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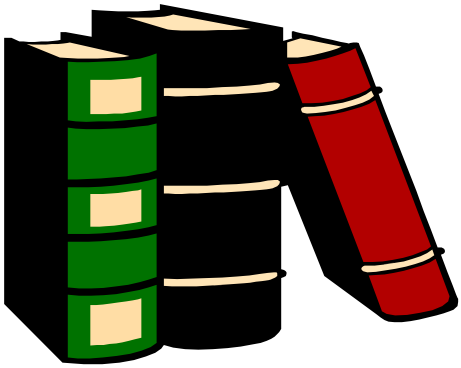

THE CRIMINAL PROCEDURE CODE OF REPUBLIKA SRPSKA

"Official Gazette of Republika Srpska", 53/12

NOTE: English translation of this Law was received from the OSCE.
NOTE: Article 429 of this Code: When this Code enters into force, the Criminal Procedure Code – Consolidated text (OG SFRY 26/86, 74/87, 57/89 and 3/90) with amendments to this Code published in OG RS 4/93, 26/93, 14/94, 6/97 and 61/01 and the Criminal Procedure Code of Republika Srpska (OG RS 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09, 92/09) and the Criminal Procedure Code of Republika Srpska- Consolidated text (OG RS 100/09) shall cease to apply, unless otherwise provided by this Chapter.

LOCAL LANGUAGE VERSION

THE CRIMINAL PROCEDURE CODE OF REPUBLIKA SRPSKA

PART ONE

CHAPTER I
GENRAL PROVISIONS

1. Basic Principles

Article 1
Application of Rules of Criminal Proceedings

This Code sets forth the rules of criminal procedure that are mandatory for the proceedings of the courts, the prosecutors and other participants in the criminal proceedings provided by this Code, when acting in criminal matters.

Article 2
Principle of Legality

(1) The rules set forth in this Code shall provide for an innocent person to be acquitted and for a perpetrator of an offense to be subject to a criminal sanction in legally prescribed proceedings under the conditions provided by the Criminal Code of Republika Srpska (hereinafter: the Criminal Code) and other laws that define criminal offenses within the bounds provided for in the Criminal Code and in proceedings defined by law.
(2) Prior to the rendering of a final and binding verdict the freedom and other rights of the suspect or accused shall be limited only under the conditions set forth in this Code.
(3) A penalty for the commission of a crime shall be pronounced only by a competent court or by the court, to which the Court of Bosnia and Herzegovina has transferred the case, in the proceedings instituted and conducted in accordance with this Code.

Article 3
Presumption of Innocence and *In Dubio Pro Reo*

(1) A person shall be considered innocent of a crime until he is proven guilty by a final and binding verdict.
(2) A doubt with respect to the existence of facts constituting the character of a criminal offense or of facts on which the application of certain provisions of criminal legislation depends shall be resolved by the court in a decision and in a manner that is the most favourable for the accused.

Article 4
Prohibition of Double Jeopardy (*Ne bis in idem*)

No person shall be prosecuted again for the same offense he has been already tried for and

received the final and binding verdict.

Article 5
Rights of Person Deprived of Liberty

(1) A person deprived of liberty shall, in his mother tongue or any other language that he understands, be immediately informed about the reasons for his apprehension and before first questioning advised that he is not obliged to make a statement, nor respond to questions asked, on his right to a defence attorney which can later be of his own choice as well as on the fact that his family, consular official of the state of which he is a citizen or other person designated by him shall be informed about his deprivation of liberty.
(2) A defence attorney shall be appointed to represent a person deprived of liberty, at the person's request, if he cannot pay the expenses of defence due to his financial condition.

Article 6
Rights of Suspect or Accused

(1) The suspect, upon first being questioned, shall be informed about the offense that he is charged with and the grounds for suspicion against him and that statement of his may be used as evidence in further proceeding.
(2) The suspect or accused shall be provided with an opportunity to make a statement regarding all the facts and evidence incriminating him and to present all facts and evidence in his favour.
(3) The suspect or accused shall not be bound to present his defence or to answer questions he is asked.

Article 7
Right to Defence

(1) The suspect or accused has the right to present his own defence or to defend himself with the professional assistance of a defence attorney of his own choice.
(2) If the suspect or accused does not have a defence attorney, a defence attorney shall be appointed for him in cases as stipulated by this Code.
(3) The suspect or accused shall be given sufficient time to prepare a defence.

Article 8
Language and Alphabet

(1) The official languages of Republika Srpska - the language of Serbian people, the language of Bosniac people and the language of Croatian people - shall be equally used in criminal proceedings. Latin and Cyrillic shall be the official alphabets.
(2) Parties, witnesses and other participants in the proceedings have the right to use mother tongue or the language they understand in the course of the proceedings. If such a participant does not understand one of the official languages of Republika Srpska, provision shall be made for oral interpretation of the statements of that person and other persons and translation of official documents and identifications and other written pieces of evidence.

(3) Any above-mentioned individual shall be informed of the right under Paragraph 2 of this Article prior to first questioning and may waive such right if he knows the language in which the proceedings are being conducted. A note shall be made in the record that the participant has been so informed, and his response thereto shall also be noted.
(4) Interpretation shall be performed by a court interpreter.

Article 9
Sending and Delivery of Court Papers

(1) The court and other bodies participating in the proceedings shall issue summonses, decisions and other papers in the official languages under Paragraph 1 of Article 8 of this Code.
(2) Document shall be submitted to the court and other bodies participating in the proceedings in the official languages from Article 8 Paragraph 1 of this Law.
(3) Any person who is deprived of liberty or in custody, serving sentence or committed for mandatory psychiatric or addiction treatment, shall also be delivered the translation of the papers under Paragraphs 1 and 2 of this Article in mother tongue or the language he understands.

Article 10
Legality of Evidence

(1) No confession or any other statement shall be extorted from the suspect, the accused or any other participant in the proceedings.
(2) The court may not base its decision on evidence obtained through essential violation of human rights and freedoms prescribed by the Constitution and international treaties ratified by Bosnia and Herzegovina, nor on evidence obtained through essential violations of this Code.
(3) The court shall not base its decision on evidence derived from the evidence referred to in Paragraph 2 of this Article.

Article 11
Right to Compensation and Rehabilitation

A person who has been convicted of a criminal offense or deprived of freedom due to a miscarriage of justice is entitled to rehabilitation of reputation, compensation for damage to be paid from the budget, as well as to other rights as stipulated by law.

Article 12
Instruction on Rights

The court, prosecutor and other bodies participating in the proceedings shall instruct a suspect or the accused or any other participants in the criminal proceedings, who could, out of ignorance, fail to carry out a certain action in the proceeding or fail to exercise his rights, on his rights under this Code and the consequences of such failure to act.

Article 13
Right to Trial without Delay

(1) The suspect or accused shall be entitled to be brought before an independent and impartial court in the shortest reasonable time period and to be tried without delay.
(2) The court shall also conduct the proceedings without delay and prevent any abuse of the rights of any participant in the criminal proceedings.
(3) The duration of custody shall be for the shortest necessary time.

Article 14
Equality of Arms

(1) The court shall treat equally the parties and the defence attorney and provide each party an equal opportunity with regards to the access to the evidences and presenting them at the main trial.
(2) The court, the prosecutor and other bodies participating in the proceedings are bound to study and establish with equal attention facts that are exculpatory as well as inculpatory for the suspect or the accused.

Article 15
Free Assessment of Evidence

The right of the court, prosecutor and other bodies participating in the criminal proceedings to assess the existence or non-existence of facts shall not be related or limited to special formal evidentiary rules.

Article 16
Accusatory Principle

Criminal proceedings shall only be initiated and conducted at the request of the prosecutor.

Article 17
Principle of Legality of Prosecution

The prosecutor shall initiate a prosecution if there is evidence that a criminal offense has been committed, unless otherwise prescribed by this Code.

Article 18
Consequences of Initiation of Proceedings

When it is prescribed that the initiation of criminal proceedings entails the restriction of certain rights, such restrictions, unless this Code specifies otherwise, shall commence when the indictment is confirmed. And for the criminal offenses punishable by a fine or imprisonment of

up to five (5) years, those consequences shall commence as of the day the verdict of guilty is rendered, regardless of whether the judgment has become final and binding.

Article 19
Preliminary Issues

(1) If application of the Criminal Code depends on a prior ruling on a point of law that falls under the jurisdiction of a court in other proceedings, or within the jurisdiction of another body, the court trying the criminal case may itself rule on that point in accordance with applicable provisions concerning the presentation of evidence in criminal proceedings. The court's ruling on that point of law takes effect only with respect to the particular criminal case that the court is trying.
(2) If a court in other proceedings or another body has already ruled on the preliminary issue, such ruling shall not be binding on the court with respect to its assessment of whether the offense constitutes criminal offence.

2. Definition of Terms

Article 20
Basic Terms

Unless otherwise provided under this Code, the particular terms used for purposes of this Code shall have the following meaning:
a) The term "suspect" refers to a person with respect to whom there are grounds of suspicion that the person has committed a particular criminal offence;
b) The term "accused" refers to a person against whom one or more counts in an indictment have been confirmed;
v) The term "convicted person" refers to a person who has been found guilty of a particular criminal offense in a final and binding guilty verdict;
g) "The preliminary proceedings judge" is a judge who, during the investigative procedure acts in cases as prescribed by this Code;
d) The term "preliminary hearing judge" refers to a judge who after the confirmation of the indictment acts in cases as prescribed by this Code and who has the powers of the "preliminary proceedings judge";
đ) The term "parties" refers to the prosecutor, the suspect/accused/convicted person;
e) The term "spouse" and "extramarital partner" are persons who acquired this status in accordance with family law;
ž) The term "authorized official" refers to a person who has appropriate authority within the police bodies of RS, police bodies of Bosnia and Herzegovina, including SIPA and the State Boarder Police of BiH, court police, customs bodies and internal revenue bodies. Expert associates as well as investigators working for the prosecutor's offices under the authorization of the prosecutor shall also be considered as authorized officials;
z) The term "injured party" refers to a person whose personal or property rights have been harmed or violated by a criminal offense;

i) The term “legal persons” refers to public companies, associations, firms and partnerships and other business enterprises defined as such in the Criminal Code;
j) The term “investigation” refers to all activities undertaken by the prosecutor or by authorized officials in accordance with this Code, including the collection and preservation of information and evidence;
k) The term “cross-examination” refers to the questioning of a witness or expert witness by the party or the defence attorney who has not called the witness or expert witness to testify;
l) The term “direct examination” refers to the questioning of a witness or expert witness by the party or the defence attorney who called the witness or expert witness to testify;
lj) The term “grounded suspicion” refers to a higher degree of suspicion based on collected evidence leading to the conclusion that a criminal offense has been committed;
m) the terms "writings" and "recordings" refer to the contents of letters, words, or numbers, or their equivalent, generated by handwriting, typewriting, printing, photocopying, photographing, magnetic impulse recording, mechanical or electronic recording, or other form of data compilation;
n) The term "photographs" refers to still and digital photographs, X-ray films, videotapes, and motion pictures;
nj) The term "original" refers to an actual writing, recording or similar equivalent intended to have the same effect by a person writing, recording or issuing it. An "original" of a photograph includes the negative or any copy therefrom. If data is stored on a computer or a similar automatic data processing device, any printout or other output readable by sight is considered an "original”;
o) The term "copy" refers to a copy generated by copying the original or matrix, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques that accurately reproduce the original;
p) The term “telecommunication address” means any telephone number, either landline or cellular, or internet address held or used by a person.
r) The term “computer system” is any device or a group of mutually connected or linked devices, out of which one or more are automatically processing data on the basis of a programme, and
s) The term “computer data” denotes any presentation of facts, information or concepts in a form suitable for processing in a computer system, including any programme that is able to cause the computer system to execute certain function.

3. Legal Assistance and Official Cooperation

Article 21
Obligation to Render Legal Assistance and Official Co-operation

(1) All courts in Republika Srpska shall provide legal assistance to the court conducting criminal proceedings.
(2) All authorities of Republika Srpska shall maintain official co-operation with the courts, the prosecutor and other bodies conducting criminal proceedings.

Article 22
Rendering Legal Assistance and Official Co-operation

(1) The court shall file a request for legal assistance or official co-operation with the competent court or authority.
(2) Such legal assistance or official co-operation shall be provided without compensation.
(3) Paragraphs 1 and 2 of this Article shall apply to requests issued by the prosecutor to other authorities in Republika Srpska.

CHAPTER II
COURT JURISDICTION

1. Subject Matter Jurisdiction and Composition of Court

Article 23
General Provision

The courts shall adjudicate criminal matters within the bounds of subject matter jurisdiction provided for by law.

Article 24
Composition of Court

(1) As courts of first instance, the courts shall sit in panels of three judges and a single trial judge shall try all criminal cases punishable by a fine or a prison term of up to ten years.
(2) As courts of second and third instance, the courts shall sit in panels of three judges.
(3) The Supreme Court shall decide about the motion for protection of legality in the panel composed of five judges.
(4) The preliminary proceedings judge, the preliminary hearing judge, the president of the court and the presiding of the panel shall decide cases as provided by this Code.
(5) The courts shall sit in panels of three judges to hear appeals against decisions prescribed by this Code and make other decisions outside the main trial.
(6) The court shall sit in panels of three judges to hear petitions for reopening.

2. Territorial Jurisdiction

Article 25
Forum Delicti Commissi

(1) The court covering a defined territory shall have territorial jurisdiction over any criminal offense committed within the court's territory.
(2) If a criminal offense was committed or attempted in territories covered by different courts, or on the boundaries of the territories or in an uncertain territory, the territorial jurisdiction shall be exercised by the court which was the first to confirm the indictment, but if the indictment has

not been confirmed yet, it shall be exercised by the court which was the first to receive the indictment for confirmation.

Article 26
Jurisdiction over Criminal Offenses Committed Aboard National Vessel or Craft

If a criminal offense was committed aboard a national vessel or craft while in a national port or airport, the court in whose territory the port or airport is located shall have territorial jurisdiction. In all other cases of a criminal offense having been committed aboard a national vessel or craft, the court in whose territory the vessel or craft is registered or the court in whose territory the port/airport, in which the vessel or craft first stopped is located, shall have jurisdiction over the case.

Article 27
Specific Jurisdiction

(1) If the crime scene is unknown or outside the territory of Republika Srpska, the court in the territory of the defendant's domicile or temporary residence shall have jurisdiction over the case.
(2) If the court in the territory of the defendant's domicile or temporary residence has started conducting the criminal proceeding, it shall have jurisdiction over the case even when the crime scene has been discovered afterwards.
(3) If both the crime scene and the defendant's domicile or temporary residence are unknown or both are outside the territory of Republika Srpska the court in whose territory the defendant was caught or surrendered shall have jurisdiction over such case.

Article 28
Forum Domicilii

(1) If the crime scene is unknown or outside the territory of Republika Srpska, the court in the territory of the defendant's domicile or temporary residence shall have jurisdiction over the case.
(2) If the court in the territory of the defendant's domicile or temporary residence has initiated the criminal proceeding, it shall have jurisdiction over the case even when the crime scene has been discovered afterwards.
(3) If the crime scene or defendant's domicile or temporary residence is unknown or if both are located outside the territory of Republika Srpska, the court in which territory the defendant is apprehended or surrendered shall have jurisdiction over the case.

Article 28
Jurisdiction over Criminal Offences

If a person committed criminal offences both within and outside the territory of Republika Srpska and the criminal offences are linked and supported with same evidence, the court that has jurisdiction over the criminal offence committed in Republika Srpska shall have jurisdiction over such case.

Article 29
Forum Ordinatum

If it is impossible to decide which court has territorial jurisdiction pursuant to provisions above, the Supreme Court shall designate one of the courts having subject-matter jurisdiction to have jurisdiction over the case.

3. Severance and Joinder of Proceedings

Article 30
Joinder of Proceedings

(1) If the same person is charged with several different criminal offenses falling under subject matter jurisdiction of both lower and higher court, the competent court to try him shall be the higher court; if the competent courts are of the same level, the court that was the first to initiate the proceeding at the request of prosecutor shall have jurisdiction over the case and if the criminal proceeding has not been instituted yet, the court first to receive the request for prosecution shall have jurisdiction.
(2) The competent court shall be decided in pursuance of Paragraph 1 of this Article also if at the same time the injured party committed a criminal offense against the accused.
(3) The court competent to try the accomplices, as a general rule, shall be the court competent to try one of the accomplices, which was the first to institute the proceeding.
(4) As a general rule, the court having jurisdiction over the offender shall have jurisdiction also over the accomplices, accessories before the fact, accessories after the fact, persons having known of the preparation, commission and perpetrator of the criminal offence but failing to report them.
(5) In all cases under Paragraphs 1 through 4 the court shall conduct, as a general rule, joint proceedings and render a single verdict.
(6) The court may decide to conduct joint proceedings and render a single verdict if several persons are alleged to have joined in the commission of several criminal offenses under condition that there is a mutual relation between those criminal offenses. If the criminal offenses fall under subject matter jurisdiction of both lower and higher court, the competent court to conduct the joinder shall be the higher court.
(7) The court may decide to conduct joint proceedings and render a single verdict if separate proceedings are currently conducted against the same person for several criminal offenses or against several persons for the same criminal offenses.
(8) The court that has jurisdiction over a joinder shall, decide the issue of joinder of the proceedings. No appeal is allowed against the decision ordering joinder of the proceedings or overruling the motion for joinder of the proceedings.

Article 31
Severance of Proceedings

(1) For important reasons or for reasons of purposefulness, before the main trial is completed, the court which is competent in accordance with Article 30 of the Code may order severance of

the proceedings for certain criminal offenses or against certain accused persons and complete them separately.
(2) The decision on severance of the proceedings shall be made by the judge or the panel upon a hearing of the parties and the defence attorney.
(3) No appeal is allowed against the decision ordering severance of the proceedings or rejecting the motion for severance of the proceedings.

4. Transfer of Territorial Jurisdiction

Article 32
Designating another Court with Subject-Matter Jurisdiction

(1) If the competent court is prevented from proceeding for legal or subject-matter related reasons it shall, after having heard the parties and defence attorney, inform about it the higher court that shall designate the case to different court with subject-matter jurisdiction over the case in its territory.
(2) An appeal is not allowed against the decision under Paragraph 1 of this Article.

Article 33
Change of Venue

(1) The Supreme Court may remove a proceeding from one court to another with the same subject-matter jurisdiction because of important reasons.
(2) The decision under Paragraph 1 of this Article, against which no appeal is allowed, may be issued at the motion by preliminary proceedings judge, preliminary hearing judge, judge or presiding of the panel, or one of the parties or defence attorney.

5. Consequences of Lack of Jurisdiction *(Want of Jurisdiction)*

Article 34
Duty to Observe Jurisdiction and Consequences of Lack of Jurisdiction

(1) The court shall be cautious of its territorial or subject-matter jurisdiction and as soon as it becomes aware that it is not competent, it shall issue a decision that it lacks jurisdiction and once such decision has become final and binding, it shall forward the case to the competent court.
(2) If during the proceedings the court finds that a lower court has jurisdiction over the case, it shall not transfer the case to the lower court but shall conduct the proceedings and render a decision.
(3) After the indictment has been confirmed, the court may not issue a decision on the lack of territorial jurisdiction neither may the parties challenge its territorial jurisdiction.
(4) The court with no jurisdiction over a case shall undertake those actions in the proceeding, whose delay would be detrimental.

Article 35
Conflict of Jurisdiction Proceedings

(1) If the court to which a case has been transferred deems that the court having transferred the case or another court is competent, it shall institute the conflict of jurisdiction proceedings.
(2) If the appellate court has decided on appeal against the decision on the lack of jurisdiction issued by the court of first instance, the decision on the appeal in relation to the jurisdiction shall be binding to the court to which the case has been transferred to, if the appellate court has jurisdiction to issue decision on the conflict of jurisdiction.

Article 36
Resolution of Conflict of Jurisdiction

(1) Conflict of jurisdiction shall be resolved by the immediate common higher court.
(2) Before the higher court issues the decision it shall seek opinion of the parties and defence attorney. No appeal is allowed against the decision.
(3) Until the issue of conflict of jurisdiction has been resolved, each court involved shall undertake those actions in the proceedings, whose delay would be detrimental.

CHAPTER III
DISQUALIFICATION

Article 37
Reasons for Disqualification

A judge shall not perform his duties as judge if:
a) he is personally injured by the offense;
b) if the suspect or accused, his defence attorney, the prosecutor, the injured party, his legal representative or attorney-in-fact is his spouse or cohabitee or lineal relative to any degree whatsoever, relative in a collateral line to the fourth degree, or in-law to the second degree;
v) if he is a guardian, ward, adoptive parent, adopted child, foster parent or foster child with respect to the suspect or accused, his defence attorney, the prosecutor or the injured party;
g) if he has participated in the same case as the preliminary proceedings judge or preliminary hearing judge or if he participated in the proceedings as prosecutor, defence attorney, his legal representative or attorney-in-fact of the injured party or if he was heard as a witness or expert witness;
d) if, in the same case, he participated in rendering a decision contested by the legal remedy;
đ) if circumstances exist that raise a reasonable suspicion as to his impartiality.

Article 38
Disqualification upon Motion of Parties or Defence Attorney

(1) The parties and the defence attorney may seek disqualification of the President of the court and of the judge.

(2) The petition referred to in Paragraph 1 of this Article may be filed before the beginning of the main trial and if the parties and the defence attorney learn of reasons for disqualification referred in Article 37 Item a) to đ) of this Code later, they may submit a petition as soon as they learn of these reasons.
(3) The parties and defence attorney may file a petition for disqualification of a judge of the appellate court in the appeal or in a response to the appeal.
(4) The parties or the defence attorney may seek to disqualify only a particular judge or the presiding of the panel conducting the case.
(5) In the petition, a party or defence attorney shall set forth the facts and circumstances justifying disqualification. The reasons stated in a previous petition for disqualification that was refused shall not be included in the petition for disqualification.

Article 39
Disqualification Procedure

(1) As soon as a judge learns of any of the reasons for his disqualification referred to in Article 37 Item a) to d) of this Code, he shall cease any work on the case and inform the President of the court. If the judge believes that circumstances referred to in Article 37 Item đ) exist, he shall inform the President of the court accordingly.
(2) The court in plenary session shall decide the issue of disqualification and replacement in the case referred to in Paragraph 1 of this Article as well as in the case of disqualification of the President of the court.

Article 40
Deciding Motion for Disqualification

(1) The court in plenary session shall decide the petition for disqualification referred to in Article 38 of this Code.
(2) Before rendering a decision on disqualification, a statement shall be taken from the judge or President of the court and if required, other inquiries shall be conducted.
(3) No appeal shall be allowed against a decision upholding or rejecting the motion for disqualification.
(4) If the petition for disqualification referred to in Article 37 Item đ) of this Code was submitted after the beginning of the main trial or if actions were taken contrary to the provision of Article 38 Paragraph 4 or 5 of this Code, the petition shall be rejected in whole or in part. The decision rejecting the petition shall be issued by the panel under Article 24 Paragraph 5 of this Code. The judge whose disqualification is required may not participate in the issuance of that decision. No appeal is allowed against the decision rejecting the petition.

Article 41
Validity of Actions Taken after Filing Motion for Disqualification

When a judge learns that a motion has been filed for his disqualification, he shall immediately cease working on the case and, if the issue is the disqualification referred to in Article 37 Item đ)

of this Code, until issuance of a decision on the petition he may take only those actions whose delay would be detrimental.

