undertake audits.

Irregularities
Article 41

If the Ministry of Justice observes in courts irregularities of the application of this law or other regulation related to the organisation and method of operation of the courts, it shall report such irregularities to the Court President or the High Judicial and Prosecutorial Council, for further action.

Complaints
Article 42

The Ministry of Justice shall not be competent to handle complaints against judges and any such complaint received by the Ministry shall be forwarded to the High Judicial and Prosecutorial Council promptly for handling.

Independence of the Court
Article 43

The Ministry of Justice shall carry out its responsibilities in a manner that ensures the independence of the courts and shall not in any way interfere with the work of the courts related to specific cases.

Information Technology
Article 44

The High Judicial and Prosecutorial Council shall coordinate the use of information technology in the courts in order to achieve uniformity. No court shall adopt or install an automated case tracking, case registration or other case management

system, including back up and storage systems, without obtaining the prior approval of the High Judicial and Prosecutorial Council

CHAPTER V

JUDGES AND LAY JUDGES

Reserve Judges Article 45

If a Court President considers that reserve judges are necessary for the purpose of decreasing backlogs or the prolonged absence of one or more judges in his court, he shall submit a request to the High Judicial and Prosecutorial Council for the appointment of reserve judges.

Lay Judges Article 46

The President of each Basic Court shall determine the necessary number of lay judges for his court, after consultation with the High Judicial and Prosecutorial Council.

The President of each Basic Court shall advertise any vacant position for a lay judge by posting an announcement on the court notice board and in at least one a daily newspaper. Among the candidates who meet the requirements set by law, Court President shall select a list of candidates for lay judges who in his judgment are best qualified, and he shall submit the list to the High Judicial and Prosecutorial Council for appointment.

Personnel Files of Judges and Lay Judges Article 47

Each court shall maintain a file on each judge and lay judge, containing personal information, professional information, information on experience, and other data. Each judge and lay judge shall have the right to see his personnel file and to require the correction of incorrect information.

Performance Evaluations of Judges Article 48

The performance of judges shall be evaluated once a year at minimum, in accordance with criteria set by the High Judicial and Prosecutorial Council.

Each Court President shall evaluate the performance of the judges in his court. The President of the next higher court shall evaluate the performance of the Court President.

CHAPTER VI

COURT STAFF

Number and Qualifications of Court Staff

Article 49

The Minister of Justice shall set the criteria for determining the total number of staff in the courts.

For the purposes of this law, court staff shall mean all persons employed by the court, with the exception of judges.

The number and qualifications of employees and other requirements for employment of staff members in each court shall be separately regulated in the Book of Rules on Internal Organisation and Systematisation of Posts.

Judicial Associates

Article 50

Courts may employ judicial associates, who shall be law graduates who have passed the bar examination.

A judicial associate may proceed and decide in non-contentious, small claims and enforcement matters in accordance with law and as assigned by the Court President.

A judicial associate shall assist judges in their work, analyse legal issues, prepare cases for trial, and perform other professional activities, independently or under the supervision and instruction of a judge, as permitted by law or the applicable book of rules.

Senior Judicial Associates

Article 51

The Supreme Court may employ senior judicial associates.

Senior judicial associates shall be law graduates who have passed the bar examination and who have at least five years of legal experience.

Senior judicial associates shall perform the tasks referred to in Article 50 paragraph 3 of this law.

Law Trainees Article 52

Law trainees must be law graduates and may be employed by a court as law trainees for up to two years.

The education of law trainees shall be conducted in accordance with the induction training program, established by the Center for Judicial and Prosecutorial Training.

Law trainees under the supervision of a judge or judicial associate, may perform the same duties as judicial associates, except that law trainees may not decide cases.

Volunteer Interns Article 53

A court may have volunteer interns.

The provisions of this law on law trainees shall apply accordingly to volunteer interns.

Volunteer interns shall not receive compensation or other employment benefits, nor any other rights, except for the right to receive health insurance coverage and insurance for at-work injury.

Administrative Duties Performed Independently by Court Staff Article 54

Administrative staff may be entrusted with the performance of certain duties that do not have to be performed by judges. Unless prescribed by law or other regulation, authorized administrative staff may independently conduct the following activities:

1. certify signatures;
2. disclose information on the basis of the data in the court register;
3. issue certificates on facts on which the court keeps records;
4. enter into the record or official notes statements of parties and other interested persons, that they changed either their address or place of residence, or that they confirm the date of receipt of a court decision, in the event that the delivery note was not returned to the court or that the delivery note was returned to the court but the date of delivery was not indicated on the delivery note;
5. take appropriate measures to collect fines and costs of proceedings; and

6. perform other duties and tasks assigned by the Court President or the Secretary.

