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## Department for Legal Affairs



# LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

**“Official Gazette of the Federation of Bosnia and  
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[NOTE: Criminal Procedure Code of the Federation of Bosnia and Herzegovina was published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 35/03.](#)

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

## **Article 1**

In the Criminal Procedure Code of the Federation of Bosnia and Herzegovina (“Official Gazette of the FBiH” nos. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10 and 8/13), Article 18 shall be amended to read:

### **“Article 18 Principle of Legality of Prosecution**

The prosecutor shall be obligated to undertake a criminal prosecution if there is evidence that a criminal offense has been committed unless otherwise prescribed by law.”

## **Article 2**

Article 85 shall be amended to read:

### **“Article 85 Opening and Inspection of Seized Objects and Documents**

- (1) The opening and inspection of seized objects or documentation inventorying of which is not possible, due to which they have been put into a separate envelope and sealed, shall be done by the prosecutor or official person on the basis of a written approval issued by the prosecutor.
- (2) The person from whom the objects were seized shall be summoned to attend the opening of the envelope. If the person does not answer the summons or is absent, the envelope shall be opened, and objects and documentation shall be inspected and inventoried in that person’s absence.
- (3) When inspecting the seized objects and documents, attention shall be paid that no unauthorized person gets the insight into their contents. The record shall be made on opening of the envelope.”

## **Article 3**

In Article 149, paragraph 3, the words: “the Supreme Court of the Federation” shall be replaced with words: “referred to in paragraph (2) of this Article”.

In paragraph 4, the words: “paragraph (3)” shall be replaced with words: “paragraph (2)” and words: “the Supreme Court of the Federation” shall be replaced with words: “referred to in paragraph (2) of this Article”.

## **Article 4**

Article 319 shall be amended to read:

**“Article 319  
Session of the Panel**

- (1) The prosecutor, the accused, his defense attorney, injured party, person from whom the item was seized and person from whom the property gain obtained through criminal offense was seized, who in their appeal or reply to the appeal requested to be informed about the session of the panel, shall be informed about the session of the Panel.
- (2) If the accused is in custody or serving the sentence, and he/she requested to be informed about the session of the Panel, his/her presence shall be ensured, and in that case the prosecutor and defense attorney shall always be informed about the session of the Panel.
- (3) Failure of the parties and the defense attorney to appear at the session despite being duly summoned shall not preclude the session from being held.
- (4) The public may be excluded from the session of the Panel at which the parties and the defense attorney are present, only under the conditions stipulated in this Code (from Article 250 through Article 252).
- (5) The session of the panel shall commence with the presentation of the appellant, and then the other party shall present the answer to the appeal. The Panel may request for any necessary explanation regarding the appeal and the answer to appeal from the parties and the defense attorney present at the session. The parties and the defense attorney may propose that certain documents be read and may, upon the permission from the presiding judge, present any necessary explanation for their points in the appeal or the answer to the appeal without being repetitive.
- (6) The record of the Panel session shall be added to the case file.
- (7) The decision referred to in Article 326 and Article 327 of this Code may be rendered even without informing the parties and the defense attorney about the session of the Panel.
- (8) In case when the subject of the appeal referred to in paragraph (1) of this Article have not requested to be informed about the session of the panel of a second instance court, the session of the Panel shall be held without their presence.”

**Article 5**

This Law shall enter into force on the day after it has been published in the “Official Gazette of the Federation of BiH”.