Article 42
Disqualification of Prosecutor and other Participants in Proceedings

(1) The provisions on disqualification of a judge shall accordingly be applied to the prosecutor and persons authorized to represent the prosecutor in the proceedings, record takers, court interpreters and specialists as well as to expert witnesses, unless otherwise regulated.
(2) The prosecutor shall decide the disqualification of persons who pursuant to the law are authorized to represent him in criminal proceedings. The Collegium of the prosecutor's office shall decide on the disqualification of the prosecutor.
(3) The panel, the president of the court or judge, and until the indictment is filed the prosecutor, shall decide on the disqualification of record takers, court interpreters and specialists as well as expert witnesses.
(4) When authorized officials take investigative actions pursuant to this Code the prosecutor shall decide on their disqualification. An authorized official taking the actions shall decide on the disqualification of the record taker if the latter participates in such actions.

CHAPTER IV
PROSECUTOR

Article 43
Rights and Duties

(1) The basic right and the basic duty of the prosecutor shall be the detection and prosecution of perpetrators of criminal offenses.
(2) The prosecutor shall have the following rights and duties:
a) as soon as he becomes aware that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and gathering of statements and evidence;
b) to perform an investigation in accordance with this Code;
v) to grant immunity in accordance with Article 149 of this Code;
g) to request information from governmental bodies, companies and physical and legal persons in Republika Srpska;
d) to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code;
đ) to order authorized officials to execute orders issued by the court as provided by this Code;
e) to establish facts necessary for deciding property claim in accordance with Article 107 of this Code,
ž) to propose the issuance of a warrant for pronouncement of the sentence pursuant to Article 358 of this Code;
z) to file and defend an indictment before the court;
i) to pursue legal remedies;

j) to perform other tasks as provided by law.
(3) In accordance with Paragraphs 1 and 2 of this Article, all bodies participating in the investigative procedure are obliged to inform the prosecutor on each undertaken action and to act in accordance with every prosecutor's request.

Article 44
Taking Actions

The prosecutor shall take all actions in the proceedings for which he is himself authorized by law or through the persons who are authorized pursuant to the law to act at his request in criminal proceedings.

Article 45
Conflict of Jurisdiction

Conflict of jurisdiction of prosecutors shall be decided directly by Chief Prosecutor.

Article 46
Abandoning Prosecution

The prosecutor may abandon prosecution before the end of a main trial and before the appellate court he may abandon prosecution when provided by this Code.

CHAPTER V
DEFENCE ATTORNEY

Article 47
Right to Defence Attorney

(1) The suspect or accused shall be entitled to have a defence attorney throughout the course of the criminal proceedings.
(2) Only a lawyer who fulfils the requirements set forth in the law may be engaged as a defence attorney.
(3) If the suspect or accused does not himself hire a defence attorney, a defence attorney may be engaged for him by his legal representatives, spouse or cohabitee, a lineal relative to any degree whatsoever, adoptive parents, adopted children, brothers, sisters or foster parents, if the suspect or the accused does not explicitly oppose it.
(4) The defence attorney must submit his power of attorney on the occasion of taking his first action in the proceedings.

Article 48
Number of Defence Attorneys

(1) Several suspects or accused may have one common defence attorney unless the attorney has been appointed by the court in accordance with Article 53 and Article 54 of this Code.

(2) A suspect or accused may have more than one defence attorney, but only one of them shall have the status of primary defence attorney, and the suspect or accused shall decide which one it will be. The defence is deemed to be present when one of the defence attorneys is participating in the proceedings.

Article 49
Persons who May Not Act as Defence Attorneys

(1) An injured party, spouse or cohabitee of the injured party or of the prosecutor, or their lineal relative to whatever degree, a relative in a collateral line to the fourth degree, or an in-law to the second degree may not act as a defence attorney.
(2) A person who has been duly summoned to the main trial as a witness may not act as a defence attorney.
(3) A person who has acted as the judge or the prosecutor in the case may not act as a defence attorney in that case.

Article 50
Disqualification of Defence Attorney

(1) Grounds for disqualification shall also exist for a defence attorney misusing a contact with the suspect or accused in custody to the effect that the suspect or accused commits a criminal offense or threatens the security of a prison where custody takes place.
(2) In the event referred to in Paragraph 1 of this Article, the suspect or accused shall be requested to hire another defence attorney within a given deadline.
(3) If the suspect or the accused in cases of mandatory defence fails to retain a defence attorney or the persons referred to in Article 47 Paragraph 3 of this Code fails to retain the defence attorney, the procedure provided under Paragraph 4 of Article 53 of this Code shall be followed.
(4) In cases referred to in Paragraphs 2 and 3 of this Article, the new defence attorney shall be given enough time to prepare the defence for the suspect or the accused.
(5) During the disqualification, the defence attorney shall not be allowed to defend the suspect or the accused in another case. The defence attorney shall not be allowed to defend other suspects or accused persons in a joinder or separate proceedings.

Article 51
Procedure to Disqualify Defence Attorney

(1) The decision for disqualification of a defence attorney shall be issued at a separate hearing attended by the prosecutor, the suspect or the accused, the defence attorney and a representative of the Bar Association, to which the defence attorney belongs.
(2) The disqualification proceedings may also be conducted without the presence of the defence attorney, provided that the defence attorney has been duly summoned and that the summons to the hearing contains a statement warning the defence attorney that the proceeding shall be conducted even without his presence. Minutes of the hearing shall be taken.

Article 52
Disqualification Procedure

(1) The decision on disqualification referred to in Article 51 of this Code shall be made prior to the commencement of the main trial by the panel from Article 24 Paragraph 5, whereas at the main trial it shall be made by the judge or the panel. In the proceedings before an appellate panel the decision on disqualification of the defence attorney shall be made by the panel competent for ruling in the appellate proceedings.
(2) No appeal shall be allowed against the decision referred to in Paragraph 1 of this Article.
(3) If the defence attorney has been disqualified from the proceedings, he may be ordered to bear the costs incurred as a result of the discontinuation of or delay in the proceedings.

Article 53
Mandatory Defence Right Application

(1) A suspect shall have a defence attorney at the first questioning if he is mute or deaf or if he is suspected of a criminal offense for which a penalty of long-term imprisonment may be pronounced.
(2) A suspect or accused must have a defence attorney when responding to the proposal for ordering custody, throughout the custody.
(3) After an indictment has been brought for a criminal offense for which a prison sentence of ten years or more may be pronounced, the accused must have a defence attorney at the time of the delivery of the indictment.
(4) If the suspect, or the accused in the case of a mandatory defence, does not retain a defence attorney himself, or if the persons referred to in Article 47, Paragraph 3, of this Code do not retain a defence attorney, the preliminary proceedings judge, preliminary hearing judge, the judge or the Presiding of the panel shall appoint a defence attorney to represent him in the proceedings. In this case, the suspect or the accused shall have the right to a defence attorney until the verdict becomes final and binding and, if a long-term imprisonment is pronounced, in extraordinary legal remedy.
(5) If the court finds it necessary in the interest of justice, due to the complexity of the case, the mental condition of the suspect or the accused or other circumstances, it shall appoint an attorney to defend him.
(6) In the case of appointing a defence attorney, the suspect or the accused shall be asked to select a defence attorney from the presented list himself. If the suspect or the accused does not select a defence attorney from the presented list himself, the defence attorney shall be appointed by the court.

Article 54
Appointment of Defence Attorney to Indigent Person

(1) When requirements for the mandatory defence are not met, and the proceedings are conducted for an offense for which a prison sentence of three (3) years or longer may be pronounced or when the interest of justice so requires, regardless of the prescribed punishment, a

defence attorney shall be assigned to the accused at his request if, due to an adverse financial situation, he is not able to pay the expenses of the defence.
(2) The request for appointment of a defence attorney referred to in Paragraph 1 of this Article may be filed at any time during the criminal proceedings. The preliminary proceedings judge, preliminary hearing judge, the judge or the presiding of the panel shall appoint the defence attorney after the suspect or the accused was given an opportunity to select a defence attorney from the presented list.
(3) The request for appointment of a defence attorney due to adverse financial situation shall be recorded in the case file. After having established the financial situation of the suspect or accused, the court shall issue a decision on the request without delay.

Article 55
Right of Defence Attorney to Inspect Files and Documentation

(1) During an investigation, the defence attorney has the right to inspect the files and obtained items that are in favour of the suspect. This right can be denied to the defence attorney if the disclosure of the files and items in question would endanger the purpose of the investigation.
(2) Notwithstanding Paragraph 1 of this Article, the prosecutor shall submit with a request for ordering custody to the preliminary proceedings judge or preliminary hearing judge evidence relevant for assessment of lawfulness of custody also for the purpose of informing the defence attorney.
(3) After the indictment is raised the suspect, accused or defence attorney have the right to inspect all files and pieces of evidence.
(4) Upon obtaining any new piece of information or a fact that can serve as evidence at a trial, the judge or the panel as well as the prosecutor shall submit them for inspection to the defence attorney, suspect or the accused.
(5) In cases referred to in Paragraphs 3 and 4 of this Article, the defence attorney, suspect or the accused may make copies of all files or documents.

Article 56
Communication between Suspect or Accused and Defence Attorney

(1) If the suspect or accused is in custody, he shall immediately be entitled to communicate with the defence attorney, orally or in writing.
(2) During the conversation, the suspect or accused and his attorney may be observed, but the conversation shall not be heard.

Article 57
Dismissal of Appointed Defence Attorney

(1) The suspect or accused may retain another defence attorney on his own instead of the appointed defence attorney. In this case, the appointed defence attorney shall be dismissed.
(2) A defence attorney may seek to withdraw from the case only as provided by law.
(3) The dismissal of the defence attorney referred to in Paragraph 1 and Paragraph 2 of this Article shall be decided during investigation by the preliminary proceedings judge after raising

indictment by the preliminary hearing judge, whereas during the main trial by the judge or the panel trying the case. No appeal is allowed against this decision.
(4) At the request of the suspect or accused or with his consent, the preliminary proceedings judge, the preliminary hearing judge, the judge or the panel may dismiss a defence attorney who is not performing his duties properly. Another defence attorney shall be appointed instead of the dismissed defence attorney. The Bar Association to which the dismissed defence attorney belongs shall be informed immediately about the dismissal of the defence attorney.

Article 58
Defence Attorney Actions

(1) The defence attorney in representing a suspect or an accused shall take all necessary steps aimed at the establishment of the facts and the collection of evidence in favour of the suspect or accused as well as protection of his rights.
(2) The rights and duties of the defence attorney shall not cease when his power of attorney is withdrawn, until the trial judge or the panel releases the defence attorney from his rights and duties.

CHAPTER VI
SUBMISSIONS AND RECORDS

Article 59
Filing and Amending Submissions

(1) Indictments, motions, legal remedies and other statements and communications shall be submitted in writing or given orally for entry into the transcript.
(2) A submission referred to in Paragraph 1 of this Article shall be comprehensible and shall contain all that is necessary in order to be acted upon.
(3) Unless otherwise determined by this Code, the person filing a submission that is incomprehensible or does not contain all that is necessary for action on the submission, shall be summoned by the court to correct or amend the submission; should he not do so within a specified period, the court shall reject it.
(4) The summons to correct or to amend the submission shall warn the person who filed the submission about the consequences of his failure to correct/amend it.

Article 60
Delivery of Submission to Opposing Party

(1) Submissions that under this Code shall be delivered to the opposing party in the proceedings shall be delivered to the court in a sufficient number of copies for the court and the other party.
(2) If such submissions have not been filed with the court in a sufficient number of copies, the court shall summons the submitting party to file a sufficient number of copies within a specified deadline. If the submitting party fails to act as ordered by the court, the court shall make the necessary number of copies at the expense of the submitting party.

Article 61
Punishing Persons Insulting the Court

The court shall impose a fine of up to 5,000 KM on the prosecutor, defence attorney, attorney-in-fact, legal representative or injured party who in a submission or verbal statement insults the court. An appeal is allowed against this decision. The High Judicial and Prosecutorial Council shall be informed of the penalty pronounced on the prosecutor, and the appropriate Bar Association shall be informed of the penalty pronounced on the attorney.

Article 62
Obligation to Take Record

(1) A record shall be taken down for each step in the course of criminal proceedings at the time when such a step is being taken; if this is not possible, than this shall be done immediately thereafter.
(2) The record shall be taken down by the record taker. Only when a search of a dwelling or person is made or when an action is taken off the official premises of the relevant body or agency, and the record taker is not available, may the record be drawn up by the person undertaking the action.
(3) When the record is taken down by the record taker, the record taker shall take down the record in such a manner that the person taking the action informs the record taker aloud what will be entered in the record.
(4) A person being questioned shall be allowed to state his answers for the record in his own words. This right may be denied if it is abused.

Article 63
Contents of Record of Proceedings

(1) The entry in the record of proceedings shall include: the name of the body before which the action is being taken, the venue where the action is being taken, the date and the hour when the action began and ended, the first and last names of the persons present and the capacity in which they are present, and an identification of the criminal case in which the action is being taken.
(2) The record should contain the essential information about the course and content of the action taken. The questions and responses shall be entered in the record verbatim. If physical objects or papers are forfeited in the course of the action, this shall be indicated in the record, the Articles taken shall be attached to the record, or the place where they are being kept shall be indicated.
(3) In conducting actions such as an inquest at the crime scene, search of a dwelling or person, or the identification of persons or objects, information that is important in view of the significance of that action or for establishing the identity of certain Articles (including description, dimensions and size of an Article or traces and labelling Articles, etc.), shall also be entered in the record; if sketches, drawings, layouts, photographs, films, and the like are made, this shall be entered in the record, and they shall be attached to the record.

Article 64
Taking Down Record of Proceedings

(1) The record of proceedings shall be kept neatly; nothing in the record of proceedings shall be deleted, added or amended. Parts that are crossed out shall be left legible.
(2) All changes, corrections, and additions shall be noted at the end of the record of proceedings and shall be certified by the persons signing the record of proceedings.

Article 65
Reading and Signing Record of Proceedings

(1) The suspect or accused or other person being questioned, the defence attorney and the injured party are entitled to read the record of proceedings or to demand that they be read to him. The person conducting the proceedings must make the said individuals aware of this right, and it shall be noted in the record of proceedings whether they have been so informed and whether the record of proceedings have been read. The record shall always be read if the record taker was not present, and that shall be indicated in the minutes.
(2) The record of proceedings shall be signed by the person being questioned or heard. If the record of proceedings consists of more than one sheet, the person being questioned shall sign each sheet.
(3) The record of proceedings shall be signed at the end by the interpreter, if any, by witnesses whose presence was compulsory during the conduct of investigative actions, and, during a search, by the person searched or the person whose dwelling was searched. If the record of proceedings is not kept by the record taker, the record shall be signed by persons present on the occasion of the action. If there are no such persons, or if persons present are unable to understand the contents of the minutes, the record shall be signed by two witnesses, except in cases where it has not been possible to provide them.
(4) An illiterate person shall place the print of the index finger of his right hand in place of a signature, and the record taker shall enter the person's first and last name underneath the fingerprint. If the print of some other finger or a print of a finger of the left hand is made because it is not possible to make a fingerprint of the right index finger, the record of proceedings shall indicate the finger and hand from which the print was taken.
(5) If the person being questioned has neither hand, he shall read the record, and if he is illiterate the record shall be read to him, and this shall be noted in the record of proceedings.
(6) If the person being questioned refuses to sign the record of proceedings or to place his fingerprint, this shall be noted in the record of proceedings along with the reason for the refusal.
(7) If the action could not be conducted without an interruption, the record shall indicate the day and hour when the interruption occurred and the day and hour when the action was resumed.
(8) If there have been objections pertaining to the contents of the record, those objections shall also be indicated in the record.
(9) The record shall be signed at the end by the person who conducted the action and by the record taker.

Article 66
Audio or Audio-Visual Recording

(1) As a general rule, all undertaken actions during the criminal procedure shall be audio or audio-visually recorded. The prosecutor or authorized official shall inform the person being questioned that the questioning shall be recorded, and inform him that he has the right to ask for a playback of the recording in order to verify his statement.
(2) The recording shall contain the information referred to in Article 63 Paragraph 1 of this Code, information necessary to identify the individual whose statement is being electronically recorded, and information as to the capacity in which that person is making the statement. When the statements of several persons are recorded, care shall be taken so that a listener can clearly recognize from the recording who has made the statement.
(3) The recording shall be immediately played back at the request of the person questioned, and the corrections or clarifications by that person shall be recorded.
(4) The record concerning the investigative action shall state that a recording was made, indicate who made the recording, state that the person being questioned was informed in advance that the proceeding was being recorded and that the recording was played back, and it shall also indicate where the recording is kept if it is not attached to the file.
(5) The prosecutor may order for recording to be entirely or partially transcribed. The prosecutor shall examine and certify the transcript and attach it to the report of the investigative proceeding.
(6) The recording shall be kept as long as the criminal file is kept.
(7) The prosecutor may allow persons with a legitimate interest to audio or audio-visually record investigative proceedings.
(8) The recordings referred to in Paragraph 1 through 7 of this Article shall not be publicly played without written approval of the parties and other participants in the recorded action.

Article 67
Appropriate Application of other Provisions of this Code

The provisions of Articles 252 through 254 of this Code shall apply accordingly to the record of proceedings.

Article 68
Minutes on Deliberations and Voting

(1) Separate minutes shall be made concerning the deliberations and voting process.
(2) The minutes on the deliberations and voting of the panel shall contain the course of the voting and the rendered decision.
(3) These minutes shall be signed by all the members of the panel and the minutes taker. Dissenting opinions shall be appended to the minutes of the deliberation and voting unless they have been entered in the minutes.
(4) The minutes concerning the deliberations and voting of the panel of judges shall be enclosed in a separate envelope. The minutes shall be reviewed exclusively by the panel of appellate court

when deciding on a legal remedy and in this case it shall re-close the minutes in a separate envelope and indicate on the envelope that it has reviewed the minutes.

CHAPTER VII
DEADLINES

Article 69
Deadlines to File Submissions

(1) The deadlines provided by this Code shall not be extended unless explicitly allowed by this Code. If a deadline specified by this Code is to protect the right to defence or other rights of the suspect or the accused in the procedure, that deadline may be shortened at the request of the suspect or the accused made in writing, or verbally on the record before the court.
(2) When a statement must be made within a specified period of time, it shall be assumed that it has been made within the specified period of time if it has been given to the person authorized to receive it before the expiration of that period.
(3) When a statement has been sent by registered mail, telegraph or other telecommunication means, the date of mailing or sending shall be taken as the date of delivery to the person to whom it has been sent.
(4) The suspect or the accused who is in custody may also make a statement subject to a deadline on the record before the court or deliver it to the administration of the prison, and a person who is serving a prison sentence or who is placed in some other institution because of a security measure or correctional measure may deliver such a statement to the administration of the institution in which he is placed. The day when the record was made or when the statement was delivered to the administration of the institution shall be taken as the date of delivery to the body competent to receive it.
(5) If a submission subject to a deadline has been delivered or sent to a court that is not competent, due to ignorance or an obvious mistake of the sender, and reaches the court after the expiration of the deadline, it shall be considered that it was submitted on time.

Article 70
Computing Deadlines

(1) Deadlines shall be computed in hours, days, months and years.
(2) The hour or day when a delivery or communication was made or when an event occurred, which has to serve as the point of commencement of a deadline, shall not be included in the deadline, but the first subsequent hour or day, as applicable, shall be taken as the point of commencement of the period of time. Twenty-four (24) hours shall be taken as a day, but a month shall be computed on the basis of the calendar.
(3) Deadlines stated in months or years shall expire in the last month or year at the end of the same day of the month or the year on which the period began, as applicable. If there is no such day in the last month, the period shall expire on the last day of that month.
(4) If the last day of the deadline falls on a state holiday, Saturday, Sunday, or on any other day when the governmental body in question does not work, the deadline shall expire at the end of the next working day.

Article 71
Conditions for Restoring *Status Quo Ante*

(1) If the accused shows good reasons for failing to meet the deadline for making an appeal against a verdict or a decision pronouncing a security measure or correctional measure or a decision on forfeiture of the proceeds of crime, the court shall restore the *status quo ante* for purposes of submitting the appeal if, within eight days following the termination of the reasons for failing to meet the deadline, the accused submits a request for restoring the *status quo ante* and files his appeal simultaneously with the request.
(2) Restoring the *status quo ante* may not be requested if three months have passed from the date of failure to meet the deadline.

Article 72
Decision on Restoring *Status Quo Ante*

(1) The decision on restoring the *status quo ante* shall be made by the judge or the presiding of the panel who rendered the verdict or the decision being contested by the appeal.
(2) No appeal shall be allowed against a decision restoring the *status quo ante*.

Article 73
Consequences of Filing Request for Restoring *Status Quo Ante*

As a general rule, a request for restoring the *status quo ante* shall not stay execution of a verdict or execution of a decision granting a security measure or correctional measure or a decision to forfeit property gain, but the court may decide to stay the execution until a decision is made at request.

CHAPTER VIII
RENDERING AND COMMUNICATION OF DECISIONS

Article 74
Types of Decisions

(1) Decisions shall be rendered in criminal proceedings in the form of a verdict, decision or order.
(2) A verdict shall be rendered only by a court, while procedural decisions and orders shall also be issued by other bodies participating in criminal proceedings.

Article 75
Deciding in Deliberation and Voting Sessions

(1) Decisions of a panel of judges shall be rendered after oral deliberation and voting. A decision shall be adopted when a majority of members of the panel have voted in favour of it.

(2) The presiding of the panel shall direct both the deliberation and vote and shall cast the final vote. He shall be responsible for ensuring that all issues are examined in a full and comprehensive manner.
(3) If votes on certain issues have been divided among several different opinions, and if none of them is joined by majority, the issues shall be separated and voting shall be repeated until one is joined by majority of the panel. If no majority decision has been reached in this manner, the decision shall be adopted by adding those votes that are most unfavourable for the accused to the votes that are less unfavourable until the majority decision is reached.
(4) Members of the panel cannot refuse to vote on questions put by the presiding of the panel of the panel, but a member of the panel who has voted to acquit the accused or to abolish the verdict and who is minority shall not be required to vote on the penalty. If he does not vote, it shall be taken that he cast the vote that was most favourable for the accused.

Article 76
Manner of Voting

(1) When deciding, a vote shall first be taken on whether the court is competent and on other preliminary issues. When a decision has been taken on preliminary issues, the panel shall begin to consider the main issue.
(2) When deciding on the main issue a vote shall first be taken on whether the accused committed the criminal offense and whether he is criminally responsible, and thereafter a vote shall be taken on the sentence, other criminal sanctions, costs of criminal proceedings, property claims and other issues to be decided.
(3) If an individual has been charged with several criminal offenses, a vote shall be taken on criminal responsibility and sentences for each criminal offense, and thereafter a vote shall be taken on a cumulative sentence for all criminal offenses.

Article 77
Closed Session

(1) Deliberation and voting shall be done in a closed session.
(2) Only members of the panel and a record taker may be present in the room where the court conducts its deliberation and voting.

Article 78
Communication of Decisions

(1) Unless otherwise determined by this Code, decisions shall be communicated to parties by way of oral announcement in open court if they are present or a certified copy shall be delivered to them if they are absent.
(2) If a decision has been orally communicated, this shall be recorded in the record of proceedings and the file, and the person who has acknowledged the communication shall confirm this by his signature. If the concerned person declares that he will not appeal, no certified copy of the orally communicated decision shall be delivered to him unless otherwise determined by this Code.

(3) Copies of decisions against which an appeal is allowed shall be delivered, along with the instruction as to the right of appeal.