Employment Rights Article 55

Unless otherwise provided by law, the provisions of the laws regulating the employment rights and duties of staff of administrative bodies shall also apply to court staff.

Trial Period Article 56

All court staff shall undertake a mandatory three-month trial period before entering employment relationship.

Personal Files of Court Staff Article 57

Each court shall maintain a file on each court staff member containing personal information, professional information, information on experience, and other data. Each court staff member whose data are kept in a personnel file shall have the right to see his file and to require the correction of incorrect information.

Performance Evaluations of Court Staff Article 58

The performance of court staff shall be evaluated at least once a year.

The Court President shall evaluate the performance of the Court Secretary. Upon the proposal of the immediate supervisor, the Court President shall evaluate the performance of the judicial associates and trainees, and the Court Secretary shall evaluate the performance of the remaining staff.

Accountability Article 59

Each court staff member is accountable for any breach in his official duties, and may be disciplined in accordance with the law.

CHAPTER VII

COURT INTERPRETERS

Appointment Article 60

After consulting with the High Judicial and Prosecutorial Council, the Minister of Justice shall issue a decision on the appointment of court interpreters.

The courts shall use permanent interpreters unless there is no interpreter available in a particular language. Rights and duties of permanent court interpreters shall be regulated by special regulations.

CHAPTER VIII

OBLIGATIONS TO PARTIES AND THE PUBLIC

Confidentiality Article 61

Judges and court staff shall keep confidential everything they learn in the course of their work about participants in proceedings, legal and factual situations of their cases, and they shall protect the confidentiality of information not accessible to the public.

Official and Trade Secrets Article 62

Judges and court staff shall keep official and trade secrets confidential, regardless of how they came into possession of the information. Terms “official and trade secrets“ especially include the following:

- 1) any information that has been designated as an official or trade secret by law or other regulation;
- 2) any information that has been specified as an official or trade secret by the general acts of state bodies, legal entities and other institutions;
- 3) information and documents specially designated as official or trade secret by state bodies, legal entities, and other institutions; or
- 4) information and documents that have been marked as official or trade secret by the President of the Court or an authorised court staff member.

The obligation to keep official or trade secrets confidential shall continue even after termination of work in the court. The President of the Court may release the judge or the

court staff member from the obligation to keep an official or trade secret if it can be substantively justified in a particular case.

Urgent Cases
Article 63

At times that a court is not open, the court shall schedule one or more judges and staff to be on call to handle urgent cases.

Freedom of Access to Court Files and Registers
Article 64

The public and parties in the proceedings shall have access to court files in accordance with the law, unless there is a law prescribing differently.

The information contained in court registers is public and everyone may hand-copy it and request that they are issued certified information from the court registry.

Accountability
Article 65

The Republika Srpska shall be liable for damage to physical or legal entities caused by court staff in performing their duties in an unlawful or irregular manner.

Complaints against the Court
Article 66

Each court shall maintain a system for receiving and processing complaints against the court, judges or court staff.

The President of the Court shall handle the complaints against the court and the court staff and shall forward all complaints against judges to the High Judicial and Prosecutorial Council promptly for handling.

CHAPTER IX

COURT FUNDING AND BUDGETING

Funding of Court Operations
Article 67

Funding for the operation of the courts shall be provided out of the budget of the Republika Srpska.

Funding shall be sufficient in terms of amount and frequency of payments to enable each court to function in a fully independent, impartial and efficient manner and to ensure that each court can meet all its financial obligations as they fall due.

Budget for each court shall be set forth separately in the budget and Treasury system of Republika Srpska.

Development of Budget Proposals **Article 68**

Each court shall develop an annual budget proposal for the following year based on the expenses of the current year and projections for the following year.

Each court shall submit its budget proposal to the High Judicial and Prosecutorial Council for comment by a date determined by the High Judicial and Prosecutorial Council.

Following consideration of the High Judicial and Prosecutorial Council's comments and any revision of the budget proposal, or following expiry of 30 days from the date of submission of the budget proposal to the High Judicial and Prosecutorial Council, each court shall submit its budget proposal to the Ministry of Justice, together with any comments provided by the High Judicial and Prosecutorial Council, within a deadline set by the Ministry.

If it does not agree with the budget proposal submitted by a court or if it needs more information, the Ministry of Justice shall contact the Court Secretary or Court President and inform the High Judicial and Prosecutorial Council.

The Ministry of Justice shall provide each court and the High Judicial and Prosecutorial Council with a copy of its final budget proposal for that court as submitted to the Ministry of Finance or the Government.

The Ministry of Finance or the government shall consult with the High Judicial and Prosecutorial Council before making any changes to the court budget proposal.