CHAPTER IX
SERVICE OF COURT PAPERS AND REVIEW OF DOCUMENTS

Article 79
Manner of Service

(1) As a general rule, the service of court papers shall be conducted by mail. The service may also be made through an official person of the authority that rendered the decision or directly with that authority.
(2) The court may also communicate a summons for the main trial or other summons orally to a person who is before the court; such communication shall include an instruction as to the consequences of a failure to appear. Orally communicated summons shall be noted in the record, which the person summoned shall sign, unless such summons has been recorded in the record of proceedings. It shall be considered that valid service of process has thereby been made.

Article 80
Personal Service

A writ that under this Code must be personally served shall be served on the person to whom it is directed by actual delivery. If the person on whom a writ must be personally served has not been found where the delivery was to take place, the writ server shall make inquiries as to when and where that person may be found and shall leave with one of the persons under Article 81 of this Code a written notice that the writ recipient should be in his dwelling or at his workplace at a particular day and hour in order to receive the writ. If even after this the writ server does not find the person to whom the writ is to be delivered, he shall use the procedure under the provision of Article 81, Paragraph 1 of this Code, and it shall be assumed that service has been accomplished.

Article 81
Substituted Service

(1) Writs for which this Code does not specify personal service shall also be served by actual delivery; but if the recipient is not found at home or at work, such writ may be given to any of adult members of his household, who must accept the court paper. Should any of the household members not be found at home, the court paper shall be left with a neighbour, if he consents to accept it. If a writ is delivered to a person at his workplace, and the person concerned has not been found there, the document may be delivered to a person authorized to receive mail, who must accept the document, or to a person employed at the same workplace, if he consents to accept it.
(2) Should it be established that the person to whom a writ is to be delivered is absent and that persons under Paragraph 1 of this Article are therefore not in the position to present the court paper to him in a timely manner, the writ shall be returned with an indication as to whereabouts of the absent person.

Article 82
Contents of Personally Served Documents

(1) The summons to the first interrogation in the preliminary proceedings, the summons for the main trial, and the summons for the pronouncement of the criminal sanction hearing shall be personally served on the suspect or accused.
(2) The indictment and also the verdict and other decisions for which the period of time for appeal commences on the date of their service, including the appeal by the opposing party submitted for a response, shall be personally served on an accused who does not have a defence attorney. At the request of the accused, the verdict and other decisions shall be served on a person designated by him.
(3) If the accused who does not have a defence attorney is to be delivered a verdict by which a sentence of imprisonment has been pronounced against him, and the verdict cannot be served at his previous address, the court shall *ex officio* appoint a defence attorney to the accused, who shall perform that duty until the new address of the accused has been ascertained. The appointed defence attorney shall be given the necessary period of time to acquaint himself with the case file, whereupon the verdict shall be served on the appointed defence attorney and the proceeding shall resume. If it concerns another decision whose date of service becomes the date of commencement of the period of time for an appeal or if it concerns an appeal of the opposing party that is being submitted for a response, the decision or appeal shall be posted on the bulletin board of the court. Following expiration of the eight-day deadline from the date of its posting, it shall be assumed that the service has been accomplished.
(4) If the accused has a defence attorney, the indictment and all decisions for which the period of time for filing an appeal commences on the date of service, and also the appeal of the opposing party submitted for a response, shall be served on the defence attorney and the accused in accordance with the provisions of Article 81 of this Code. In such case, the period for pursuing a legal remedy or responding to the appeal shall commence on the date when the writ is delivered to the accused or defence attorney. If the decision or appeal cannot be served on the accused because the accused has failed to report a change of address, the decision or appeal shall be posted on the bulletin board of the court and following expiration of the eight-day deadline from the date of its posting, it shall be assumed that the service has been accomplished.
(5) If a writ is to be delivered to the defence attorney of the accused, and he has more than one defence attorney, it shall be sufficient to serve it on one of them.

Article 83
Certificate of Service

(1) The recipient and the person making the delivery shall sign the certificate of service confirming that service has been made. The recipient shall himself indicate the date of service on the certificate of service.
(2) If the recipient is illiterate or unable to sign his name, the person performing the service on him shall sign on his behalf, shall indicate the date of service, and shall make a note as to why he signed for the recipient.

(3) Should the recipient refuse to sign the receipt, the person performing the service on him shall make a note to that effect in the certificate of service and shall indicate the date of service, whereby service has been accomplished.

Article 84
Refusal to Receive Writs

If the recipient or an adult member of his family refuses to accept the writ or process, the person making the delivery shall note on the certificate of service the date, hour and reason for refusal, and shall leave the writ or process in the dwelling of the recipient or in his workplace, whereby service has been accomplished.

Article 85
Service of Writs in Special Cases

(1) Writs shall be served on a person deprived of liberty through the court or through the administration of the institution where he is placed.
(2) Persons who enjoy the immunity in Republika Srpska, unless otherwise specified under international treaties, shall be served a writ through the Ministry of Foreign Affairs of Bosnia and Herzegovina.
(3) If the procedure set forth in Articles 402 and 403 of this Code does not apply, Bosnia and Herzegovina nationals abroad shall be served through the diplomatic or consular missions of Bosnia and Herzegovina in a foreign country, provided that the foreign state does not oppose this manner of service and that the person being served voluntarily consents to receive the writ. An authorized official of the diplomatic or consular mission shall sign the certificate of service as the person making the delivery if the writ is served within the mission office itself, and if the writ is sent by mail, he shall so indicate in the certificate of service.

Article 86
Service on Prosecutor

(1) Decisions and other writs or notifications shall be served on the prosecutor through the registry office of the prosecutor's office.
(2) In the case of service of decisions for which a period of time commences on the date of service, the date of presentation of the document to the registry office of the prosecutor's office shall be taken as the date of service.

Article 87
Applicability of Corresponding Provisions of other Laws

In cases that have not been specifically covered by this Code, the service shall be made according to the provisions that apply to civil actions.

Article 88
Informing by Telegram or Telephone

(1) The persons other than the accused who are participants in the proceedings, may be informed of a summons to a main trial or other summons and of a decision postponing a main trial or other scheduled actions, by telegram or telephone if it can be assumed from the circumstances that notice given in that manner will be received by the persons to whom it is addressed.
(2) An official note shall be made in the case file that a summons or decision notice has been served in the manner provided by Paragraph 1 of this Article.
(3) The adverse consequences prescribed for failure to take action may ensue for a person who has been informed or to whom a decision was sent under Paragraph 1 of this Article only if it is ascertained that he received in a timely fashion the summons or decision and was made aware of the consequences of a failure to act.

CHAPTER X
ENFORCEMENT OF DECISIONS

Article 89
Validity and Enforceability of Verdict

(1) A verdict shall become final and binding when it may no longer be contested by an appeal or when no appeal is allowed.
(2) A final and binding verdict shall be executed if its service has been accomplished and if there are no legal obstacles to its enforcement. If an appeal has not been filed, or if the parties have waived or abandoned the appeal filed, the verdict shall be considered enforceable by the expiration of the time period set forth for the appeal, or as of the day of the waiving or abandonment of the appeal filed.
(3) The court shall be competent for the enforcement of the final and binding verdicts.
(4) If a military ranking official has been convicted, the court shall deliver a certified copy of the final and binding verdict to the body in charge of the defence in which the convicted person is registered.

Article 90
Failure to Collect Fines

If a fine is not paid within a set deadline, the court shall proceed in a manner provided for in the Criminal Code.

Article 91
Execution of Order Concerning Costs of Proceedings and Forfeiture of Property

(1) With respect to the costs of criminal proceeding, forfeiture of the proceeds of crime and property claims, the verdict shall be executed by the court under the provisions that apply to judicial enforcement procedure.

(2) Forcible collection of the costs of criminal proceeding credited to the budget of Republika Srpska shall be done *ex officio*. The costs of forcible collection shall be paid first from the court budget.
(3) If the verdict contains an order for forfeiture of property, the court shall decide whether the property will be sold under the provisions applicable to judicial enforcement procedure, turned over to the criminology museum or some other institution, or destroyed. The proceeds obtained from the sale of such property shall be credited to the budget of Republika Srpska.
(4) The provision of Paragraph 3 of this Article shall also be applied accordingly when a decision is made to forfeit property on the basis of Article 385 of this Code.
(5) Notwithstanding reopening of the criminal case, a final and binding order for forfeiture of property may be revised in a civil action if a dispute arises as to the ownership over the property forfeited.

Article 92
Other Enforceable Decisions

(1) Unless this Code provides otherwise, decisions shall be executed when they become final and binding. Orders shall be executed immediately unless the issuing body or agency orders otherwise.
(2) A decision becomes final and binding when it can no longer be contested by an appeal or when no appeal is allowed.
(3) Unless otherwise specified, decisions and orders shall be enforced by the bodies that have issued them. If a court has disposed of the issue of costs of criminal proceedings in its decision, those costs will be collected under the provisions of Article 91, Paragraphs 1 and 2 of this Code.

Article 93
Doubting Permissibility of Enforcement

(1) If doubts arise as to whether the enforcement of a court decision is allowed or as to the computing of a sentence, or if a final and binding verdict fails to make a decision to credit custody or a previously served sentence, or if such computing has not been done correctly, a decision shall be made on those points in a separate decision that shall be made by the judge or by the presiding of the panel which tried the case in the first instance. An appeal shall not stay execution of the decision unless the court specifies otherwise.
(2) If doubt arises as to the interpretation of a court decision, the issue shall be resolved by the judge or by the panel of judges that rendered the final and binding decision.

Article 94
Validity of Decision on Property Claim

When a decision on a property claim becomes final and binding, at the request of injured party, a certified copy of the decision shall be issued to him, with a note that the decision is enforceable.

Article 95
Criminal Records Regulations

Regulations on keeping the criminal records shall be issued by the Minister of Justice of Republika Srpska (hereinafter: the Minister).

CHAPTER XI
COSTS OF CRIMINAL PROCEEDINGS

Article 96
Types of Costs

(1) The costs of criminal proceedings are the expenses incurred in connection with criminal proceedings from the time they are instituted until they are completed.
(2) The costs of criminal proceedings include the following:
a) costs for witnesses, expert witnesses, interpreters and specialists and the cost of a crime scene investigation;
b) the cost of transporting the accused, or the suspect;
v) the expenses of requiring the suspect or the accused or person in custody to appear;
g) the transportation and travelling expenses of official persons;
d) expenses of medical treatment of the suspect or the accused while in custody, including the expenses of childbirth, except for the expenses covered from the health insurance fund;
đ) costs of technical examination of vehicle, blood sample analysis and transportation of corpse to the place of autopsy;
e) scheduled amount;
ž) remuneration and necessary expenses of the defence attorney;
z) necessary expenses of the injured party and his legal representative.
(3) The scheduled amount shall be fixed within the limits of amounts specified by the appropriate regulation based on the duration and complexity of the proceedings and the financial condition of the person required to pay the amount.
(4) The expenses enumerated under Items a) through đ) of Paragraph 2 of this Article and the necessary expenses of an appointed defence attorney shall be paid in advance from the funds of the prosecutor's office or the court, and they shall be collected later from the individuals who are required to reimburse for them under provisions of this Code. The body conducting the investigative or criminal proceedings must list all expenses that have been paid in advance, which shall be appended to the record.
(5) Costs of interpretation into the languages of the parties, witnesses and other participants in the criminal proceedings that are incurred in enforcing the provisions of this Code shall not be collected from individuals who under the provisions of this Code are required to reimburse for the costs of criminal proceedings.

Article 97
Decision Concerning Costs

(1) In every verdict or decision dismissing criminal proceedings a decision shall be made as to who will cover the costs of the proceedings and as to the amount of these costs.
(2) If data on the amount of costs is not available, a separate decision on the amount of costs shall be made by the court when such data is obtained. The request for the data on the amount of costs may be submitted not later than six months after the day that a final and binding verdict or decision dismissing criminal proceedings is delivered to the person who is entitled to make such a request.
(3) When deciding on costs of criminal proceedings is made in a separate decision, an appeal against that decision shall be ruled on by a panel of judges under Article 24, Paragraph 5 of the Code.

Article 98
Other Costs

(1) The suspect or accused, defence attorney, legal representative, witness, expert witness, interpreter and specialist, regardless of the outcome of the criminal proceeding, shall be liable for any costs incurred by police bringing them before the court or postponement of an investigative action or main trial or for any other costs incurred through their own fault.
(2) A separate decision shall be rendered concerning the costs referred to in Paragraph 1 of this Article, unless the matter of costs to be paid by the accused is settled in the decision on the main issue.

Article 99
Costs of Proceedings when Accused is Found Guilty

(1) When the court finds the accused guilty, it shall declare in the verdict that the accused shall reimburse the costs of criminal proceedings.
(2) A person who has been charged with several criminal offenses shall not be ordered to reimburse for costs related to criminal offenses of which he has been acquitted if those costs can be determined separately from the total costs.
(3) In a verdict finding several defendants guilty, the court shall specify what portion of the costs shall be paid by each; but if this is not possible, it shall order that all the defendants be jointly and severally liable for the costs. Payment of the scheduled amount shall be specified for each accused separately.
(4) In the decision which settles the issue of costs the court may relieve the accused of the duty to reimburse all or part of the costs of criminal proceeding as referred to in Article 96, Paragraph 2, Items a) through ž), of this Code if their payment would jeopardize subsistence of the accused or of persons whom the accused is required to support. If these circumstances are ascertained after the decision on costs has been rendered, the judge may issue a separate decision relieving the accused of the duty to reimburse the costs of criminal proceedings.

Article 100
Costs of Proceedings in Event of Dismissal of Proceedings, Sentence of Acquittal or Rejection of Charges

(1) When criminal proceedings are dismissed or when a verdict is rendered that acquits the accused or rejects the charge, the decision or verdict shall pronounce that the costs of criminal proceedings referred to in Article 96 Paragraph 2, Items a) through đ) of this Code and the necessary expenditures of the accused and the necessary expenditures and remuneration of defence attorney shall be paid from the budget, except in the cases specified in the Paragraph 2 of this Article.
(2) A person who deliberately files a false charge shall pay the costs of the criminal proceedings.
(3) When the court rejects the charge because it is not competent, the decision on costs shall be made by the competent court.
(4) If the request for reimbursement of necessary costs and remuneration referred to in Paragraph 1 of this Article is not approved or the court fails to decide on the request within three months following the day of filing the request, the accused and defence attorney shall be entitled to settle their claims against Republika Srpska in a civil lawsuit.

Article 101
Remuneration and Necessary Expenses of Defence Attorney

The remuneration and necessary expenses of the defence attorney shall be paid by the person represented regardless of who is ordered to pay the costs of criminal proceedings in the decision of the court, unless under the provisions of this Code the remuneration and necessary expenses of the defence attorney are to be paid from the court budget. If an attorney was appointed to defend the suspect or the accused, and payment of remuneration and necessary expenses would jeopardize subsistence of the accused or the maintenance of persons whom the accused is required to support, the remuneration and necessary expenses of defence attorney shall be paid from the court or prosecutor's office budget.

Article 102
Separate Regulations Concerning Reimbursement of Costs

(1) The obligation to pay costs of appellate proceedings shall be decided in accordance with the provisions of Articles 96 through 101 of this Code.
(2) More detailed regulations concerning reimbursement of costs of criminal proceedings and the scheduled amounts shall be issued by the Government of Republika Srpska.

CHAPTER XII
PROPERTY CLAIMS

Article 103
Subject of Property Claim

(1) A property claim that has arisen because of the commission of a criminal offense shall be deliberated on the motion of eligible or authorized persons in the criminal proceedings if this would not considerably prolong such proceedings.
(2) A property claim may concern compensation of damage, recovery of items, or annulment of a particular legal transaction.

Article 104
Filing Property Claim

(1) A property claim to be adjudicated in the criminal proceedings shall be filed only by the person eligible or authorized to pursue that claim in a civil action.
(2) If a criminal offense has caused damage to property of Republika Srpska, the body empowered by law to protect such property may participate in the criminal proceedings in accordance with its powers under that law.

Article 105
Property Claim Procedure

(1) A property claim to be adjudicated in criminal proceedings shall be filed with the prosecutor or court.
(2) The claim shall be submitted no later than the end of the main trial or sentencing hearing before the court.
(3) The person eligible to submit the claim shall specify his claim and submit evidence.
(4) If the eligible person has not filed the petition to pursue his property claim in criminal proceedings before the indictment is confirmed, he shall be informed that he may file that petition by the end of the main trial or sentencing hearing.
(5) If a criminal offense has caused damage to property of Republika Srpska, and no claim has been filed, the court shall inform the body referred to in Article 104, Paragraph 2 of this Code about the failure.
(6) If the eligible person does not file the property claim until the end of the main trial or if he moves for a civil action, and the data concerning the criminal proceedings provide reliable grounds for a complete or partial resolution of the property claim, the court shall order in the judgment of conviction for gained property to be forfeited.

Article 106
Claim Withdrawal

(1) The injured party may withdraw a property claim that is to be adjudicated upon in criminal proceedings up to the end of the sentencing hearing and pursue it in a civil action. In the event that the claim has been withdrawn, that same claim may not be presented again unless otherwise provided under this Code.
(2) If after a property claim was filed and before the end of the sentencing hearing the property claim has been transferred under rules of property law to another person, that person shall be summoned to state whether or not he supports the petition. If he does not appear when duly summoned, he shall be considered to have abandoned the claim.

Article 107
Obligations of Prosecutor and Court in Finding Fact

(1) The prosecutor has a duty to gather evidence about property claim in relation to criminal offence.
(2) The prosecutor or the court shall question the suspect or the accused in relation to the facts of concern in the property claim of eligible person.

Article 108
Ruling on Property Claim

(1) The court shall decide upon the property claim.
(2) The court may propose mediation through the mediator to the injured party and the accused or to the defence attorney in accordance with law, if the court considers that the property claim is such that it would be beneficial to refer it to the mediation. The injured party, the accused and the defence attorney may propose referral to the mediation before the closing of the main trial.
(3) In a verdict pronouncing the accused guilty, the court may award the injured party the entire property claim or may award him part of the property claim and refer him to a civil action for the remainder. If the data in the criminal proceedings does not provide a reliable basis for either a complete or partial award, the court shall instruct the injured party that he may take civil action to pursue his entire property claim.
(4) If the court renders a verdict acquitting the accused of the charge or dropping the charges or if it decides to dismiss the criminal proceedings, it shall instruct the injured party that he may pursue his property claim in a civil action.

Article 109
Decisions to Hand over Property Items to Injured Party

If a property claim concerns the recovery of property items, and the court finds that the item does belong to the injured party and is in the possession of the accused or one of the participants in the main trial or in the possession of a person to whom those persons gave it for safekeeping, it shall order in the verdict that the Article be returned to the injured party.

Article 110
Decisions to Annul Certain Legal Transaction

If a property claim concerns the annulment of a specific legal transaction, and the court finds that the petition is well founded, it shall declare in its verdict complete or partial annulment of that legal transaction with the consequences that derive therefrom, without affecting the rights of third parties.

Article 111
Amending Decision on Property Claim

(1) The court may revise a final and binding verdict that contains a decision on a property claim only in connection with a reopening of criminal proceedings.
(2) Notwithstanding cases referred to in Paragraph 1 of this Article, the convicted person or his heirs may seek to revise a criminal court's final and binding verdict containing a decision on a property claim only in a civil action, as long as grounds for reopening exist under the provisions that apply to civil proceedings.

Article 112
Interlocutory Orders

(1) Interlocutory orders to secure a property claim arising from the commission of a criminal offense may be issued in criminal proceedings according to the provisions that apply to judicial enforcement procedure.
(2) The decision under Paragraph 1 of this Article shall be issued by the court. An appeal is allowed against this decision, which shall be ruled on by the panel under Article 24 Paragraph 5 of this Code. The appeal shall not stay execution of the decision.

Article 113
Recovery of Property in Course of Proceedings

(1) If a claim pertains to property that unquestionably belongs to the injured party, and this property does not constitute evidence in criminal proceedings, it shall be returned to the injured party even before the proceedings are completed.
(2) If the ownership of Articles is claimed by several injured parties, they shall be referred to a civil action, and the court in criminal proceedings shall order only the safekeeping of the items as an interlocutory order.
(3) Items that serve as evidence shall be seized and at the end of the proceedings shall be returned to the owner. If such an item is urgently needed by the owner, it may be returned to him even before the end of the proceedings, under the provision that it be brought in at the request of the court.

Article 114
Interlocutory Orders against Third Parties

(1) If an injured party has a claim against a third person because he possesses items obtained through a criminal offense or because he gained property as a result of a criminal offense, the court, upon the petition of eligible persons from Article 104 of this Code and according to the provisions that apply to judicial enforcement procedure, may issue, in the criminal proceedings, an interlocutory order even against that third party. The provisions of Article 112, Paragraph 2 of this Code shall apply in this case as well.
(2) In a judgment of conviction the court shall either revoke the orders referred to in Paragraph 1 of this Article, if they have not already been revoked, or refer the injured party to a civil action, in which case those orders shall be revoked unless the civil action is instituted within the period of time fixed by the court.

CHAPTER XIII
ACTIONS TO OBTAIN EVIDENCE

1. Search of Dwellings, Premises and Persons

Article 115
Search of Dwellings, other Premises and Movable Property

(1) A search of dwellings and other premises of the suspect, accused or other persons, as well as his movable property outside the dwelling may be conducted only when there are sufficient grounds for suspicion that the perpetrator, the accessory, evidence of a certain criminal offense or objects relevant to the criminal proceedings are located at their place.
(2) Search of movable property pursuant to Paragraph (1) of this Article shall include a search of the computer systems, devices for automated and electronic data processing and mobile phone devices. Persons using such devices shall be obligated to allow access to them, to hand over the media with saved data, as well as to provide necessary information concerning the use of the devices. A person, who refuses to do so, may be punished under the provision of Article 129 Paragraph (5) of this Code.
(3) The search of computers and similar devices under Paragraph 2 of this Article shall be conducted by an expert.

Article 116
Search of Persons

(1) The search of a person shall be permitted if it is likely that the person has committed a criminal offense or that through a search some objects or evidence relevant to the criminal proceedings may be found on that person.
(2) The search of a person shall be conducted by a person of the same sex.

Article 117
Search Warrant

(1) The court may issue a search warrant under the conditions provided by this Code.
(2) A search warrant may be issued by the court at the request of the prosecutor or at the request of authorized officials having obtained an approval by the prosecutor.

Article 118
Form of Request for Search Warrant

A request for the issuance of a search warrant may be submitted in writing or orally. If the request is submitted in writing, it shall be drafted, signed and certified in the manner as defined in Article 119 Paragraph 1 of this Code. The request for the issuance of a search warrant may be submitted in accordance with Article 120 of this Code.

Article 119
Contents of Request for Search Warrant

(1) The request for a search warrant must contain:
a) the name of the court and the name and title of the requesting officer;
b) facts indicating the likelihood that the persons, evidence and objects referred to in Article 114 Paragraph 1 of this Code will be found at the designated or described place, or with a certain person;
v) a request that the court issue a search warrant in order to find the person in question or to seize items.
(2) The request may also suggest that:
a) the search warrant be enforceable at any time of the day or night, when there is justified reason that the search will not be possible to conduct between 6:00 A.M. and 9:00 P.M., the property sought will be removed or destroyed if not seized immediately, or the person sought is likely to flee or commit another criminal offense or may endanger the safety of an authorized official or another person, if the search warrant is not enforced immediately or between 9:00 P.M. and 6:00 A.M.;
b) the authorized official enforces the warrant without prior presentation of the warrant, when there is grounded suspicion that the property sought may be easily and quickly destroyed if not seized immediately, the presentation of such warrant may endanger the safety of the authorized official or another person or the person sought is likely to commit another criminal offense.

Article 120
Oral Request for Search Warrant

(1) An oral request for a search warrant may be filed when a delay would be detrimental.
(2) If an oral request for a search warrant is filed, the preliminary proceedings judge shall record the further course of communication. If an audio recording device is used or a stenographic

record made, the record shall be sent to be transcribed within 24 hours, its accuracy shall be verified and it shall be kept along with the original record.
(3) Upon being advised that an oral request for a search warrant is being made, the preliminary proceedings judge shall record all of the remaining communication. If a voice recording device is used or a stenographic record made, the preliminary proceedings judge must have the record transcribed, certify the accuracy of the transcription and file the original record and transcript with the court within 24 hours of the issuance of the warrant. If longhand notes are taken, the judge shall sign a copy and file it with the court within 24 hours of the issuance of the warrant.

Article 121
Issuance of Search Warrant

(1) If the preliminary proceedings judge determines that the request for a search warrant is justified, he shall grant the request and issue a search warrant.
(2) When the preliminary proceedings judge decides to issue a search warrant based upon an oral request, the requesting official shall draft the warrant in accordance with Article 122 of this Code, and shall fully read it to the preliminary proceedings judge.

Article 122
Contents of Search Warrant

A search warrant must contain:
a) the name of the issuing court and, except where the search warrant has been obtained through an oral request, the signature of the preliminary proceedings judge who is issuing the warrant;
b) where the search warrant has been obtained through an oral request, it shall so indicate and it shall state the name of the issuing judge and the time, date and place of issuance;
v) the purpose of the search;
g) the name and title of the authorized official to whom it is addressed;
d) a description of the person being sought or a description of the property that is the subject of the search;
đ) a description of the dwelling or other premises or person to be searched, by indicating the address, ownership, name or any other indicators essential for identification with certainty;
e) a direction that the warrant be executed between 6:00 A.M. and 9:00 P.M., or, where the court has specifically so determined, an authorization for execution thereof at any time of the day;
ž) an authorization, where the court has specifically determined, for the authorized official to enter the premises to be searched without giving prior notice;
z) an instruction that the warrant and any property seized pursuant thereto be delivered to the court without delay;
i) an instruction that the suspect is entitled to notify the defence attorney and that the search may be conducted without the presence of the defence attorney if required by the extraordinary circumstances.

Article 123
Time of Enforcement of Search Warrant

(1) A search warrant must be executed not later than 15 days from the day of its issuance and it must thereafter be returned to the court without delay.
(2) A search warrant may be executed on any day of the week. It may be executed only between 6:00 A.M. and 9:00 P.M., unless the warrant expressly authorizes execution thereof at any time of the day or night, as provided in Article 119 Paragraph 2 this Code.

Article 124
Procedure of Enforcement of Search Warrant

(1) Prior to the commencement of a search an authorized official shall give notice of his authority and of the purpose of his arrival and show the warrant to the person whose property is to be searched or who himself is to be searched. If the authorized official is not thereafter admitted, he may resort to the use of force in accordance with the law.
(2) In executing a search warrant that directs a search of a dwelling or other premises, an authorized official need not give notice to anyone of his authority and purpose, but may promptly enter the dwelling or other premises, if they are at the time unoccupied or reasonably believed by the authorized official to be unoccupied and if the search warrant expressly authorizes entry without notice.
(3) The occupant of the dwelling or other premises shall be called to be present at the search, and if he is absent, his representative or an adult member of the household or a neighbour shall be called to be present. If the occupant of the dwelling or other premises is not present, the search warrant shall be left in the premise subject to search, and the search shall be conducted without the presence of the occupant.
(4) A search of the dwelling or other premises or of the person shall be witnessed by two adult citizens. Witnesses of the same gender shall be present at the search of the person. Witnesses shall be instructed to pay attention as to how the search is conducted, and that they have the right to make comments before signing the record on the search if they believe that the content of the record is not truthful.
(5) In conducting a search of official premises, the manager or person in charge shall be called in to be present at the search.
(6) If a search is to be conducted in a military facility, a written search warrant shall be delivered to the military authority who shall assign at least one military person to be present at the search.
(7) If a search is to be conducted in a religious facility, a written search warrant shall be delivered to the competent religious community who shall assign at least one person to be present at the search.

Article 125
Duties and Powers of Authorized Official

In executing a search warrant over a person, an authorized official must give notice of his authority and purpose to the person and must produce the warrant to the person to be searched. The authorized official may use physical force in accordance with the law.

Article 126
Record of Search

(1) A record shall be made regarding every search of dwellings or other premises or person, which shall be signed by the person whose dwellings or other premises are or who is being searched and the persons, whose presence is mandatory. In executing a search, only those objects and documents shall be seized that relate to the purpose of the search in that individual case. The record shall include and clearly identify the objects and documents that are the subject of seizure, which shall be indicated in a receipt immediately to be given to the person from whom the objects or documents are being seized.
(2) If, during a search of dwellings or other premises or a person, objects are found that are unrelated to the criminal offense for which the search warrant was issued, but indicate another criminal offense, they shall be described in the record and temporarily seized and a receipt on the seizure shall be issued immediately. The prosecutor shall be notified thereof. Those objects shall be returned immediately if the prosecutor establishes that there are no grounds for initiating criminal proceedings, and that there is no other legal ground for seizing the objects.
(3) The objects used in the search of the computer and similar electronic devices for automatic data processing shall be returned to their users after the search, unless they are required for the further conduct of the criminal proceedings. Personal data obtained by the search may be used only for the purpose of the criminal proceedings and shall be deleted immediately after the purpose is fulfilled.

Article 127
Seizure of Items under Search Warrant

(1) Upon temporary seizure of items pursuant to a search warrant, an authorized official must draft and sign a receipt indicating the items seized and the name of the issuing court.
(2) If an item has been temporarily seized from a person, the receipt referred to in Paragraph 1 of this Article must be given to that person. If an item has been seized from a dwelling or other premises, such receipt must be given to the owner, tenant or user, as applicable.
(3) Upon seizing items pursuant to a search warrant, an authorized official must, without unnecessary delay, return to the court the warrant and the items, and must file therewith a written inventory of the seized items.
(4) Upon receiving items seized pursuant to a search warrant, the court shall keep them in the custody of the court pending further disposition.

Article 128
Search without Warrant

(1) An authorized official may enter a dwelling or other premises without a warrant and without a witness and, if necessary, conduct a search if the occupant so desires, if someone calls for help, if this is required to apprehend a suspect of a criminal offense who has been caught in the act, or for the sake of the safety of a person or property, if the person who is to be apprehended by the court order is in the dwelling or other premises or if the person is hiding in the dwelling or in other premises.
(2) An authorized official may search a person without a search warrant and without witnesses:
a) when executing an apprehension warrant;
b) when arresting the person;
v) when there is suspicion that the person possesses a firearm or knife;
g) when there is suspicion that he will conceal or destroy items that are to be seized and used as evidence in criminal proceedings.
(3) After an authorized official conducts a search without a search warrant and presence of witnesses he must immediately submit a report to the prosecutor, who shall inform the preliminary proceedings judge of the search.

2. Temporary Seizure of Items and Property

Article 129
Warrant for Seizure of Items

(1) Items that are the subject of seizure pursuant to the Criminal Code or that may be used as evidence in the criminal proceedings shall be seized temporarily and their custody shall be secured pursuant to a court decision.
(2) The seizure warrant shall be issued by the judge on the motion of the prosecutor or on the motion of authorized officials approved by the prosecutor.
(3) The seizure warrant shall contain the name of the court, legal grounds for undertaking the action of seizure of items, indication of the items that are subject to seizure, the name of persons from whom items are to be seized, the place where the items are to be seized and a timeframe within which the items are to be seized.
(4) The authorized official shall seize items on the basis of the issued warrant.
(5) Anyone in possession of such items must turn them over at the request of the court. A person who refuses to surrender items may be fined in an amount up to 50,000 KM, and may be imprisoned if he persists in his refusal. Imprisonment shall last until the item is surrendered or until the end of criminal proceedings, but no longer than 90 days. The same provisions shall apply to an official or responsible person in a state body or a legal entity.
(6) The provisions of Paragraph 5 of this Article shall also apply to the data stored in devices for automated or electronic data processing. In obtaining such data, special care shall be taken with respect to regulations governing the maintenance of confidentiality of certain data.
(7) An appeal against a decision on fine or on imprisonment shall be decided by the panel from Article 24 Paragraph 5. The appeal shall not stay execution of the decision.

(8) When items are seized, a note shall be made of the place where they were found, and they shall be described, and if necessary, establishment of their identity shall also be provided for in some other manner. A receipt shall be issued for items seized.
(9) Measures referred to in Paragraph 5 of this Article may not be applied to the suspect or the accused or to persons who are exempted from the duty to testify.

Article 130
Temporary Seizure without Seizure Warrant

(1) If a delay would be detrimental, items referred to in Paragraph 1 of Article 129 of this Code may be seized even without the court order. If the person affected by the search explicitly opposes the seizure of items, the prosecutor shall, within 72 hours following the completion of the search, file to a preliminary proceedings judge a motion for a subsequent approval of the seizure of items.
(2) If the preliminary proceedings judge denies the prosecutor's motion, the items seized may not be used as evidence in the criminal proceedings. The temporary seized items shall be immediately returned to the person from whom they have been seized.

Article 131
Temporary Seizure of Mail, Telegrams and other Consignments

(1) Temporary seizure may be performed with respect to the mail, telegrams and other consignments that are addressed to or sent by the suspect or the accused and that are found with a company or persons engaged in postal and telecommunication activities.
(2) Temporary seizure may also be performed with respect to items referred to in Paragraph 1 of this Article when it can reasonably be expected that they shall serve as evidence in the proceedings.
(3) Temporary seizure warrant for the temporary seizure of objects referred to in Paragraph 1 of this Article shall be issued by the preliminary proceedings judge on the motion of the prosecutor.
(4) A warrant for the temporary seizure of objects may also be issued by the prosecutor, if a delay would be detrimental. The preliminary proceedings judge shall decide on its confirmation within 48 hours following the seizure.
(5) If the warrant fails to be confirmed pursuant to the provision of the Paragraph 4 of this Article, the seized items may not be used as evidence in the proceedings.
(6) The measures undertaken as provided under this Article shall not apply to the mail, telegram and other consignment exchanged between the suspect or the accused and his defence attorney.
(7) A seizure warrant referred to in Paragraph 3 of this Article shall include: information on the suspect or the accused whom the warrant concerns, the manner of execution of the warrant and the duration of the measure, and the company that will execute the measure imposed. The measures taken may not last longer than three months, but for an important reason, the preliminary proceedings judge may extend the measures for three additional months. The measures taken shall, however, be terminated as soon as the reasons for taking them cease to exist.

(8) Without prejudice to the interest of conducting criminal proceeding, the suspect or the accused who is the subject of the measures referred to in Paragraph 1 shall be informed of those measures taken.
(9) Delivered consignments shall be opened by the prosecutor in the presence of two witnesses. When opening, care shall be taken not to break the seal and the packaging and the address shall be kept. A record shall be made regarding the opening.
(10) The content of a part of the consignment or the consignment shall be communicated to the suspect or the accused or the recipient, and a part of the consignment or the consignment shall be handed over to that person, unless the prosecutor, exceptionally, considers the transfer to be detrimental to the success of the criminal proceedings. If the suspect or the accused is absent, his family members shall be notified of the delivery. If the suspect or the accused does not request the delivery of the consignment thereafter, the consignment shall be returned to the sender.

Article 132
Written Inventory of Seized Items and Documents

(1) After temporary seizure of items and documentation, an inventory list of the temporarily seized items and documents shall be made and a receipt concerning the items and documents seized shall be written.
(2) If making an inventory list of items and documentation is impossible, the objects and documentation shall be wrapped and sealed.
(3) Items seized from a physical person or legal person may not be sold, given as a gift or otherwise transferred.

Article 133
Right to Appeal

(1) The person from whom items or documentation are seized shall have the right to appeal.
(2) The filing of an appeal referred to in Paragraph 1 of this Article shall not stay the temporary seizure of items and documents.
(3) The appeal referred to in Paragraph 1 of this Article shall be decided by the panel referred to in Article 24, Paragraph 5 of this Code.
(4) The prosecutor shall have the right to appeal against the decision of the court by which the seized items and documents are to be returned.

Article 134
Safekeeping of Seized Items and Documents

The temporary seized items and documents shall be deposited with the court, or the court shall otherwise provide for their safekeeping.

Article 135
Opening and Inspection of Seized Items and Documents

(1) The opening and inspection of the seized items or documents shall be done by the prosecutor.

(2) The prosecutor shall notify the person or the business enterprise from which the items were seized, the preliminary proceedings judge and the defence attorney about the opening of the seized items or documents.
(3) When opening and inspecting the seized items and documents, attention shall be paid that no unauthorized person gets the insight into their contents.

Article 136
Order Issued to Bank or other Legal Person

(1) If there are grounds for suspicion that a person has committed a criminal offense related to acquisition of material gain, the preliminary proceedings judge may at the motion of the prosecutor issue an order to a bank or another legal person performing financial operations to disclose information concerning the bank accounts of the suspect or of persons who are reasonably believed to be involved in the financial transactions or affairs of the suspect, if such information could be used as evidence in the criminal proceedings.
(2) The preliminary proceedings judge may, on the motion of the prosecutor, order that other necessary measures referred to in Article 234 of this Code be taken in order to enable the detection and finding of the illicitly gained property and collection of evidence thereupon.
(3) In case of an emergency, the measures referred to in Paragraph 1 of this Article may be ordered by the prosecutor on the basis of an order. The prosecutor shall immediately inform the preliminary proceedings judge thereof who shall issue a court warrant within 72 hours. The prosecutor shall seal the obtained information until the issuance of the court warrant. In case the preliminary proceedings judge fails to issue the said warrant, the prosecutor shall be bound to return such information without having an access to it.
(4) The court may issue a decision ordering a legal or physical person to temporarily suspend a financial transaction that is suspected to be a criminal offense or intended for the commission of the criminal offense, or suspected to serve to conceal a criminal offense or conceal the proceeds of crime.
(5) The decision referred to in Paragraph 4 of this Article shall order that the financial resources designated for the transaction referred to in Paragraph 4 of this Article and cash amounts of domestic or foreign currency be temporarily seized pursuant to Article 129 Paragraph 1 of this Code and be deposited in a special account and kept until the end of the proceedings or until the conditions for their return are met.
(6) An appeal may be filed against the decision referred to in Paragraph 4 of this Article by the prosecutor, the owner of the financial means or cash in domestic or foreign currency, the suspect, the accused and the legal or physical person referred to in Paragraphs 4 and 5 of this Article.

Article 137
Order to Telecommunication Operator

(1) If there are grounds for suspicion that a person has committed a criminal offence, on the basis of motion of the prosecutor or officials authorized by prosecutor, the court may issue an order to a telecommunication operator or another legal person performing telecommunication services to turn over information concerning the use of telecommunications services by that person, if such

information could be used as evidence in the criminal proceedings or be useful in collection of information that could be useful to the criminal proceedings.
(2) In the case of emergency, any of the measures under Paragraph 1 of this Article may be ordered by the prosecutor and information received shall be sealed until the issuance of the court order. The prosecutor shall immediately inform the preliminary proceedings judge who may issue a warrant within 72 hours. In case the preliminary proceedings judge fails to issue the said order, the prosecutor shall be obliged to return such information without accessing it.
(3) The measures under Paragraph 1 of this Article may also be ordered against person for whom there are grounds for suspicion that he will deliver to or receive from the perpetrator the information in relation to the offence, or if there are grounds for suspicion that the perpetrator uses a telecommunication device belonging to this person.
(4) Telecommunication operators or other legal person who provide telecommunication services shall be obliged to enable enforcement of the measures by the prosecutor and police bodies under Paragraph 1 of this Article.

Article 138
Temporary Seizure to Secure Property

(1) At any time during the proceedings, the court may, upon the motion of the prosecutor, issue an interlocutory order for seizure of property under the Criminal Code or shall issue other necessary interlocutory orders to prevent any use, transfer or disposal of such property.
(2) If a delay would be detrimental, an authorized official may temporarily seize property referred to in Paragraph 1 of this Article, may carry out an arrest in property or take other necessary temporary measures to prevent any use, transfer or disposal of such property. An authorized official shall immediately inform the prosecutor about the measures taken and the preliminary proceedings judge shall decide about the measures taken within 72 hours.
(3) If the preliminary proceedings judge denies the approval, the measures taken shall be terminated and the items or property seized returned immediately to the person from whom they have been seized.

Article 139
Return of Temporary Seized Property

(1) Objects that have been seized during the criminal proceedings shall be returned to the owner or possessor once it becomes evident during the proceedings that their retention runs contrary to Article 129 of this Code and that there are no reasons for their seizure from Article 385 of this Code.
(2) The court shall decide about request for return of seized items upon the statement of the prosecutor within seven days deadline the latest.

3. Procedure of Dealing with Suspicious Items

Article 140
Publishing Description of Suspicious Items

(1) If another person's item is found with the suspect or the accused and it is not known to whom it belongs, the authorized body conducting the proceedings shall describe the item and post the description on the bulletin board of the municipality of the residence of the suspect or the accused and in the municipality where the criminal offense has been committed. The notice shall invite the owner to come forward within one year from the date of the posting; otherwise, the item will be sold. The proceeds from the sale shall be credited to the Republika Srpska budget.
(2) If the object is of high value, a description may also be published in a daily newspaper.
(3) If the object is perishable or if its safekeeping would entail significant costs, the object shall be sold pursuant to the provisions governing the judicial enforcement procedure and the proceeds shall be delivered for safekeeping to the court.
(4) The provision of Paragraph 3 of this Article shall also be applied when the item belongs to a runaway or an unknown perpetrator of a criminal offense.

Article 141
Decisions on Suspicious Items

(1) If, within one year, no one comes forward as the owner of the item or of the proceeds from the sale of the item, a decision shall be taken that the item shall become property of Republika Srpska or that the proceeds shall be credited to the Republika Srpska budget.
(2) The owner of the item is entitled to claim the item or the proceeds from the sale of the item in a civil action. The statute of limitations for exercising this right shall commence from the date of publishing.

4. Questioning of Suspect

Article 142
Basic Rules on Questioning

(1) The suspect under investigation shall be questioned by the prosecutor or authorised officials.
(2) The questioning of the suspect must be conducted with full respect for the personal integrity of the suspect. During questioning of the suspect it shall be forbidden to use force, threat, fraud, narcotics or other means that might affect the freedom of decision-making and expression of will while giving a statement or confession.
(3) If actions were taken contrary to the provision of Paragraph 2 of this Article, the decision of the court shall not be based on the statement of the suspect.

Article 143
Instructing Suspect on Rights

(1) At the first questioning the suspect shall be asked the following questions: his name and surname; nickname if he has one; name and surname of his parents; maiden name of his mother; place of birth; place of residence; date, month and year of birth; ethnicity and citizenship; identification number of Republika Srpska and Bosnia and Herzegovina citizen; profession; family situation; if he is literate; education; if he has served in the army, and if so, when and where; whether he has a rank of a reserve officer; whether he is entered in the military records and if yes, with which defence authority; whether he was decorated; financial situation; previous convictions and, if any, when and why he was convicted; if convicted whether he served the sentence and when; if there are any pending proceedings for some other criminal offense; and if he is a minor, who is his legal representative. The suspect shall be instructed to obey summonses and to inform the authorized officials immediately about every change of address or intention to change his residence, and the suspect shall also be instructed about consequences if he does not act accordingly.
(2) At the beginning of the questioning, the suspect shall be informed of the charge against him, the grounds of the charge and he shall be instructed of the following rights:
a) the right not to provide defence or answer questions *(right to remain silent)*;
b) the right to retain a defence attorney of his choice who may be present at questioning and the right to a defence attorney at no cost in such cases as provided by this Code;
v) the right to comment on the charges against him, and to present all facts and evidence in his favour and that, if he does so in the presence of the defence attorney, the statement made is allowed as evidence at the main trial and may, without his consent, be read and used at the main trial;
g) that during the investigation, he is entitled to study files and view the collected items in his favour, unless the files and items concerned are such that their disclosure would endanger the aim of investigation;
d) the right to an interpreter at no cost if the suspect does not understand the language used in questioning.
(3) The suspect may voluntarily waive the rights stated in Paragraph 2 of this Article but his questioning may not commence unless his waiver has been recorded officially and signed by the suspect. To waive the right to a defence attorney shall not be possible for the suspect under any circumstances in case of a mandatory defence under this Code.
(4) In the case when the suspect has waived the right to a defence attorney, but later expressed his desire to retain one, the questioning shall be immediately suspended and shall resume when the suspect has retained or has been appointed a defence attorney, or if the suspect has expressed a wish to answer the questions.
(5) If the suspect has voluntarily waived the right to remain silent, he shall be allowed to present views on all facts and evidence in his favour.
(6) If any actions have been taken contrary to the provisions of this Article, the court's decision shall not be based on the statement of the suspect.

Article 144
Recording of Questioning of Suspect

(1) A record shall be made each time a suspect is questioned. The important parts of the statement shall be entered in the record word for word. After the record has been completed, the record shall be read to the suspect and the copy of it shall be given to him.
(2) As a general rule, a questioning of the suspect shall be audio or video recorded under the following conditions:
a) when suspect is informed in the language he speaks and understand that the questioning is being audio or video recorded;
b) if the questioning is adjourned, the reason and time of the adjournment shall be indicated in the record, as well as the time of resumption and the completion of the questioning;
v) at the end of the questioning, the suspect shall be allowed to explain whatever he has said and to add whatever he wants;
g) the recording thus made shall be transcribed after the completion of the questioning, and a copy of the transcript shall be handed to the suspect along with a copy of the recording, or if a device for making several recordings simultaneously was used, he shall be handed one of the originals;
d) once a copy of the original recording has been made for the purpose of making a transcript, the original recording or one of the originals shall be sealed in the presence of the suspect and authenticated by the respective signatures of the authorized official and the suspect.

Article 145
Questioning through Interpreter

The suspect shall be questioned through an interpreter in cases referred to in Article 152 of this Code.

5. Examination of Witnesses

Article 146
Summons to Witnesses

(1) Witnesses shall be heard when there is likelihood that their statements may provide information concerning the offense, perpetrator or any other important circumstances.
(2) The prosecutor's office or the court shall serve summons. Any summoning of a minor under 16 as witness shall be done through the parents or legal representative, except for the cases where this is not possible due to a need to act urgently or other circumstances.
(3) Witnesses who cannot respond to a summons because of age, illness or serious physical handicap may be questioned at their residence, hospital or any other place.
(4) Witnesses shall be notified in the summons of their being summoned as a witness, of where and when to appear upon being summoned, as well as what consequences shall follow if the witness fails to appear.

(5) Should the witness fail to appear or to justify his absence the court may impose upon him a fine in an amount up to 5,000 KM, or may order the apprehension of the witness.
(6) The apprehension of a witness shall be performed by the Judicial Police. Exceptionally the order may be given by the prosecutor if a duly summoned witness does not appear or justify his absence, provided that this order must be confirmed by the preliminary proceedings judge within 24 hours following the issuance of the order.
(7) Should the witness after being warned of the consequences, without legal reasons refuse to testify, upon the proposal of the prosecutor, the court may issue a decision imposing on the witness a fine in an amount up to 30,000 KM. An appeal against this decision shall be allowed, but shall not stay the execution of the decision.
(8) Appeals against a decision under Paragraph 5 and 7 of this Article shall be decided by the panel from Article 24, Paragraph 5 of this Code.