If the budget is not adopted in the amount proposed by a court in accordance with provisions of this Article, the Ministry of Justice shall consult with the Court Secretary or the Court President before finalizing the budget of that court.

Payment of Arrears **Article 69**

The court budget proposal that is submitted to the legislature for adoption shall include a plan for how to eliminate any accumulated debt by the courts.

Execution of and Changes to the Budget

Article 70

Execution of court budgets shall be consistent with the budget approved by the National Assembly of the Republika Srpska.

In the case there is a need for rebalancing the budget of Republika Srpska, execution of the court budget shall be conducted in a percentage of execution of the budget of Republika Srpska, with the exception of execution of the budget that relates to the external debt.

No budget rebalance may be made that decreases the amount of budget of any court, except by the National Assembly of the Republika Srpska.

Before the procedure for any budget rebalancing is initiated that decreases the amount of any court's budget, the Ministry of Justice must inform the High Judicial and Prosecutorial Council of that fact.

During the budget year, each court may request reallocation of funds between different line items of its approved budget, provided that no line item is decreased by more than 10 % of the approved amount for that budget line item.

The request for reallocation referred to in paragraph 4 of this Article shall be submitted in writing to the Ministry of Justice, and copied to the Ministry of Finance and the High Judicial and Prosecutorial Council.

Following its obtaining of an opinion from the Ministry of Finance, Ministry of Justice is required to deliver the court's request under paragraph 5 of this Article to the Government of Republika Srpska, for the decision making, Ministry of Justice must inform the High Judicial and Prosecutorial Council of the performed reallocation.

Additional Budgetary Funding

Article 71

To the extent a court has a need for additional funds during the course of the year, it shall submit a request for such funding to the Ministry of Justice and send a copy of the request to the High Judicial and Prosecutorial Council.

Donations

Article 72

Courts may receive donations of money, goods or services in accordance with law, unless the acceptance of any donation would jeopardize the independence and impartiality of the court or cast a doubt upon the court's independence and impartiality.

A Court President shall obtain the approval of the High Judicial and Prosecutorial Council prior to accepting any donation for the court.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

Application of Articles 9, 46 and 47

Article 73

Provisions of Articles 9, 46 and 47 of this law, which apply to lay judges, are applied only to proceedings which, in accordance with the provisions of the Rules of Criminal Procedure of Republika Srpska (“Official Gazette of Republika Srpska,” No. 50/03), and Rules on Civil Procedure (“Official Gazette of Republika Srpska,” Nos. 58/03 and 85/03) have to be completed in accordance with the presently applicable regulations.

Harmonization with the Decision of the Constitutional Court of BiH

Article 74

Provisions of Articles 22 and 25 of the law will be harmonized with the Law on changes and amendments of the Law on Territorial Organization and Local Self-Governance in Republika Srpska, and with other regulations.

Subject Matter Jurisdiction in Criminal Cases

Article 75

Procedure in criminal cases in which subject matter jurisdiction has been changed by the provisions of Articles 27, paragraph 1a and Article 28, paragraph 1a of this law, shall proceed before the competent court according to the previously applicable regulations

Subject Matter Jurisdiction for Administrative Dispute Cases

Article 76

Procedure in administrative dispute cases in which the subject matter jurisdiction has been changed by the provisions of Article 28, paragraph 1.1.d of this law, which were filed prior to the effective date of this law, shall proceed before the court that has subject matter jurisdiction under the Law on Courts and Judicial Service (“Official Gazette of the Republika Srpska” Nos. 13/00, 15/00, 16/00, 70/01, 77/02 and 85/03.)

Training Center
Article 77

Until such time the Center for Judicial and Prosecutorial Training develops a training program for law trainees and volunteers, law trainees and volunteers shall be trained under current training programs.

Use of the Existing Automated Systems
Article 78

Courts which were using automated case tracking, case registration or other case management system before the effective date of this Law, may continue to use those systems without approval referred to in Article 44 of this Law, until the High Judicial and Prosecutorial Council establishes uniform systems for all courts or uniform criteria for adoption of those systems.

Cessation of Validity of Prior Regulations
Article 79

By the entry into force of this law, the Law on Courts and Judicial Service (“Official Gazette of Republika Srpska” Nos. 13/00, 15/00, 16/00, 70/01, 77/02, 85/03 and 114/03) shall cease to be applicable, except that Articles 87 through 95 of that law shall apply until such time a separate law on judicial salaries is enacted.

Entry into Force
Article 80

This Law shall enter into force on the eighth day after the day of publication in the “Official Gazette of the Republika Srpska.”

Number:01-919/04

PRESIDENT
OF THE PEOPLE’S ASSEMBLY OF REPUBLIKA SRPSKA
Dusan Stojicic

Date: December 1. 2004.