Article 147
Persons Who Shall Not Be Heard As Witnesses

(1) The following persons shall not be heard as witnesses:
a) A person who by his statement would violate the duty of keeping state, military or official secrets until the competent body releases him from that duty;
b) A defence attorney of the suspect or accused with respect to the facts that became known to him in his capacity of a defence attorney;
v) A person who by his statement would violate the duty of keeping professional secrets (the priest - confessor, journalist for the purpose of protecting the information source, attorney-at-law, notary, physician, midwife and others), unless he was released from that duty by a special regulation or statement of the person who benefits from the secret being kept;
g) A minor who, in view of his age and mental development, is unable to comprehend the importance of his right not to testify.
(2) If the person who is not allowed to be heard as a witness has been heard as a witness, the court decision shall not be based on his testimony.

Article 148
Persons Allowed to Refuse to Testify *(Privileged Witnesses)*

(1) The following persons may refuse to testify:
a) the spouse or the cohabitee of the suspect or accused;
b) a parent or child, an adoptive parent or adopted child of the suspect or accused;
(2) The authority conducting the proceedings shall caution the persons referred to in Paragraph 1 of this Article about the privilege, prior to their examination or as soon as it learns about their relation to the accused. The caution and answer shall be entered in the record of proceedings.
(3) A person who may refuse to testify against one of the suspects or accused shall be relieved from the duty to testify against other co-defendants if his testimony, by its nature, cannot be restricted solely to the other suspects or accused.
(4) If a witness who may refuse to testify has been heard and he has not been cautioned thereof or he has not explicitly waived that right or the caution and the waiving has not been entered into records, the court decision shall not be based on such a testimony.

Article 149
Right of Witness to Refuse to Respond *(Privilege against Self-Incrimination)*

(1) The witness shall have the right to refuse to answer questions, which answered truthfully would result in that person being prosecuted.
(2) The witnesses exercising the right referred to in to Paragraph 1 of this Article shall answer the same questions provided that immunity is granted to such witnesses.
(3) Immunity may be granted by the decision of the prosecutor.
(4) The witness who has been granted immunity and is testifying as a result of the granted immunity shall not be prosecuted except in case of false testimony.
(5) A lawyer as the advisor shall be assigned by the court's decision to the witness during the examination if it is obvious that the witness himself is not able to exercise his rights during the examination and if his interests cannot be protected in some other manner.

Article 150
Method of Examination, Confrontation and Identification

(1) Witnesses shall be examined individually and in the absence of other witnesses.
(2) At all times during the proceedings, witnesses may be confronted with other witnesses or with the suspect or accused.
(3) If necessary to ascertain whether the witness knows the person or item, first the witness shall be required to describe him/her/it or to indicate distinctive signs, and then a line-up of persons shall follow, or the object shall be shown to the witness, if possible among items of the same type.
(4) If it is not possible to make identification in accordance with Paragraph 3 of this Article, the identification shall be done by viewing a photograph of that person placed amongst photographs of persons unknown to the witness.

Article 151
Course of Examination of Witness

(1) The witness shall provide answers verbally.
(2) Before examination, the witness shall be called upon to tell the truth and not to withhold anything and then he shall be cautioned that giving false testimony is a criminal offense. The witness shall be cautioned on his right not to answer questions from Article 149, Paragraph 1 of this Code and this caution shall be entered into record.
(3) Subsequently, the witness shall be asked the following questions: his name and surname, names of father and mother, occupation, residence, place and date of birth, and relation to the suspect, accused or injured party. The witness shall also be cautioned that it is his duty to inform prosecutor or the court regarding a change of address or residence.
(4) When examining a minor and, in particular if the minor was a victim of the criminal offense, the participants in the proceedings shall act with circumspection in order not to have an adverse effect on the minor's mental condition. The minor shall be examined with assistance of a pedagogue or other professional.

(5) It is not allowed to ask the injured party about his sexual behaviour prior to the commission of the criminal offense and if such a question has already been asked, the court decision shall not be based on such statement.
(6) Given the age, physical and mental condition, or other justified reasons the witness may be examined using technical means for transferring image and sound in such manner as to permit the parties and the defence attorney to ask questions although not in the same room as the witness. An expert may be assigned for such examination.
(7) After general questions the witness shall be invited to present everything that he knows about the case and then the witness shall be asked questions aimed at checking, supplementing and explaining his statement. When examining the witness, it is prohibited to practice deceit or ask leading questions.
(8) The witness shall be asked how he came to know the facts he is testifying about.
(9) Witnesses may be confronted if their testimony conflict with important facts. The confronted witnesses shall be examined individually about each circumstance that their testimony conflicts and their answer shall be entered into records. Only two witnesses may be confronted at a time.
(10) The injured party being examined as witness shall be asked whether he wants to have his property claim determined in the criminal proceedings.

Article 152
Examination of Witness through Interpreter for Sign Language

(1) If a witness is deaf or mute, he shall be examined through a person using the sign language.
(2) If the witness is deaf the questions shall be asked in writing and if he is mute he shall be asked to answer in writing. If the examination cannot be conducted in this manner then a person who can communicate with the witness shall be invited to be an interpreter.
(3) If the interpreter has not previously sworn, the interpreter shall take the oath that he shall literally communicate the questions to the witness as well as his testimony.

Article 153
Witness Oath or Affirmation

(1) If the requirements for examination have been met, the court may request the witness to take an oath or affirmation prior to testimony.
(2) Prior to the main trial, the witness may take the oath or affirmation only if there is a fear that due to illness or other reasons he shall not appear at the main trial. The oath or affirmation shall be taken before the judge or the presiding of the pane. The reason for taking the oath or affirmation shall be entered into the records.
(3) The text of the oath or affirmation is as follows: "I swear/ I affirm that I shall speak the truth about everything I am going to be asked and that I shall withhold nothing known to me."
(4) The oath or affirmation shall be taken orally by reading its text or with a confirmation after the text of the oath or affirmation has been read by the judge or the presiding of the panel. Mute witnesses who can read and write shall take the oath or affirmation by signing the text of the oath or affirmation, whereas deaf or mute witnesses who cannot read or write shall take the oath or affirmation through interpreter for the sign language.

(5) The refusal and reasons for refusal of the witness to take an oath or affirmation shall be entered into records.

Article 154
Individuals Who Shall Not Take Oath or Affirmation

The individuals who shall not take the oath or affirmation are persons who are minors at the time of examination, those for whom it has been proved that there is a grounded suspicion that they have committed or participated in commission of an offense for which they are being examined or those who due to their mental condition are unable to comprehend the importance of the oath or affirmation.

Article 155
Audio or Audio-Visual Recording of Examination of Witnesses

The examination of witnesses may be recorded by audio or audio-visual equipment at all stages in the proceedings. Recording is mandatory in case of minors under 16 years of age who were injured parties, and if there are grounds for fearing that the witness cannot be examined at the main trial.

Article 156
***(Anonymous)* Protected Witness**

With respect to anonymous/protected witnesses in the proceedings before the court, the provisions of the special law shall be applied.

6. Crime Scene Investigation and Reconstruction of Events

Article 157
Conducting Crime Scene Investigation

A crime scene investigation shall be conducted when a direct observation is needed to establish relevant facts in the proceedings.

Article 158
Reconstruction of Events

(1) In order to verify the evidence presented, or to establish facts that are important to clarify matters, the body in charge of the proceedings may order a reconstruction of the event. The reconstruction shall reproduce the actions or situations with the conditions under which the event occurred according to the evidence presented. If statements by individual witnesses or the suspects or the accused describing the actions or situations are inconsistent or contradictory, the reconstruction shall, as a general rule, reproduce each version of events.
(2) A reconstruction may not be performed in such a manner as to violate public peace and order or morality or endanger human life or health.

(3) Certain evidence may be examined again if necessary during the reconstruction.

Article 159
Aid of Expert Witness or Specialist

(1) A crime scene investigation or reconstruction shall be conducted with an aid of a criminal/forensic specialist or some other specialist who shall assist in finding, protecting and describing evidence, take certain measurements or photographs, or make sketches or photo-records or gather other data.
(2) An expert witness may also be invited to the crime scene investigation or reconstruction if his presence would be useful for providing opinions and findings.

7. Expert Evaluation

Article 160
Ordering Expert Evaluation

Expert evaluation shall be ordered when the findings and opinion of a person possessing the necessary special knowledge of the subject are required to establish or evaluate some important facts. If scientific, technical or other special knowledge, skill or experience will assist the court in understanding the evidence or determining a factual issue, an expert as a special witness may testify by providing his findings on the facts and opinion that contains the evaluation of the facts.

Article 161
Requesting Expert Evaluation

(1) Expert evaluation shall be requested in writing by the prosecutor or court. The request shall indicate the facts in respect of which the evaluation will be conducted.
(2) If there is a specialized institution for performing the particular kind of expert evaluation, or if the expert evaluation could be performed by a state body, such expert evaluation, especially if it is complicated, shall, as a general rule, be assigned to that institution or body. The institution or body shall appoint one or more specialists who will make the expert evaluation.

Article 162
Duties of Expert Witness Appointed by Prosecutor or Court

The expert appointed by the prosecutor or court shall provide a report to the prosecutor or court that shall contain information on the evidence examined, the tests performed, the findings and opinion reached, and any other relevant information the expert considers necessary for a fair and objective analysis. The expert shall provide a detailed explanation of how he reached a particular opinion.

Article 163
Persons Who Cannot be Engaged as Experts

(1) A person who may not testify as a witness from Article 147 of this Code, who has been exempted from the duty to testify from Article 148 of this Code, as well as the injured party, shall not be engaged as an expert. If nevertheless such person is engaged, the court shall not base its decision on his findings and opinion.
(2) Grounds for disqualification of experts from Article 42 of this Code also exist when the expert is employed in the same agency or business enterprise or other private legal entity as the suspect, the accused or injured party, or when the expert is employed by the suspect, the accused or the injured party.
(3) A person who has been questioned as a witness shall not be engaged as an expert.

Article 164
Expert Evaluation Procedure

(1) The body ordering expert evaluation shall manage the expert evaluation. Before commencement of the presentation of expert testimony the expert shall be invited to carefully study the subject of his testimony, and shall precisely present everything he knows and finds, and shall be invited to give his opinion without bias and in conformity with the rules of his science or art. He shall be specifically warned that perjury is a criminal offense.
(2) An expert witness shall rely solely on evidence presented to him by authorized officials, the prosecutor or the court in forming opinions or inferences on the subject being examined. An expert witness may testify only as to facts found by his own consideration and determination, unless the information he is relying on in forming his opinion and findings, is the type of information reasonably relied on by other experts in the same field.
(3) An expert may be given clarifications, and he may also be allowed to review the file. An expert may propose that evidence be presented or items and data be obtained that are of relevance for the presentation of his findings and opinion. If he is present at a crime scene investigation, reconstruction, or other investigative proceeding, the expert may propose that certain circumstances be clarified or that certain questions be asked of the persons involved.

Article 165
Examination of Items

(1) The expert shall examine the items ordered to be examined at the place where the evidence is stored, unless the examination requires extended tests or if the tests are performed in institutions, or state bodies or if ethical considerations so require.
(2) If analysis of some substance must be performed for the purpose of expert evaluation, only a portion of the substance shall be made available to the expert, if this is possible, while the remainder shall be set aside in the necessary amount to allow for subsequent analysis.

Article 166
Delivery of Opinion and Findings

The expert witness shall deliver his findings and opinion as well as worksheets, drawings, and notes to the appointing authority.

Article 167
Expert Evaluation in Specialized Institution or State Body

(1) If a specialized institution or a body is commissioned to make the expert evaluation, the court or the prosecutor shall caution the institution or the body conducting the evaluation that persons who provide the findings and opinion shall not be any person under Article 163 of this Code or a person for whom there are grounds for disqualification from expert evaluation as provided by this Code, and the court or the prosecutor shall warn them of the consequences of giving a false finding or opinion.
(2) The materials necessary for the expert evaluation shall be made available to the specialized institution or state agency; if necessary, the procedure described in the provision of Article 164 of this Code shall be followed.
(3) The specialized institution or state agency shall deliver a written finding and opinion by the persons who made the expert evaluation.

Article 168
Examination, Autopsy and Exhumation of Corpse

(1) The examination and autopsy of the corpse shall be conducted if in a case of death there is suspicion that the death was caused by a criminal offence or that it is related to the commission of a criminal offence. If the corpse has already been buried, the exhumation of such corpse shall be ordered for the purpose of examination and autopsy.
(2) During the examination and autopsy of a corpse, all the necessary actions for identification of a corpse shall be taken and to that end in particular the data on external and internal bodily characteristics of the corpse shall be described.

Article 169
Examination and Autopsy of Corpse outside Specialized Medical Facility

(1) Examination and autopsy of the body shall be performed by a specialized medical facility.
(2) If an expert evaluation is not made in a specialized medical facility, examination and autopsy of a corpse shall be conducted by a specialist in forensic medicine. The prosecutor shall direct that expert evaluation and shall make a report on it. The findings and opinion of the expert shall make an integral part of the report.
(3) The physician who normally treated the deceased may not be given the task of performing the autopsy. However, the physician who treated the deceased may be questioned as a witness in order to provide an explanation on the course and the circumstances of the illness of the deceased.

Article 170
Forensic Report on Examination and Autopsy

(1) A forensic pathologist shall include in his report the cause and estimated time of death.
(2) Should any sort of injury be found on the corpse, it shall be ascertained whether that injury was caused by someone else, and if so, then with what instrument, in which manner, at what time before the death, and whether such injury is the cause of death. If several injuries have been found on the corpse, it shall be ascertained whether all of the injuries were inflicted with the same instrument and which injury caused death; if more than one injury could have been fatal, it shall be stated which one(s) were the cause of death.
(3) In cases referred to in Paragraph 2 of this Article, it shall specifically be ascertained whether the death was caused by the type of injury and general nature of the injury itself or due to personal characteristics or specific condition of the body of the deceased or by coincidence or circumstances under which the injury was inflicted.
(4) The expert shall pay attention to discovered biological material (blood, saliva, semen, urine, etc.) to describe it and preserve it for biological tests if ordered.

Article 171
Examination and Autopsy of Fetus or New-born

(1) In the examination and autopsy of a fetus, a specific determination shall be made as to the stage of pregnancy, the fetus' ability to live outside the uterus, and the cause of death.
(2) In an examination and autopsy of the corpse of a new-born a specific determination shall be made as to whether the new-born was born alive or stillborn, if it was capable to live, how long the new-born lived, and the time and cause of death.

Article 172
Toxicological Tests

(1) If there is suspicion that a poisoning occurred, the suspicious substances found on the corpse or in another place shall be sent for expert evaluation to the institution or state body performing toxicological tests.
(2) When examining suspicious substances the expert shall specifically ascertain the type, amount and effects of the discovered toxic substances and, if the substances taken from the body are being tested, if possible, the amount of that toxic substance.

Article 173
Expert Evaluation of Physical Injuries

(1) Expert evaluation of physical injuries shall be done as a general rule by examining the injured party. If it is not possible to examine the injured party or it is unnecessary, an expert evaluation shall be based on medical records or other available information.
(2) After providing a precise description of the injuries, the expert shall give his opinion, especially concerning the type and severity of each individual injury and their total effect in view

of their nature or the specific circumstances of the case, the type of effect such injuries usually cause, the type of effect they have caused in this specific case, the instrument with which the injuries were inflicted and the manner of their infliction.

Article 174
Physical Examination and other Actions

(1) A physical examination of a suspect or the accused shall be performed, even without his consent, if necessary to determine the facts important for criminal proceedings. A physical examination of other persons may be performed without their consent only when it has to be established that a specific trace or other consequence of a criminal offense may be found on their body.
(2) Blood tests and other medical procedures may be done in accordance with the rules of medical science for analysis and determination of other facts important to criminal proceedings even without the consent of the person being examined, if it would not pose any harm to the health of person examined.
(3) A physical examination of the suspect or the accused and other related actions shall be ordered by the court, and if a delay would be detrimental, then it shall be ordered by the prosecutor.
(4) It is prohibited to perform a medical intervention on the suspect, accused or witness or to administer to them agents that would affect their will in giving testimony.
(5) If actions are taken contrary to the provisions of this Article, the decision of the court shall not be based on the evidence obtained in this manner.

Article 175
Psychiatric Examination

(1) If a suspicion arises about diminished capacity or incapacity of the suspect or the accused, or that the suspect or the accused has committed a criminal offense due to drug or alcohol addiction, or that he is not able to participate in the proceedings due to the mental disturbance, expert evaluations consisting of examination of the accused by a psychiatrist shall be ordered.
(2) If during the investigation the suspect refuses to voluntarily undergo the psychiatric examination for the purpose of an expert witness evaluation or if according to the opinion of the expert witness an extended observation is required, the suspect shall be committed to the appropriate medical institution for the purpose of psychiatric examination. A decision to that effect shall be rendered by the preliminary proceedings judge on the motion of the prosecutor. The observation may not exceed two months.
(3) Should experts establish that the mental condition of the suspect or accused is disturbed, they shall define the nature, type, degree and duration of the disorder and shall furnish their opinion concerning the type of influence this mental state has had and still has on the comprehension and actions of the accused as well as concerning whether and to what degree the disturbance of his mental state existed at the time when the criminal offense was committed.
(4) If a suspect or accused in custody is sent to a medical institution, the judge shall inform that institution of the reasons why custody was ordered so that the necessary steps can be taken to achieve the purposes of custody.

(5) The time, which a suspect or an accused spent in a medical institution, shall be included in the time of custody or credited against his sentence, should a sentence be pronounced.

Article 176
Audit of Business Books

(1) If an audit of business books is required, the body before which the proceedings are conducted shall indicate to the auditors the line of inquiry and the scope of the audit and other facts and circumstances that are to be determined.
(2) If the books of a business enterprise, other legal entity or an individual entrepreneur first need to be put in order before being audited, the costs of putting books in order shall be charged to their account.
(3) The decision to put books in order shall be made by the authority conducting proceedings on the basis of the written documented report of the experts ordered to audit the business books. The decision shall also indicate the amount that the legal entity or the individual entrepreneur must deposit with that authority as an advance against the cost of putting its books in order.
(4) The costs, if their amount has not been advanced, shall be collected and credited to the authority that has already paid the costs and remunerated the experts.

Article 177
DNA Analysis

DNA analysis may be made exclusively by an institution specialized in this type of expert evaluation.

Article 178
When to Make DNA Analysis

(1) DNA analysis may be performed insofar as it is required to establish identity or facts as to whether discovered trace substances originate from the suspect, the accused or the injured party.
(2) Samples of saliva for DNA analysis may be always taken and no consent of a person is required, nor shall this be considered a violation of personal integrity.

Article 179
Use of DNA Analysis Results in other Criminal Proceedings

For the purpose of establishing the identity of the suspect or the accused, cells may be taken from his body in order to perform a DNA analysis. All data obtained thereby may be used in other criminal proceedings against the same person.

Article 180
Registry of DNA Analyses and Data Protection

(1) Data on conducted DNA analyses shall be kept in a special registry within the competent ministry in charge of health in Republika Srpska.

(2) Records of DNA profiles of suspects and convicted persons, missing and unidentified persons, as well as DNA profiles acquired from controversial biological traces discovered in relation to a criminal offence shall be kept by the Ministry of Interior.
(3) Protection of data obtained from the analyses and records keeping referred to in Paragraphs 1 and 2 of this Article shall be regulated under a separate law.

CHAPTER XIV
MEASURES TO GUARANTEE PRESENCE OF SUSPECT OR ACCUSED AND SUCCESSFUL CONDUCT OF CRIMINAL PROCEEDINGS

1. Common Provisions

Article 181
Types of Measures

(1) Measures that may be taken against the accused in order to secure his presence and successful conduct of the criminal proceedings shall be: summons, apprehension, prohibiting measures, bail and custody.
(2) When deciding which of the above mentioned measures to take, the competent body shall meet certain requirements for application of the measures, attempting not to apply more severe measure if the same effect can be achieved by application of a less severe measure.
(3) These measures shall also be cancelled *ex officio* immediately after the reasons for their application cease to exist, or they shall be replaced with a less severe measure when the requirements for it are met.
(4) The provision of this Chapter shall accordingly apply to the suspect.

2. Summons

Article 182
Service and Contents of Summons

(1) The presence of the suspect to actions in the criminal proceedings shall be ensured through the summons. Summons shall be served to the accused by the court.
(2) Summons shall be served by delivering a sealed written summons containing the following: the name of the body issuing the summons, the first and last name of the accused, the criminal offense with which he is charged, the place where the accused is to appear, the date and time when he is to appear, an indication that he is being summoned as accused, and a warning that he will be apprehended should he fail to appear, that he must immediately inform the prosecutor or the court of a change of the address and of the intention to change the residence, the official stamp, and the signature of the prosecutor or the judge issuing the summons.
(3) The first time an accused is summoned, he shall be instructed of his right to engage a defence attorney who may be present at his questioning.
(4) The first time a suspect is summoned, in the summons he shall be informed about his rights as specified in Article 143 of this Code. Before raising indictment, the suspect shall be summoned by the prosecutor.

(5) If the accused is unable to answer the summons because of illness or other impediment that cannot be removed, he shall be examined where he is or shall be provided with transport to the courthouse or any other place where the proceedings are to be conducted.

3. Apprehension

Article 183
Order for Apprehension

(1) The court may issue order for apprehension if the decision on custody has been issued or if the accused duly summoned has failed to appear without justification, or if the summons could not have been orderly served and the circumstances obviously indicate that the accused is evading service of summons.
(2) Exceptionally, in emergency cases, the order referred to in Paragraph 1 of this Article may be issued by the prosecutor if the duly summoned suspect has without justification failed to appear.
(3) The order for apprehension shall be executed by the judicial police.
(4) The order for apprehension shall be given in writing. The order for apprehension shall contain: the name and last name of the accused who is to be apprehended, the criminal offense with which he is charged, the specific citation of the relevant criminal provisions, the grounds for ordering the person to be apprehended, the official stamp and the signature of the judge ordering the apprehension.
(5) The person authorized to execute the order shall hand over the order to the accused and instruct the accused to follow him. If the accused refuses, he shall be apprehended by force.

4. Prohibiting Measures

Article 184
House Arrest and Travel Ban

(1) If there are circumstances indicating that the suspect or accused might flee, hide or go to an unknown place or abroad, the court may, by a reasoned decision, place the suspect or accused under house arrest.
(2) In circumstances referred to in Paragraph 1 of this Article, the court may also, either as an additional measure to the house arrest or as a separate measure, order a temporary withdrawal of travel documents together with the prohibition of issuance of new travel documents, as well as the prohibition to use the identity card for crossing the State border of Bosnia and Herzegovina (travel ban).

Article 185
Other Prohibiting Measures

(1) When the circumstances of the case so indicate, the court may order one or more of the following prohibiting measures:
a) prohibition from performing certain activities or official activities,
b) prohibition from visiting certain places or areas,

v) prohibition from meeting with certain persons,
g) order to report occasionally to a specified body, and
d) temporary withdrawal of the driver's license.
(2) Other prohibiting measures referred to in Paragraph 1 of this Article may be imposed in addition to the house arrest as well as in addition to a travel ban referred to in Article 184 of this Code, or as separate measures.

Article 186
Imposing Prohibiting Measure

(1) The court may impose the house arrest, travel ban and other prohibiting measures by a reasoned decision upon the proposal of a party or the defence attorney.
(2) When deciding on custody, the court may impose the house arrest, travel ban and other prohibiting measures *ex officio*, instead of ordering or prolonging the custody.
(3) In the decision imposing the prohibiting measures, the suspect or accused shall be warned that the custody may be ordered against him if he violates the obligation under the imposed measure.
(4) In the course of investigation, the prohibiting measures shall be ordered and revoked by the preliminary proceedings judge and after the raising of an indictment – by a preliminary hearing judge and after the case has been referred to the judge or the panel for the purpose of scheduling the main trial – by that judge or the presiding of the panel.
(5) The prohibiting measures may last as long as they are needed, but not longer than the date on which the verdict becomes binding if a person was not pronounced the sentence of imprisonment and at the latest until the person has been committed to serve the sentence if a person was pronounced the sentence of imprisonment. Travel ban may also last until the pronounced fine is paid in full and/or the property claim and/or confiscation of material gain enforced in full.
(6) The preliminary proceedings judge, preliminary hearing judge, the judge, or the presiding of the panel shall review every two months whether the imposed prohibiting measure is still needed.
(7) A decision ordering, extending or revoking the prohibiting measures may be appealed by a party or the defence attorney, while the prosecutor may also appeal a decision rejecting his motion for ordering a measure. An appeal shall be decided by the panel referred to in Article 24 Paragraph 5 of this Code within three days of receipt of the appeal. An appeal shall not stay the execution of decision.

Article 187
Content of Prohibiting Measures

(1) In a decision ordering the house arrest for the suspect or accused, the court shall specify the place where the suspect or accused shall stay for as long as the measure applies, as well as the boundaries beyond which the suspect or accused may not go. The place may be restricted to the suspect's or accused's home.
(2) In a decision imposing the travel ban, the court shall order temporary withdrawal of travel documents together with the prohibition of issuance of new travel documents, as well as the enforcement of the prohibition to use the identity card for crossing the State border of Bosnia and

Herzegovina. The decision shall contain personal data of the suspect or accused, and may contain other information as necessary.
(3) In a decision prohibiting the suspect or accused from visiting certain places or areas, the court shall specify places and areas and the distance within which the suspect or accused may not approach them.
(4) In a decision prohibiting the suspect or accused from meeting with certain persons, the court shall specify the distance within which the suspect or accused may not approach a certain person.
(5) In a decision ordering the suspect or accused to report occasionally to a specified body, the court shall appoint an official person that the suspect or accused must report to, the deadline for suspect or accused to report and the manner of keeping records of reporting.
(6) In a decision ordering temporary withdrawal of a driver's license, the court shall specify categories for which a driver's license shall be suspended. The decision shall contain personal data of the suspect or accused, and may contain other information as necessary.

Article 188
Limitations in Content of Prohibiting Measure

(1) The prohibiting measures shall not restrict the right of the suspect or accused to communicate with his defence attorney in Bosnia and Herzegovina.
(2) The prohibiting measures shall not restrict the right of the suspect or accused to live in his home in Bosnia and Herzegovina, to see members of his family and close relatives freely but just in Bosnia and Herzegovina or just in a place specified under the house arrest, unless the proceedings involve the criminal offense committed to the detriment of the family member or close relatives, nor shall they restrict the right of the suspect or accused to perform its professional activity unless the proceedings involve the criminal offense related to the performance of that activity.

Article 189
Enforcement of Prohibiting Measure

(1) A decision ordering the house arrest shall be submitted also to the body enforcing the measure.
(2) A decision ordering the travel ban shall be submitted also to the border police, and the temporary withdrawal of travel documents together with the prohibition of issuance of new travel documents, as well as the enforcement of the prohibition to use the identity card for crossing the State border shall be entered into the Central Data Processing Centre.
(3) The measures of house arrest, travel ban, prohibition from visiting certain places or areas, prohibition from meeting with certain persons and temporary withdrawal of a driver's license shall be enforced by a police body.
(4) The measure ordering the suspect or accused to report occasionally to a specified body shall be enforced by a police body or the body that the suspect or accused must report to.

Article 190
Inspecting Application of Prohibiting Measures and Obligation to Submit Report

(1) At any time, the court may order inspecting application of prohibiting measures and request the competent body in charge of the enforcement to submit a report. The body shall be obliged to submit the report to the court without delay.
(2) If the suspect or accused is not fulfilling obligations ordered by the measure, the enforcement body shall inform the court about it and the court may pronounce additional prohibiting measure or place him into custody.

Article 191
Special Provision on Travel Ban

(1) Exceptionally, in emergency cases, in particular in cases involving a criminal offense for which a prison sentence of ten years or more severe punishment may be pronounced, the order for a temporary withdrawal of travel documents and the identity card together with prohibiting the issuance of new documents that might be used for crossing the State border, may be issued by the prosecutor.
(2) The prosecutor may issue the order referred to in Paragraph 1 of this Article when ordering the conduct of an investigation, when questioning the suspect or when issuing an apprehension order under Article 183, Paragraph 2 of this Code, or whenever the emergent action is needed for the effective conduct of the process until the beginning of the main trial.
(3) In the course of an investigation, the prosecutor shall immediately inform the preliminary proceedings judge and after the raising of an indictment – a preliminary hearing judge and after the case has been referred to the judge or the panel for the purpose of scheduling the main trial – that judge or the presiding of the panel, who shall decide about the order within 72 hours. In case the judge fails to issue the said order, the travel documents and the identity card shall be returned.
(4) The order for a temporary withdrawal of travel documents and the identity card together with prohibiting the issuance of new documents that might be used for crossing the State border, shall be executed by a police body, and may also be executed by judicial police. If a suspect or accused refuses to surrender the travel documents and/or the identity card, the order shall be executed by force.
(5) The suspect or accused shall be issued a receipt on withdrawn documents. For the identity card, the suspect or accused shall be issued a special certificate or card that shall replace the identity card in all respects, but it may not be used for crossing the State border.

5. Bail

Article 192
Bail Requirements

The accused, who is to be placed in custody or has already been placed in custody only due to the risk that he will flee, may be allowed to remain at liberty or may be released if he personally gives a recognizance or someone else on his behalf furnishes a surety that he will not flee before the end of the criminal proceedings and the accused himself pledges that he will not conceal himself and will not leave his residence without permission.

Article 193
Contents of Bail

(1) Bail shall always be set at an amount of money that is determined on the basis of the seriousness of the criminal offense, the personal and family circumstances of the accused, and the financial situation of the person posting bail.
(2) Bail consists of depositing money, securities, valuables or other personal property of a large value that is easily marketable and easily maintained, or of placing a mortgage for the amount of bail on real estate of the person posting bail, or of a personal recognizance of one or more individuals that they will pay the amount of bail that has been set should the accused flee.
(3) A person posting a bail shall submit evidence on his financial resources, origin of the property and ownership of the property or possession of the property posted as surety.
(4) If the accused flees, a decision shall be issued ordering that the amount posted as bail shall be credited to the budget of Republika Srpska.

Article 194
Revocation of Bail

(1) Notwithstanding the bail posted, the accused shall be placed in custody if without justification he fails to appear when duly summoned, if he is preparing to flee or if there occurs another legal ground for his custody after he has been released.
(2) In a case referred to in Paragraph 1 of this Article, the bail shall be revoked. The money, valuables, securities or other personal property deposited shall be returned, and the mortgage shall be removed. The same procedure shall be followed when the criminal proceedings conclude with a final and binding decision to dismiss proceedings or with a verdict.
(3) If a prison sentence is pronounced in the verdict, the bail shall be revoked only when the convicted person begins to serve the sentence.

Article 195
Decision on Bail

In the course of an investigation, a decision on bail and the revocation of the bail shall be issued by the preliminary proceedings judge and after the raising of an indictment – by a preliminary hearing judge and after the case has been submitted to the judge or the panel for the purpose of scheduling the main trial – by that judge or the presiding of the panel. A decision setting the bail and a decision revoking the bail shall be taken following the hearing of the prosecutor.

6. Custody

Article 196
General Provisions

(1) Custody may be ordered or extended only under the conditions prescribed by this code and only if the same purpose cannot be achieved by another measure.

(2) Custody shall be ordered or extended by a decision of the court issued on the motion of the prosecutor after the court heard the suspect or accused about circumstances surrounding the grounds for proposed custody, except in a case prescribed by Article 197, Paragraph 1, Item a) of this Code.
(3) The prosecutor shall submit to the court a reasoned proposal for extension of custody latest five days before expiration of a deadline from the decision on ordering custody. The court shall immediately submit the proposal to suspect or accused and his defence attorney.
(4) The duration of custody must be reduced to the shortest necessary time. It is the duty of all authorities participating in criminal proceedings and of agencies extending them legal aid to proceed with particular urgency if the suspect or the accused is in custody.
(5) Throughout the proceedings, custody shall be terminated as soon as the grounds for which it was ordered cease to exist, and the person in custody shall be released immediately.
(6) Upon proposal of the accused or defence attorney for termination of custody that is based on new facts, the court shall hold the hearing or panel session about which the parties and defence attorney shall be notified. Absence of duly summoned parties and defence attorney do not prevent the hearing or panel session from being held.
(7) The appeal against the decision on rejecting proposal for termination of custody is allowed.
(8) If a proposal is not based on new facts relevant for the termination of custody the court shall not issue a separate decision.

Article 197
Grounds for Custody

(1) If there is a grounded suspicion that a person has committed a criminal offense, custody may be ordered against him:
a) if he hides or if other circumstances exist that suggest a possibility of flight;
b) if there is a justified fear to believe that he will destroy, conceal, alter or falsify evidence or clues important to the criminal proceedings or if particular circumstances indicate that he will hinder the inquiry by influencing witnesses, accessories or accomplices;
v) if particular circumstances justify a fear that he will repeat the criminal offense or complete the criminal offense or commit a threatened criminal offense, and for such criminal offenses a prison sentence of three years may be pronounced or more;
g) in exceptional circumstances, related to criminal offence for which a prison sentence of ten years or more severe punishment may be pronounced, which is of particular gravity taking into account the manner of perpetration or consequence of the criminal offense, if the release would result in an actual threat to disturbance of public order.
(2) In a case of Item b), Paragraph 1 of this Article, custody shall be cancelled once the evidence for which the custody was ordered has been secured.

Article 198
Citizen's Arrest

A private person caught committing a criminal offense may be arrested by another private person. The person who is so arrested shall be immediately turned over to the court, prosecutor

or to the nearest police authority, and if this may not be done, the court, prosecutor or the police must be notified about it immediately.

Article 199
Competence for Ordering Custody

(1) Custody shall be ordered by a decision of the court and on the elaborated motion of the prosecutor.
(2) A decision on custody shall contain: the first and last name of the person being taken into custody, the criminal offense with which he is charged, the legal basis for custody, explanation, instruction as to the right of appeal, the official seal and the signature of the judge ordering custody.
(3) A decision on custody shall be delivered to the pertinent person at the moment of deprivation of liberty. The files must indicate the hour of the delivery of the decision.
(4) The person taken into custody may file an appeal against the decision on custody with the panel from Article 24, Paragraph 5 within 24 hours of the receipt of the decision. If the person taken into custody is questioned for the first time after the expiration of this period, he may file an appeal during the questioning. The appeal with a copy of the record of questioning, if the person in custody has been questioned, and evidences on which the decision on custody has been grounded as well as the decision on custody shall be submitted immediately to the panel. An appeal shall not stay the execution of the decision.
(5) In case referred to in Paragraphs 4 of this Article, the panel deciding the appeal shall take a decision within 48 hours.

Article 200
Duration of Pre-trial Custody

(1) Before taking a decision ordering custody, the preliminary proceedings judge shall review whether there are grounds for a motion to order custody. Upon the decision of the preliminary proceedings judge, custody may last no longer than one month following the date of deprivation of liberty. After that period, the suspect may be kept in custody only on the basis of a decision extending the custody.
(2) Custody may be extended, upon a decision of the panel from Article 24, Paragraph 5, following a substantiated motion of the prosecutor, for no longer than two months. An appeal against the decision of the panel shall be allowed and it does not stay the execution of the decision.
(3) If the proceedings are ongoing for the criminal offense for which a prison sentence of ten years or more may be pronounced, and if there are particularly important reasons, custody may be extended following a substantiated motion of the prosecutor, for no longer than additional three months by the Supreme Court of Republika Srpska. An appeal against the decision shall be allowed which does not stay the execution of the decision. The appeal shall be decided by a different panel of the Supreme Court
(4) Exceptionally, and in extraordinarily complex case concerning a criminal offense for which a long-term imprisonment is prescribed, custody may again be extended for no longer than three additional months after the extension of the custody referred to in Paragraph 3 of this Article.

Such an extension may occur twice consecutively, following a substantiated motion of the prosecutor for each extension, which needs to contain the statement of the Collegium of the prosecutor's office about the necessary measures that have to be undertaken in order to complete the investigation from Article 233, Paragraph 2 of this Code. An appeal against the decision of the Supreme Court of the Republika Srpska on the custody extension shall be decided by a different panel of the Supreme Court. An appeal does not stay the execution of the decision.
(5) Motion for the extension of custody from Paragraphs 3 and 4 of this Article shall be submitted through the first instance court, which shall hear the suspect on the reasons for extension of custody before it submits the case file with a motion to the Supreme Court of Republika Srpska.
(6) If, before the expiration of the deadlines referred to in Paragraph 1 through 4 of this Article, an indictment has not been confirmed, the suspect shall be released.

Article 201
Termination of Custody

In the course of the investigation and before the expiration of the custody, the preliminary proceedings judge may terminate custody by the decision after the prosecutor is heard. The prosecutor may file an appeal against the decision to the panel referred to in Article 24 Paragraph 5 of this Code and the panel shall reach a decision within 48 hours.

Article 202
Custody after Confirmation of Indictment

(1) After the confirmation of indictment, custody may be ordered, extended or terminated. The review of justification of the custody shall be carried out every two months following the date of issuance of the most recent decision on custody. The appeal against this decision shall not stay its execution.
(2) After the confirmation of the indictment and before the first instance verdict is pronounced, the custody may not last longer than:
a) one year in case of a criminal offense for which a punishment of imprisonment for a term up to five years is prescribed;
b) one year and six months in case of a criminal offense for which a punishment of imprisonment for a term up to ten years is prescribed;
v) two years in case of a criminal offense for which a punishment of imprisonment for a term exceeding ten years is prescribed, except the long-term imprisonment;
g) three years in case of a criminal offense for which a punishment of long-term imprisonment is prescribed.
(3) If, during the period referred to in Paragraph 2 of this Article, no first instance verdict is pronounced, the custody shall be terminated and the accused released.

Article 203
Ordering Custody after Verdict Pronouncement

(1) When the court pronounces a sentence of imprisonment against an accused, the court shall order custody against the accused or the custody shall be extended if there exist the grounds referred to in Article 197, Paragraph 1, Items a), v) and g) of this Code, and the custody shall be terminated if the grounds for which the custody was pronounced do not exist anymore. In this case, a separate decision shall be issued, and appeal against such decision shall not stay its execution.
(2) Custody shall be terminated and release of the accused ordered if he has been acquitted or if the charges against him have been rejected for the reasons other than lack of jurisdiction of the court or he has been found guilty but released from penalty or he has only been fined or received a suspended sentence or, due to crediting the custody time, he has already served the sentence.
(3) After pronouncing the first instance verdict, the custody may last no longer than additional nine months. If during that period no second instance verdict to alter or sustain the first instance verdict is pronounced, the custody shall be terminated and the accused shall be released. If within the nine months the second instance verdict is pronounced reversing the first instance verdict, the custody shall last for no longer than another year after pronouncement of the second instance verdict.
(4) At the request of the accused, who is in custody after a sentence of imprisonment has been pronounced on him, a judge or the presiding of the panel may issue a decision to send the accused to a penitentiary institution to serve the sentence even before the verdict becomes final and binding.
(5) Custody shall always be terminated upon the expiration of the pronounced sentence.
(6) The accused placed in custody against whom a sentence of imprisonment has become final and binding, shall remain in custody until he is sent to prison but not after the expiration of the prison term pronounced to him.

Article 204
Deprivation of Liberty and Police Detention

(1) The police may deprive a person of liberty if there are grounds for suspicion that he may have committed a criminal offence and if there are any of the reasons as referred to in Article 197 of this Code, but they must immediately, and no later than 24 hours, bring that person before the prosecutor. In apprehending the person concerned, the police authority shall notify the prosecutor of the reasons for and time of deprivation of liberty. The use of force in accordance with law is allowed when apprehending the person.
(2) As an exception to Paragraph 1 of this Article, for crimes of terrorism, the person must be brought before the prosecutor, at latest, within 72 hours.
(3) A person deprived of liberty must be instructed in accordance with Article 5 of this Code.
(4) If a person deprived of liberty is not brought before the prosecutor within the period specified in Paragraphs 1 and 2 of this Article, he shall be released.
(5) The prosecutor shall question the apprehended person without delay and no later than 24 hours and decide within that time whether he will release the apprehended person or file the

reasoned request for custody of the person in question to the preliminary proceeding judge ensuring that the person is brought before the judge.
(6) The preliminary proceedings judge shall immediately, and no later than within 24 hours, issue a decision on request for custody order.
(7) If the preliminary proceedings judge rejects the proposal for the custody, he shall issue a decision rejecting the request and shall immediately release the person. The prosecutor may file an appeal against decision of the preliminary proceeding judge, which does not stay the execution of the decision.
(8) The person taken into custody may appeal the decision on custody issued by the panel, which does not stay the execution of the decision.
(9) In case referred to in Paragraphs 7 and 8 of this Article, the panel referred to in Article 24 Paragraph 5 of this Code shall decide on the appeal and is obliged to issue a decision within 48 hours of receipt of the appeal by the court.

7. Execution of Custody and Treatment of Persons in Custody

Article 205
General Provisions

Custody shall be executed in the institutions so designated by law.

Article 206
Rights and Freedoms of Persons in Custody and Data on Them

(1) Custody must be executed in such a manner as not to offend the personal integrity and dignity of the accused. In executing custody, authorized officials of the Judicial Police and guards of the institution may use means of force only in cases prescribed by law.
(2) The rights and freedoms of the person taken into custody may be restricted only insofar as it is necessary to achieve the purpose for which custody has been ordered and to prevent the flight of the person taken into custody, commission of a criminal offense or endangerment to the life and health of people.
(3) The administration of the institution shall collect, process and keep data on the person taken into custody, including data concerning the identity of the person in custody and his psycho-physical condition, the duration, extension and termination of his custody, the work performed by the person in custody, and his behaviour and disciplinary measures applied.
(4) Records concerning detainees shall be kept by the RS Ministry of Justice.
(5) The Ministry shall prescribe the manner in which records from Paragraph 4 of this Article are kept.

Article 207
Accommodation of Persons in Custody

Persons in custody shall be accommodated in rooms of appropriate sizes that satisfy required health conditions. Individuals of different sexes shall not be accommodated in the same room. As a general rule, persons in custody shall not be put in the same room with persons serving a

sentence. A person taken into custody shall not be accommodated together with persons who might have an adverse influence on him or with persons whose company might have adverse influence on the conduct of the proceedings.

Article 208
Special Rights of Persons in Custody

(1) Persons in custody have the right to eight hours of uninterrupted rest within each 24-hour period. In addition, they shall be guaranteed at least two hours of walking in the open air daily.
(2) A person in custody shall be allowed to have personal belongings and hygienic items in his possession, and shall also be allowed to procure at his own expense books, newspapers and other printed media. A detainee shall also be allowed to keep other objects in such a quantity and size so as not to disturb the living environment in the room and the internal regulations of the detention facility. When a person is admitted to custody, objects related to the criminal offense shall be seized from him during the search of his person, and any other objects that the detainee is not allowed to have in his possession while in custody shall be put aside and stored according to his instruction or delivered to a person designated by him.

Article 209
Right of Persons in Custody to Communicate with Outside World and Defence Attorney

(1) Upon the approval of the preliminary proceedings judge or the preliminary hearing judge and under his supervision or the supervision of a person designated by him, the detainee may receive visits from his spouse or cohabitee or relatives, and at his request, from a physician and other persons subject to internal regulations of the custody. Certain visits may be prohibited if they could detrimentally affect the conduct of the proceedings.
(2) The preliminary proceedings judge or the preliminary hearing judge shall allow a consular official of a foreign country to visit the person in custody who is a citizen of that country, subject to the internal regulations of the detention facility.
(3) A detainee may have confidential correspondence with any other person. Exceptionally, the court may issue decision on supervision of such confidential correspondence if so required by the interests of the proceedings. Appeal against this decision is allowed, which does not stay the execution of the decision. A detainee cannot be prohibited from sending a request, complaint or appeal.
(4) A detainee shall be prohibited from using a cellular phone but shall have the right, subject to internal regulations of the detention facility, to make telephone calls at his own expense. To that end, the detention facility administration shall provide the detainees with a sufficient number of public telephone connections. The preliminary proceedings judge, the preliminary hearing judge, the single trial judge or the presiding of the panel may, for reasons of security or due to the existence of one of the reasons referred to in Article 197 Paragraph 1 Item a) through v), of this Code restrict or prohibit, by a decision, the use of the telephone by a detainee.
(5) A detainee shall be entitled to free and unrestricted communications with his defence attorney.

Article 210
Disciplinary Violations by Detainees

(1) The preliminary proceedings judge, the preliminary hearing judge, the single trial judge or the presiding of the panel may, at the proposal of the manager of the institution, impose a disciplinary penalty of restriction of visits and correspondence for a disciplinary violation by a detainee. This restriction shall not apply to the communications of the detainee with the defence attorney or contacts with a consular official.
(2) A disciplinary violation includes any serious violation pertaining to:
a) physical attack on other detainees, employees or authorized persons, or insult of these persons;
b) making, receiving, importing or smuggling objects for attack or escape;
v) bringing into the institution or preparation in the institution of a narcotic substance or alcohol;
g) breach of rules on safety at work, fire protection and prevention of consequences of natural disasters;
d) intentional causing of serious material damage;
đ) indecent behaviour before other detainees or authorized persons.
(3) Within 24 hours, an appeal with the panel referred to in Article 25, Paragraph 5 of this Code shall be allowed against a decision imposing a disciplinary measure. An appeal shall not stay the execution of the decision.
(4) The administration of the detention facility shall immediately notify the court of the application of disciplinary measures to the detainee.

Article 211
Supervision of Custody Execution

(1) Supervision over the execution of custody shall be carried out by the president of the competent court.
(2) The president of the competent court or a judge designated by him shall be obliged to visit detainees at least once in 15 days, and if he considers necessary, shall inquire, without the presence of the Judicial Police, regarding how the detainees are fed, how other needs are satisfied and how detainees are treated. The president of the court or a judge designated by him shall be obliged to take necessary measures to remedy irregularities noticed during the visit to the detention facility. The president of the court may not delegate supervision over the execution of custody to the preliminary proceedings judge.
(3) Notwithstanding the supervision referred to in Paragraph 2 of this Article, the president of the court, the preliminary proceedings judge, the single trial judge or the presiding of the panel may visit the detainees at all times, may talk to them and may take their complaints.

Article 212
Custody House Rules

The Minister shall issue the custody house rules which shall regulate in detail the execution of custody in accordance with the provisions of this Code.

CHAPTER XV
MISCELLANEOUS PROVISIONS

Article 213
Approval to Prosecute

(1) When this Code or other law enacted on the basis of the Constitution or law states that prior approval of the competent governmental body is required for prosecution of certain persons, the prosecutor may not initiate or continue an investigation nor bring charges without submitting evidence that the approval has been granted.
(2) For criminal offences prosecuted upon the motion of the injured party, the motion shall be submitted to the competent prosecutor within three months from the day when the injured party has learnt about the criminal offence and its perpetrator.

Article 214
Special Requirements for Prosecution

(1) In the event that a criminal offense was committed outside the territory of Republika Srpska, the prosecution may be initiated by the prosecutor, provided that this criminal offense is criminalized in the Code of Republika Srpska.
(2) In the event referred to in Paragraph 1 of this Article the prosecutor shall undertake the criminal prosecution only if the offense committed is defined as the criminal offense under the laws of the country in whose territory the criminal offense was committed. The prosecution shall not be undertaken in that event either, if under the laws of that country the prosecution is to be undertaken only upon the motion of the injured party, whereas no such request has been filed by the injured party.
(3) Notwithstanding the laws of the country where the criminal offense was committed, the prosecutor may undertake the prosecution if such an act is a criminal offense under the international law.

Article 215
Discontinuance of Proceedings when Suspect or Accused Dies

When, during the criminal proceedings, it is established that the suspect or accused has died the proceedings shall be discontinued.

Article 216
Procedure in Case of Mental Incapacity of Suspect or Accused

If in the course of the proceedings it is established that the suspect or the accused lacked mental capacity at the time of committing the criminal offense, the court shall render an appropriate decision in accordance with Article 383 of this Code.

Article 217
Suspect or Accused Suffering Mental Illness during Proceedings

If in the course of criminal proceedings it is ascertained that after the criminal offense was committed the accused has become permanently mentally ill, a decision shall be issued to the effect suspending criminal proceedings from Article 382 of this Code.

Article 218
Sanctioning Delay of Proceedings

(1) In the course of proceedings, the court may impose a fine in an amount up to 5,000 KM upon the prosecutor, defence attorney, attorney-in-fact or legal representative and an injured party if the actions of the prosecutor, defence attorney, or attorney-in-fact or legal representative or the injured party are obviously aimed at prolonging the criminal proceedings.
(2) The High Judicial and Prosecutorial Council shall be informed of the fining of the prosecutor, and the Bar Association shall be informed of the fining of the defence attorney.

Article 219
Application of International Law

(1) The rules of international law shall apply with respect to exemption from criminal prosecution of aliens who enjoy the immunity in Bosnia and Herzegovina.
(2) Should there be any doubt as to the identity of persons referred to in Paragraph 1 of this Article, the court shall seek clarification from the Ministry of Justice.

Article 220
Temporary Confiscation of Driving Licence

(1) If criminal proceedings involves traffic related criminal offense, the court may confiscate the driving licence from the suspect or accused during the criminal proceedings.
(2) In urgent cases the prosecutor may order the action under Paragraph 1 and shall inform about it the preliminary proceedings judge who may decide within 72 hours to issue decision on temporary confiscation of the driving licence. In the event that the preliminary proceedings judge does not decide to issue the decision on temporary confiscation of the driving licence, the prosecutor shall return it to the suspect or accused.
(3) The driving licence shall be returned to the suspect or accused even before completion of the criminal proceedings if it has been justifiably established that the reasons for confiscation has ceased to exist.
(4) An appeal is allowed against decisions under Paragraphs 1 and 2 but it shall not stay the execution.
(5) The period of time in which the driving licence was confiscated from the suspect or accused while not in custody shall be counted against the pronounced security measure- prohibiting driving motor vehicles.

PART TWO
COURSE OF THE PROCEEDINGS

CHAPTER XVI
INVESTIGATIVE PROCEDURE

Article 221
Obligation to Report Criminal Offense

(1) Official and responsible persons in all governmental bodies of Republika Srpska, public companies and public institutions shall be bound to report criminal offenses of which they have knowledge, through information provided to them or learned by them in some other manner. Under such circumstances, the official and responsible person shall take steps to preserve traces of the criminal offense, objects upon which or with which the criminal offense was committed, and other evidence, and shall notify an authorized official or the prosecutor's office without delay.
(2) Medical workers, teachers, pedagogues, parents, foster parents, adoptive parents and other persons authorized or obliged to provide protection and assistance to minors, to supervise, educate and raise the minors, are obliged to immediately inform the authorized official or the prosecutor about their suspicion that the minor is the victim of sexual, physical or any other form of abuse.

Article 222
Citizens Reporting Criminal Offense

(1) A citizen is entitled to report a criminal offense.
(2) All persons shall report commission of a criminal offense in those instances where failure to report such a criminal offense itself constitutes a criminal offense.

Article 223
Filing Criminal Report

(1) The report shall be filed with the prosecutor in writing or orally.
(2) If a person files an oral report concerning a criminal offense, such person shall be warned of the consequences of providing a false report. The record shall be taken concerning oral report and if the report is communicated by telephone, an official note shall be made.
(3) If the report is filed with the court or authorized official, they shall accept the report and shall immediately submit the report to the prosecutor.

Article 224
Order for Conducting Investigation

(1) The prosecutor shall order the conduct of an investigation if grounds for suspicion that a criminal offense has been committed exist.

(2) The order on conducting the investigation shall contain: data on perpetrator if known, descriptions of the act pointing out the legal elements which make it a crime, the legal title of the criminal offense, circumstances that confirm the grounds for suspicion for conducting an investigation and existing evidence. The prosecutor shall list chronological order of circumstances to be investigated and investigative actions to be undertaken.
(3) The prosecutor shall issue order that the investigation shall not be conducted if it is evident from the report and supporting documents that a reported act is not a criminal offense, if there are no grounds to suspect that the reported person committed the criminal offense, if the statute of limitations is applicable or if the criminal offense is a subject to amnesty or pardon or if any other circumstances exist that preclude criminal prosecution.
(4) The prosecutor shall inform the injured party and the person who reported the offense within three days of the fact that the investigation shall not be conducted, as well as the reasons for not doing so. The injured party and the person who reported the offense have the right to file a complaint with the prosecutor's office within eight days.

Article 225
Conducting Investigation

(1) In the course of investigation, the prosecutor may undertake all investigative actions, including the questioning of the suspect and hearing of the injured party and witnesses, crime scene investigation and reconstruction of events, undertaking special measures to protect witnesses and information and may order the necessary expert evaluation.
(2) The record on the undertaken investigative actions shall be made in accordance with this Code.
(3) If the suspect is placed in custody, the order for bringing him to questioning shall be issued by the prosecutor who shall thereof notify the preliminary proceedings judge.

Article 226
Prosecutor Supervising Work of Authorized Officials

(1) If there are grounds for suspicion that a criminal offense has been committed punishable by a prison sentence of more than five years, an authorized official shall immediately inform the prosecutor and shall under the prosecutor's direction take the steps necessary to locate the perpetrator, to prevent the suspect or accomplice from hiding or fleeing, to detect and secure the clues to the criminal offense and items which might serve as evidence, and to gather all information that might be of use for the criminal proceedings.
(2) If there are grounds for suspicion that the criminal offense referred to in Paragraph 1 of this Article has been committed, and the delay would be detrimental, an authorized official is obliged to carry out necessary actions in order to fulfil the tasks referred to in Paragraph 1 of this Article. When carrying out these actions, the authorized official is obliged to act in accordance with this Code. The authorized official is bound to inform the prosecutor on all taken actions immediately and deliver the collected items that may serve as evidence.
(3) If there are grounds for suspicion that a criminal offense has been committed punishable by a prison sentence of up to five years, an authorized official shall inform the prosecutor of all

available information and investigative actions performed no later than seven days after finding out there are grounds for suspicion that a criminal offense has been committed.

Article 227
Taking Statements and Collection of Information

(1) In order to perform the tasks referred to in Article 227 of this Code, authorized officials may obtain the necessary information from persons; make necessary examination of vehicles, passengers and luggage; restrict movement in a specified area during the time required to complete a certain action; take necessary steps to establish identity of persons and objects; organize search to locate an individual or items being sought; in the presence of a responsible individual search specified facilities and premises of state authorities, public enterprises and institutions, examine specific documents belonging to state authorities or public enterprises or institutions, and take other necessary steps and actions. A record or official notes shall be kept of facts and circumstances ascertained in taking various actions and also concerning items which have been found or seized.
(2) In gathering information from persons, an authorized official may issue a written request to a person to appear at the police station, provided that the request designates the reasons for requesting the person's appearance. A person is not obliged to give a statement or respond to any question asked by the authorized official, other than to give his own personal data. The authorized official shall inform the person about this right.
(3) In gathering information from persons, the authorized official shall act in accordance with Article 143 of this Code or in accordance with Article 151 of this Code. In that case, the records on gathered information may be used as evidence in the criminal proceedings.
(4) A person against whom any of the actions or measures referred to in this Article have been taken shall be entitled to file a complaint with the prosecutor's office within three days. The prosecutor shall verify the grounds of the allegations and if it is determined that the committed acts or measures constitute a criminal offense or misconduct in office, the complaint shall be processed in accordance with the law.
(5) The authorized official shall complete a criminal report based on the information and evidence gathered. The criminal report shall be submitted along with items, sketches, photographs, reports obtained, records of the measures and actions taken, official notes, statements taken and other materials, which could contribute to the effective conduct of proceedings, including all facts or evidence in favour of the suspect. If the authorized official learns of new facts, evidence or clues to the criminal offense after submitting the criminal report, he shall have a continuing duty to gather the necessary information and shall immediately submit a supplemental report to the prosecutor.
(6) The prosecutor may gather information from persons in custody if this is necessary to detect other criminal offenses committed by the same person or his accomplices, or criminal offenses of other suspects.

Article 228
Restriction of Movement at Crime Scene

(1) An authorized official has the right to restrict the movement and question persons found at the scene of a crime, if such persons could provide information important for the criminal proceedings. The authorized official shall be bound to inform the prosecutor about the restriction of movement and questioning. Restriction of movement of such persons at the scene of a crime may not last more than six hours.
(2) An authorized official may photograph a person and take his fingerprints if there are grounds for suspicion that he has committed a criminal offense. When it will contribute to the effective conduct of proceedings, an authorized official may release the photograph of that person for general public, but only with the approval of the prosecutor.
(3) If necessary to establish whose fingerprints are found on certain objects, the authorized official may take fingerprints from persons who have possibly touched those objects.
(4) A person against whom any of the actions referred to in this Article have been taken shall be entitled to file a complaint with the prosecutor.

Article 229
Crime Scene Investigation and Expert Evaluation

An authorized official, upon notifying the prosecutor, shall proceed with the investigation of the crime scene and order the necessary expert evaluations, with the exception of medical examination, an autopsy and the exhumation of a corpse. If the prosecutor is present at the crime scene while it is being investigated by authorized officials, he may direct authorized officials to perform certain actions that the prosecutor considers necessary. All actions undertaken at the crime scene must be documented and elaborated in detail in both a record and a separate official report.

Article 230
Medical Examination, Autopsy and Exhumation

If there is a suspicion or if it is evident that a death was caused by criminal offense or that it is related to the commission of a criminal offense the prosecutor shall order the performance of a medical examination and an autopsy. If the corpse has already been buried, an exhumation of the corpse shall be ordered for the purpose of an examination and autopsy through a warrant that the prosecutor shall request from the court.

Article 231
Judicial Preservation of Evidence

(1) Whenever it is in the interest of the administration of justice that the witness's testimony be taken in order to use it at the main trial because the witness may be unavailable to the court during the trial, the preliminary proceedings judge may, upon the motion of the parties or the

defence attorney, order that the testimony of the witness in question be taken at a special hearing (deposition). The deposition shall be conducted in accordance with Article 277 of this Code.
(2) Prior to use of the deposition referred to in Paragraph 1 of this Article, the party or the defence attorney requesting for the deposition to be considered as evidence at the main trial, must prove that despite all efforts to secure the witness's presence at the main trial, the witness remains unavailable. The deposition in question may not be used if the witness is present at the main trial.
(3) If the parties or the defence attorney are of the opinion that certain evidence may disappear or that the presentation of such evidence at the main trial may not be possible, the parties or the defence attorney shall file motion with the preliminary proceedings judge for taking necessary actions aimed at the preservation of evidence. If the preliminary proceedings judge accepts the motion for presentation and examination of evidence, he shall inform the parties and defence attorney accordingly.
(4) If the preliminary proceedings judge rejects the motion referred to in Paragraphs 1 and 3 of this Article, he shall issue a decision that can be appealed against to the panel referred to in Paragraph 5 of Article 24 of this Code.

Article 232
Cessation of Investigation

(1) The prosecutor shall order that the investigation ceases if it is established that:
a) the act committed by the suspect is not a criminal offence,
b) the circumstances that exclude criminal liability of the suspect exist except in the case under Article 214 of this Code,
v) there is insufficient evidence that the suspect committed a criminal offence;
g) that the act is covered by amnesty, pardon or statute of limitations or if there are some other obstacles that preclude prosecution.
(2) The prosecutor shall inform the injured party enjoying the rights under Article 224 of this Code, the suspect if he was questioned and the person that reported the crime about the cessation and grounds for cessation of the investigation in writing.
(3) In the cases under Item v) of Paragraph 1 of this Article the prosecutor may reopen the investigation at a later date if new facts and circumstances imply that there are grounds for suspicion that the suspect committed a criminal offence.

Article 233
Completion of Investigation

(1) The prosecutor shall order a completion of investigation after he concludes that the circumstances are sufficiently clarified to raise indictment. Completion of the investigation shall be noted in the file.
(2) If the investigation has not been completed within six months after the order on its conducting has been issued, the collegium of the prosecutor's office shall undertake necessary measures in order to complete the investigation.
(3) The indictment shall not be raised if the suspect was not questioned.

CHAPTER XVII
SPECIAL INVESTIGATIVE ACTIONS

Article 234
Types of Special Investigative Actions and Requirements for their Application

(1) If evidence cannot be obtained in another way or its obtaining would be accompanied by disproportional difficulties, special investigative actions may be ordered against a person against whom there are grounds for suspicion that he has committed or has along with other persons taken part in committing or is participating in the commission of an offense referred to in Article 235 of this Code.
(2) The investigative actions under Paragraph 1 of this Article are as follows:
a) surveillance and technical recording of telecommunications;
b) access to the computer systems and computerized data processing;
v) surveillance and technical recording of premises;
g) covert following and technical recording of individuals, means of transport and items related to them;
d) use of undercover investigators and informants;
đ) simulated and controlled purchase of certain objects and simulated bribery;
e) supervised transport and delivery of objects of criminal offense.
(3) The investigative actions referred to in Paragraph 2 of this Article may also be ordered against persons against whom there are grounds for suspicion that he will deliver to the perpetrator or will receive from the perpetrator of the offenses referred to in Article 235 of this Code information in relation to the offenses, or grounds for suspicion that the perpetrator uses a telecommunication device belonging to those persons.
(4) Provisions regarding the communication between the suspect and his defence attorney shall apply accordingly to the discourse between the person referred to in Paragraph 1 of this Article and his defence attorney.
(5) In executing the actions referred to in Items d) and đ) of Paragraph 2 of this Article police authorities or other persons shall not undertake activities that constitute an incitement to commit a criminal offense. If nevertheless such activities are undertaken, this shall be an instance precluding the criminal prosecution against the incited person for a criminal offense committed in relation to those actions.
(6) Undercover investigator is specially trained authorised official who investigates under his or her changed identity. The undercover investigator may participate in legal transactions under his changed identity. If it is necessary to establish and keep the identity, appropriate documents may be issued, changed or used.

Article 235
Criminal Offenses for Which Special Investigative Actions may be Ordered

The investigative actions referred to in Paragraph 2 of Article 234 of this Code may be ordered for the following criminal offenses:
a) criminal offenses against Republika Srpska;
b) criminal offenses against humanity and violation of international law;

v) criminal offenses of terrorism;
g) criminal offenses for which, pursuant to the Criminal Code, a prison sentence of three years or more may be pronounced.

Article 236
Competence to Order Actions and Duration of Actions

(1) The investigative actions referred to in Article 234 Paragraph 2 of this Code shall be ordered in an order issued by the preliminary proceedings judge upon the properly reasoned motion of the prosecutor containing: the data on the person against whom the action is to be applied, the grounds for suspicion referred to in Article 234 Paragraphs 1 or 3 this Code, the reasons for its undertaking and other important circumstances necessitating the application of the actions, the reference to the type of required action and the method of its implementation and the extent and duration of the action. The order shall contain the same data as those featured in the prosecutor's motion as well as a determination of the duration of the ordered action.
(2) Exceptionally, if a written order cannot be received in due time and if a delay would be detrimental, the execution of an action referred to in Article 234 of this Code may commence on the basis of a verbal order pronounced by the preliminary proceedings judge. The written order of the court must be obtained within 24 hours following the issue of the verbal order.
(3) The investigative actions referred to in Items a), through g) and e) of Paragraph 2 of Article 234 of this Code may last up to one month, while on account of particularly important reasons the duration of such actions and upon the properly reasoned motion of the prosecutor, they may be prolonged for a term of another month, provided that the actions referred to in Items a), b) and v) last up to six months in total, while the actions referred to in Items g) and e) last up to three months in total. The motion as to the action referred to in Item đ) of Paragraph 2 of Article 234 may refer only to a single act, whereas the motion as to each subsequent action against the same person must contain a statement of reasons justifying its application.
(4) The order of the preliminary proceedings judge and the motion of the prosecutor referred to in Paragraph 1 of this Article shall be kept in a separate envelope. By compiling or transcribing the records without making references to the personal data therein about the undercover investigator and informant, or in another appropriate way, the prosecutor and the preliminary proceedings judge shall prevent unauthorized officials as well as the suspect and his defence attorney from establishing the identity of the undercover investigator and of informant.
(5) By way of a written order the preliminary proceedings judge must suspend forthwith the execution of the undertaken actions if the reasons for previously ordering the actions have ceased to exist.
(6) The orders referred to in Paragraph 1 of this Article shall be executed by the police authorities. The companies performing the transmission of information shall enable the prosecutor and police authorities to enforce the actions referred to in Item a) of Paragraph 2 of Article 234 of this Code.

Article 237
Materials Obtained through Application of Actions and Notification on Undertaken Actions

(1) Upon the completion of the application of the actions referred to in Article 234 of this Code, all information, data and items obtained through the application of the actions as well as a report must be submitted by police authorities to the prosecutor. The prosecutor shall provide the preliminary proceedings judge with a written report on the actions undertaken. On the basis of the submitted report the preliminary proceedings judge shall evaluate compliance with his order.
(2) Should the prosecutor refrain from prosecution, or should the data and information obtained through the application of the ordered actions not be needed for the criminal proceedings, they shall be destroyed under the supervision of the preliminary proceedings judge, of which event he shall keep separate records. The person against whom any of the actions referred to in Article 234 Paragraph 2 of this Code were undertaken, shall be notified of the undertaking of the actions, the reasons for their undertaking, with the information stating that the received material did not constitute sufficient grounds for criminal prosecution and was thereafter destroyed.
(3) The preliminary proceedings judge shall forthwith and following the undertaking of the actions referred to under Article 234 of this Code inform the person against whom the actions were undertaken. That person may request from the court a review of the legality of the order and of the method by which the order was enforced.
(4) Data and information received through the undertaking of the actions referred to in Paragraph 2 of Article 234 of this Code shall be stored and kept as long as the court file is being kept.

Article 238
"Incidental Findings"

No data or information received through the undertaking of actions referred to in Article 234 of this Code shall be used as evidence if they are not related to a criminal offense referred to in Article 235 of this Code.

Article 239
Acting Without Court Order or Beyond It

If the actions referred to in Article 235 of this Code have been undertaken without the order of the preliminary proceedings judge or contrary to it, the court cannot base its decision on the data or evidence thereby obtained.

Article 240
Admissibility of Evidence Obtained through Special Actions

Technical recordings, documents and objects obtained under the conditions and in the manner prescribed by this Code may be used as evidence in the criminal proceedings. The undercover investigator and informant referred to in Article 234 Paragraph 2 Item d) of this Code and the persons who have undertaken the actions referred to in Article 234 Paragraph 2 Item đ) of this

Code may be questioned as witnesses or as protected witnesses in the course of the actions or on the other significant circumstances.

CHAPTER XVIII
INDICTMENT PROCEDURE

Article 241
Raising Indictment

(1) If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offense, the prosecutor shall prepare and submit the indictment to the preliminary hearing judge.
(2) After the indictment has been raised, the suspect or the accused and the defence attorney have the right to examine all files and evidence.
(3) After the indictment has been raised, the parties and defence attorney may propose to the preliminary hearing judge to take actions in accordance with Article 231 of this Code.

Article 242
Contents of Indictment

(1) The indictment shall contain:
a) name of the court;
b) first and the last name of the suspect and his personal data;
v) description of the act pointing out the legal elements which make it a criminal offense, the time and place the criminal offense was committed, the items on which and the instrument with which the criminal offense was committed, and other circumstances necessary for the criminal offense to be defined as precisely as possible;
g) legal title of the criminal offense accompanied by the relevant provisions of the Criminal Code;
d) proposal of evidence to be presented, including the list of witnesses and experts or pseudonym of protected witnesses, documents to be read and items serving as evidence;
đ) results of the investigation;
e) evidence supporting the charges in the indictment.
(2) An indictment may cover more than one criminal offense or more than one suspect.
(3) If the suspect is not placed in custody, it may be proposed in the indictment that he be placed in custody, and if the suspect is already in custody, it may be proposed to extend it or that he is released.

Article 243
Decision on Indictment

(1) Immediately upon receipt of the indictment the preliminary hearing judge shall examine whether the court has jurisdiction to try, whether the circumstances under Article 232 Paragraph 1, Item g) of this Code exist, and whether the indictment was properly drafted in accordance with Article 242 of this Code. If the court finds that the indictment was not properly drafted it will act

in accordance with Article 59 Paragraphs 3 and 4 of this Code.
(2) The preliminary hearing judge may confirm or discharge all or some of the counts in the indictment within eight, and in complex cases within 15 days of receipt of the indictment. If the preliminary hearing judge discharges all or some of the counts he shall issue decision that will be delivered to the prosecutor. An appeal can be filed within 24 hours. The panel from Article 24 Paragraph 5 of this Code shall decide on this appeal within 72 hours.
(3) During the confirmation of the indictment, the preliminary hearing judge shall examine each count in the indictment and evidence submitted by the prosecutor in order to establish grounded suspicion.
(4) Upon confirmation of some or all counts in the indictment, the suspect shall become the accused. The preliminary hearing judge shall present the accused and his defence attorney with the indictment.
(5) The preliminary hearing judge shall present the accused who is not detained with the indictment without delay, and if the accused is already detained, the preliminary hearing judge shall present him with the indictment within 24 hours after the confirmation of the indictment. The preliminary hearing judge shall inform the accused that within 15 days of delivery of the indictment he has the right to submit the preliminary motions, that the plea hearing shall be scheduled immediately after the decision on preliminary motions is issued or after the expiration of the deadline for submission of preliminary motions, and that the accused may list the proposed evidence that he intends to present at the main trial.
(6) Upon discharge of all or some counts in the indictment, the prosecutor may raise new or an amended indictment that shall be based on new evidence. The new or amended indictment shall be submitted for confirmation.

Article 244
Guilty or Not Guilty Plea

(1) The accused shall enter into guilty or not guilty plea before the preliminary hearing judge in the presence of the prosecutor and the defence attorney. Before pleading guilty or not guilty the accused shall be informed about all possible consequences of the plea in sense of Article 245 Paragraph 1 of this Code. In case that the accused does not have the defence attorney the preliminary hearing judge shall check whether the accused understands the consequences of the plea and whether the conditions for appointment of the defence attorney in accordance with Article 53 Paragraph 5 and Article 46 of this Code exist. The plea and the given instructions shall be entered in the record. If the accused fails to enter a plea, the preliminary hearing judge shall, *ex officio,* record that the accused enters a plea of not guilty.
(2) If the accused enters a plea of guilty, the preliminary hearing judge shall refer the case to the judge or to the panel for scheduling the hearing at which it shall be determined whether the conditions referred to in Article 245 of this Code exist.
(3) A plea of not guilty shall never be held against the accused in fashioning a sentence if the accused is found guilty at the trial or subsequently changes his plea from not guilty to guilty.
(4) After entering a plea of not guilty into the record, the preliminary hearing judge shall refer the case to the judge or the panel that has been assigned to try the case so that they can schedule the trial, and the evidence that support the indictment he shall return to the prosecutor. The main

trial shall be scheduled within 30 days from the day when the accused entered the plea of guilt. In exceptional cases, this deadline may be extended for 30 additional days.

Article 245
Deliberation on Guilty Plea

(1) In the course of deliberating the statement on the guilty plea from the accused, the court must ensure the following:
a) that the plea of guilty was entered voluntarily, consciously and with understanding,
b) that the accused was informed that by his guilty plea he shall waive the right to trial,
v) that there is enough evidence proving the guilt of the suspect or the accused,
g) that the accused was informed of and understands the possible consequences in relation to the claim under property law,
d) that the accused was informed of the decision on reimbursement of the expenses of the criminal proceedings and that the accused may be relieved of the duty to reimburse as referred to in Article 99 Paragraph 4 of this Code.
(2) If the court accepts the statement on the plea of guilty, the statement of the accused shall be entered in the record and the court shall continue with the hearing for the pronouncement of the sentence.
(3) If the court rejects the statement on plea of guilty, the court shall inform the parties and the defence attorney to the proceeding about the rejection and say so in the record. Statement on the admission of guilt is inadmissible as evidence in the further course of the criminal proceeding.

Article 246
Plea Bargaining

(1) The suspect or the accused and the defence attorney, may negotiate with the prosecutor about the conditions of admitting guilt for the criminal offence with which the suspect or accused is charged until the completion of the main trial proceedings or the appellate hearing proceedings.
(2) The plea agreement shall not be entered into if the accused pleaded guilty at the plea hearing.
(3) In plea bargaining with the suspect or the accused and his defence attorney on the admission of guilt pursuant to Paragraph 1 of this Article, the prosecutor may propose an imprisonment sentence bellow legally prescribed minimum or more lenient criminal sanction for the suspect or accused in accordance with the provisions of the Criminal Code.
(4) An agreement on the admission of guilt shall be made in writing and shall be delivered along with the indictment to the preliminary hearing judge, judge or the panel. After the confirmation of the indictment, the preliminary hearing judge shall deliberate on the agreement and pronounce the criminal sanction until the case is submitted to the judge or the panel for the purpose of scheduling the main trial. After the case is submitted for the purpose of scheduling the main trial, judge or the panel shall decide on the agreement.
(5)The preliminary hearing judge, judge or the panel may accept or reject the agreement.
(6)In the course of deliberating the agreement on the admission of guilt, the court must ensure the following:
a) that the agreement of guilt was entered voluntarily, consciously and with understanding, and that the accused is informed of the possible consequences, including the satisfaction of the

claims under property law, forfeiture of property gain obtained by commission of criminal offense and reimbursement of the expenses of the criminal proceedings;
b) that there is enough evidence proving the guilt of the accused;
v) that the accused understands that by agreement on the admission of guilt he waives his right to trial and that he may not file an appeal against the pronounced criminal sanction,
g) that the agreed sanction is in accordance with Paragraph 3 of this Article,
d) that the injured party was given an opportunity before the prosecutor to give statement regarding the claim under property law.
(7)If the court accepts the agreement on the admission of guilt, the statement of the accused shall be entered in the record and the court shall continue with the hearing for the pronouncement of the sentence foreseen by the agreement.
(8)If the court rejects the agreement on the admission of guilt, the court shall inform the parties to the proceeding and the defence attorney about the rejection and say so in the record. At the same time, the date of the main trial proceedings shall be determined. The main trial shall be scheduled within 30 days. Admission of guilt from this agreement is inadmissible as evidence in the criminal proceedings.
(9)The court shall inform the injured party about the results of the plea bargaining.

Article 247
Withdrawing Indictment

(1) The prosecutor may withdraw the indictment without prior approval before its confirmation. After confirmation of the indictment and before the commencement of the main trial, only with the approval of the preliminary hearing judge and only due to important reasons.
(2) In the case referred to in Paragraph 1 of this Article, the preliminary hearing judge shall approve withdrawal of the indictment and inform the suspect or the accused, the defence attorney and injured party thereof.

Article 248
Reasons for Motion and Decision on Motion

(1) Preliminary motions are motions that:
a) challenge jurisdiction,
b) stress the circumstances from Article 232 Paragraph 1 Item g) of this Code,
v) allege formal defects in the indictment,
g) challenge the lawfulness of evidence obtained,
d) seek joinder or separation of proceedings,
đ) challenge the refusal of a request for appointment of the defence attorney pursuant to Article 54 Paragraph 1 of this Code.
(2) If the preliminary hearing judge accepts the motion from Paragraph 1 Item g) of this Article he shall decide that such evidence is removed from the case file and returned to the prosecutor.
(3) The preliminary hearing judge who cannot participate in the proceedings shall decide the preliminary motion within 8 days. An appeal cannot be filed on the decision on the preliminary motions.

Article 249
Pre-trial Hearing

During the preparation for the main trial, the judge or presiding of the panel may hold a hearing with the parties to the proceedings and the defence attorney to consider issues relevant to the main trial.

PART THREE

CHAPTER XIX
THE MAIN TRIAL

1. Public Nature of Main Trial

Article 250
General Public Nature

(1) The main trial shall be public.
(2) Only adults may attend the main trial.
(3) Persons attending the main trial shall not carry arms or dangerous weapons, except for the guards of the accused and persons who are permitted to do so by the judge or the presiding of the panel.

Article 251
Closure to Public

(1)From the opening to the end of the main trial, the judge or the panel may at any time, *ex officio* or on motion of the parties and the defence attorney, but always after hearing the parties and the defence attorney, close to public the entire main trial or a part of it if that is in the interest of the national security, or if it is necessary to preserve a national, military, official or important business secret, if it is to protect the public peace and order, to preserve morality in the democratic society, to protect the personal and intimate life of the accused or the injured party or to protect the interest of a minor or a witness.
(2)The judge or the panel shall issue a decision on closing it to the public. The decision in question must be reasoned and publicly announced.
(3)The decision on closing to the public may be contested only in the appeal against the verdict.

Article 252
Persons Excluded from Closure to Public

(1) Closure to public shall not apply to parties, the defence attorney, the injured party, the legal representatives and the attorney-in-fact.
(2) The judge or the panel of judges may allow certain officials, scientists and public officials to be present at the main trial closed to public, and the judge or the panel of judges, at the request of

the accused, may allow the presence also to the accused's spouse, or his cohabitee and his close relatives.
(3) The judge or the panel of judges shall warn persons attending the main trial closed to public that they shall keep confidential everything they learn at the main trial and shall warn them that it is a criminal offense to disclose such information.

2. Directing Main Trial

Article 253
Mandatory Presence at Main Trial

(1) The judge or the judges in the panel and the record taker must be continuously present during the main trail.
(2) If it appears that the main trial will continue for a lengthy period of time, the presiding of the panel may request from the President of the court to appoint one or two judges to be present at the main trial so that they can replace members of the panel in case of their absence.

Article 254
Obligations of Judge or Presiding of Panel

(1) The judge or the presiding of the panel shall direct the main trial.
(2) It is the duty of the judge or the presiding of the panel to ensure that the subject matter is fully examined, and that everything is eliminated that prolongs the proceedings but does not serve to clarify the matter.
(3) If not prescribed otherwise by this Code, the judge or the presiding of the panel shall rule on motions of the parties and the defence attorney.
(4) The decisions of the judge or the presiding of the panel shall always be announced and entered in the report of proceedings with a brief summary of the facts considered.

Article 255
Order of Proceedings in Main Trial

The main trial shall proceed in the order set forth in this Code, but the judge or the presiding of the panel may order a departure from the regular order of proceedings due to special circumstances, and especially if it concerns the number of accused, the number of criminal offenses and the amount of evidence. The reasons why the main trial is not conducted in the legally prescribed order shall be entered in the record of proceedings.

Article 256
Duties of Judge or Presiding of Panel

(1) It is the duty of the judge or the presiding of the panel to ensure the maintenance of order in the courtroom and the dignity of the court. The judge or the presiding of the panel may immediately upon opening the session warn persons present at the main trial to behave

courteously and not to disrupt the work of the court. The judge may order that persons present at the main trial be searched.
(2) The judge or the presiding of the panel may order that all persons present at the main trial as observers be removed from the session if the measures for maintaining order stipulated by this Code have been ineffective in ensuring that the main trial is not disrupted.
(3) Filming is prohibited in the courtroom. As an exception, the President of the court may allow such filming at the main trial. If the filming is approved, the judge or the presiding of the panel may for justified reasons order that certain parts of the main trial not be filmed.

Article 257
Penalties for Disruption of Order

(1) The judge or the presiding of the panel may exclude a person from the courtroom in order to protect the right of the accused to a fair and public trial or to maintain the dignity of trial and disturbance-free proceedings.
(2) The judge or the presiding of the panel may order that the accused be removed from the courtroom for a certain period if the accused persists in disruptive conduct after having been warned that such conduct may result in his removal from the courtroom. The judge or the presiding of the panel may continue the proceedings during this period if the accused is represented by the defence attorney.
(3) Should the prosecutor, defence attorney, injured party, legal representative, attorney-in-fact of the injured party, witness, expert, interpreter or other person present at the main trial disrupt the order or disobey the orders of the judge or the presiding of the panel to maintain the order, the judge or the presiding of the panel shall warn the person in question. If the warning is ineffective, the judge or the presiding of the panel may order that the person in question be removed from the courtroom and be fined an amount up to 10,000 KM. Should the prosecutor or defence attorney be removed from the courtroom, the judge or the presiding of the panel shall refer the matter to the High Judicial and Prosecutorial Council or the Bar Association with which the defence attorney is affiliated, for further action.
(4) Should a defence attorney or an attorney-in-fact of the injured party continue to disrupt the order even after having been fined, the judge or the presiding of the panel may prevent him from further representation at the main trial and fine him in the amount up to 30,000 KM. The decision on this issue with explanation shall be entered in the record of proceedings. A separate appeal is allowed against this decision. The main trial shall be adjourned or postponed to allow the accused to engage another defence attorney and prepare a defence.

Article 258
False Testimony Given by Witness or Expert

If there is grounded suspicion that a witness or an expert has given false testimony in the main trial, the judge or the presiding of the panel may order that a separate transcript be made of the witness's or the expert's testimony that shall be delivered to the prosecutor.

3. Prerequisites for Holding Main Trial

Article 259
Opening Main Trial

The judge or the presiding of the panel shall open the session and announce the subject matter of the main trial. The judge or the presiding of the panel shall then determine whether all summoned persons have appeared, and if not, the judge or the presiding of the panel shall inspect whether the summonses were served on them and whether they have justified their absence.

Article 260
Failure of Prosecutor or his Substitute to Appear at Main Trial

(1) If the prosecutor or his substitute was duly summoned but fails to appear in the main trial, the main trial shall be postponed. The judge or the presiding of the panel shall request the prosecutor or his substitute to explain his reasons for failing to appear. The judge shall decide, based on the prosecutor's explanation, whether the prosecutor should be sanctioned. If the prosecutor or his substitute is sanctioned, the High Judicial and Prosecutorial Council shall necessarily be informed about the sanctioning.
(2) The judge or the presiding of the panel may fine the prosecutor or his substitute in an amount up to 5,000 KM if the prosecutor or his substitute was duly summoned to the main trial by the court but failed to appear and did not justify his absence.

Article 261
Failure of Accused to Appear at Main Trial

(1) If the accused was duly summoned but fails to appear and does not justify his absence, the judge or the presiding of the panel shall postpone the main trial and order that the accused be brought in at the next session. If the accused justifies his absence before apprehension, the judge or the presiding of the panel shall revoke the order for apprehension.
(2) If the accused was duly summoned but obviously avoids appearing at the main trial, and if apprehension was not successful, the judge or the presiding of the panel may order that the accused be placed in custody.
(3) The appeal is allowed against the decision on custody but such appeal shall not stay the execution of the court decision on custody.
(4) If the order regarding custody is not revoked, it shall last until the pronouncement of the verdict, and at a maximum of 30 days.

Article 262
Prohibition of *In Absentia* Trials

The accused shall never be tried *in absentia*.

Article 263
Failure of Defence Attorney to Appear at Main Trial

(1) If the defence attorney was duly summoned but fails to appear in the main trial, the main trial shall be postponed. The judge or the presiding of the panel shall request that the defence attorney explain his reasons for failing to appear. The judge or the presiding of the panel shall decide, based on defence attorney's explanation, whether the defence attorney should be sanctioned. The Bar Association with which the defence attorney is affiliated shall be informed whenever the defence attorney is sanctioned under these circumstances.
(2) The judge or the presiding of the panel may fine the defence attorney in an amount up to 5,000 KM if the defence attorney failed to appear at the main trial despite being duly summoned by the court and failed to justify his absence.
(3) If a new defence attorney is appointed or a new one is retained by the accused, the main trail shall be postponed. The judge or the presiding of the panel shall grant an adequate time period to a new defence attorney for the preparation of the defence of the accused, and that time period shall be not less than 15 days for criminal offenses for which a sentence of ten years of imprisonment or more is prescribed, unless the accused waives this right and the judge or the presiding of the panel is assured that a shorter period for the preparation of the defence shall not interfere with the right of the accused to a fair trial.

Article 264
Failure of Witness or Expert to Appear at Main Trial

(1) If a witness or an expert was duly summoned but fails to appear and does not justify his absence, the judge or the presiding of the panel may order the witness or the expert to be brought to court.
(2) The judge or the presiding of the panel may fine the witness or the expert, who was duly summoned but failed to justify his absence, in an amount of up to 5,000 KM.
(3) In the case referred to in Paragraph 1 of this Article, the judge or the presiding of the panel shall decide whether the main trial should be postponed.

4. Adjournment and Recess of Main Trial

Article 265
Reasons for Adjournment of Main Trial

(1) On the motion of the parties or the defence attorney, the main trial may be adjourned by the decision of the judge or the presiding of the panel if new evidence needs to be obtained or if the accused has become incapacitated to stand trial after the commission of the criminal offense and or if there are other impediments that prevent the main trial from successful conduct.
(2) The decision to adjourn the main trial shall be entered in the record and, when convenient, the day and hour of the resumption of the main trial shall be designated. The judge or the presiding of the panel shall also order the securing of evidence that could be lost or destroyed as a result of the adjournment of the main trial.

(3) An appeal is not allowed against the decision referred to in Paragraph 2 of this Article.

Article 266
Resumption of Adjourned Main Trial

(1) If the main trial resumes after it has been adjourned before the same judge or the panel, the judge or the presiding of the panel shall briefly summarize the previous course of the proceedings. The judge or the presiding of the panel may order that the main trial recommence from the beginning.
(2) The main trial that has been adjourned must recommence from the beginning if the composition of the panel has changed or if the adjournment lasted longer than 30 days but with consent of the parties and the defence attorney, the panel may decide that in such a case the witnesses and experts shall not be examined again and that the new crime scene investigation shall not be conducted but the minutes of the crime scene investigation and testimony of the witnesses and experts given at the prior main trial shall be used.
(3) If the main trial is held before another judge or presiding of the panel, the main trial must commence from the beginning and all evidence must be again presented. In exceptional cases, if the main trial is held before another presiding of the panel, with consent of the parties and the defence attorney, the panel may decide that the earlier presented evidence shall not be presented again.
(4) In cases from Paragraphs 2 and 3 of this Article, the judge or the panel, without consent of the parties and the defence attorney, but after hearing parties and the defence attorney, may decide to use the testimony of the witnesses and experts given at the prior main trial as evidence if witnesses or experts died, became mentally incapacitated or unavailable or their appearance before the court is impossible or difficult due to other reasons.

Article 267
Recess of Main Trial

(1) Aside from the cases stipulated in this code, the judge or the presiding of the panel may declare a recess of the main trial due to leave or due to the fact that the workday has ended or he may declare the recess in order to obtain certain evidence quickly or for the purpose of preparing the prosecution or defence.
(2) A recessed main trial shall always resume before the same judge or the same panel of judges.
(3) If the main trial may not be resumed before the same judge or the same panel of judges or if the recess of the main trial lasted longer than eight days, the procedure provided for in the provisions of Article 266 of this Code shall be followed.

5. Record of Main Trial Proceedings

Article 268
Manner of Keeping Record of Proceedings

(1) A record of the entire course of the main trial must be kept. If the course of the main trial was recorded in accordance with Article 66 of this Code, the transcript of the undertaken action shall

be submitted to the parties and the defence attorney no later than three days from the day of the undertaken action in the main trial.
(2) The judge or the presiding of the panel may order that a certain part of the record be read or copied, and it shall be always read or copied at the request of the parties, defence attorney or of a person whose statement was entered in the record.

Article 269
Entering Pronouncement of Verdict in Record of Proceedings

(1) A complete pronouncement of the verdict shall be entered in the record of proceedings, indicating whether the verdict was announced publicly. The pronouncement of the verdict entered in the record of proceedings represents the original document.
(2) If the decision on custody has been rendered, it must also be entered in the record of proceedings.

Article 270
Preservation of Physical Evidence

(1) Physical evidence gathered during criminal proceedings shall be stored and preserved in the court's special room. The judge or the presiding of the panel may, at any time, issue an order concerning the control and disposition of the physical evidence.
(2) The Minister shall issue regulations in which the manner and conditions for preserving the physical evidence referred to in Paragraph 1 of this Article shall be determined.

6. Commencement of Main Trial

Article 271
Entrance of Judge or Presiding of Panel into Courtroom

(1) When the judge or the panel of judges enters or exits the courtroom, all present shall stand up upon the call from the authorized person.
(2) Parties and other participants in the proceedings are obliged to stand up when addressing the court unless there are justified reasons for not doing so.

Article 272
Prerequisites for Holding Main Trial

When the judge or the presiding of the panel ascertains that all persons summoned have appeared at the main trial, or when the judge or the presiding of the panel decides that the main trial shall be held in the absence of certain persons summoned, or a decision on these matters has been postponed, the judge or the presiding of the panel shall call the accused and obtain personal data from him in order to verify his identity.

Article 273
Verifying Identity of Accused and Giving Instructions

(1) The judge or the presiding of the panel shall obtain personal data from the accused from Article 143 of this Code in order to verify his identity.
(2) After verification of the identity of the accused, the judge or the presiding of the panel shall ask the parties and defence attorney whether they have any motions regarding the composition of the panel or jurisdiction of the court.
(3) Once the identity of the accused has been verified, the judge or the presiding of the panel shall direct the witnesses and experts to the space assigned to them outside the courtroom where they shall wait until called for questioning. The judge or the presiding of the panel shall warn the witnesses not to discuss their testimony with each other while waiting. Upon motion of the prosecutor, the accused or the defence attorney, the judge or the presiding of the panel shall allow requested experts to attend the main trial.
(4) If the injured party is present, but still has not filed the property claim, the judge or the presiding of the panel shall inform the person in question that such a claim may be filed by the closing of the main trial.
(5) The judge or the presiding of the panel may undertake necessary actions to prevent witnesses, experts and parties from communicating with each other.

Article 274
Instructions to Accused

(1) The judge or the presiding of the panel shall warn the accused to carefully follow the course of the main trial and shall instruct him that he may present facts and propose evidence in his favour, that he may question co-defendants, witnesses and experts and that he may offer explanations regarding their testimony.
(2) The judge or the presiding of the panel shall instruct the accused that he may give a statement in the capacity of a witness during the evidentiary proceedings and if he decides to give such statement he shall be subject to direct and cross-examination as provided for in Article 277 of this Code, i.e. instructed as provided for in Article 151 of this Code. In that case, the accused as witness shall not take an oath or affirmation. The court shall give the opportunity to the accused to consult about this right with his defence attorney beforehand, and if he does not have the defence attorney the court shall carefully assess whether the legal assistance of a defence attorney is necessary.

Article 275
Reading of Indictment and Opening Statements

(1) The main trial shall commence by reading of the indictment. The indictment shall be read by the prosecutor.
(2) After the indictment has been read, the judge or the presiding of the panel shall ask the accused whether he has understood the charges. If the judge or the presiding of the panel finds that the accused has not understood the charges, the judge or the presiding of the panel shall

summarize the content of the indictment in a manner understandable to the accused. The prosecutor shall then briefly present evidence supporting indictment.
(3) The accused or his defence attorney may then present the summary of the defence plan.

7. Evidentiary Procedure

Article 276
Presentation of Evidence

(1) Parties and the defence attorney are entitled to call witnesses and to present evidence.
(2) Unless the judge or the panel, in the interest of justice, decides otherwise, the evidence at the main trial shall be presented in the following order:
a) evidence of the prosecution;
b) evidence of the defence;
v) rebuttal evidence of the prosecution (replication);
g) evidence in reply to the prosecutor's rebuttal evidence (rejoinder);
d) evidence whose presentation was ordered by the judge or the panel;
d) all evidence relevant for the pronouncement of the criminal sanction.
(3) During the presentation of the evidence, direct examination, cross-examination and redirect examination shall be allowed. The party who called a witness shall directly examine the witness in question, but the judge or the presiding of the panel may at any stage of the examination ask the witness questions.

Article 277
Direct Examination and Cross-examination

(1) Direct examination by the party or defence attorney who invited the witness, cross-examination by opposing party or defence attorney and redirect examination by the party or defence attorney who invited the witness shall always be permitted. The party who called a witness shall examine the witness in question, but the judge or the presiding of the panel and its members may at any stage of the examination ask the witness appropriate questions. Questions in cross-examination shall be limited and shall relate to the questions asked during direct examination and questions in support of statements made by the party which is cross-examining that witness. Questions on redirect examination shall be limited and shall relate to questions asked during cross-examination. After examination of the witness, the judge or the presiding of the panel and its members may question the witness.
(2) Leading questions shall not be used during the direct examination except if there is a need to clarify the witness's testimony. As a general rule, leading questions shall be allowed only during the cross-examination. When a party calls the witnesses of the adversarial party or when a witness is hostile or uncooperative, the judge or the presiding of the panel may at his own discretion allow the use of leading questions.
(3) The judge or the presiding of the panel shall exercise an appropriate control over the manner and order of the examination of witnesses and the presentation of evidence so that the examination of and presentation of evidence is effective to ascertain the truth, to avoid loss of time and to protect the witnesses from harassment and confusion.

(4) During the presentation of evidence referred to in Item d) Paragraph 2 of Article 276 of this Code, the court shall question the witness and then allow the parties and the defence attorney to ask the witness questions.

Article 278
Right of Court to Disallow Question or Evidence

(1) The judge or the presiding of the panel shall forbid the repetition of a question and answer to such question – if, in his opinion, the question is prohibited or irrelevant.
(2) If the judge or the presiding of the panel finds that the circumstances that a party tries to prove are irrelevant to the case or that the presented evidence is unnecessary, the judge or the presiding of the panel shall reject the presentation of such evidence.

Article 279
Special Evidentiary Rules When Dealing With Cases of Sex Crimes

(1)It shall not be allowed to ask an injured party about any sexual experiences prior to the commission of the criminal offence in question. Any evidence offered to show, or tend to show the injured party's involvement in any previous sexual experience, behaviour, or sexual orientation, shall not be admissible.
(2)Notwithstanding Paragraph 1 of this Article, evidence offered to prove that semen, medical documents on injuries or any other physical evidence may come from a person other than the accused, is admissible.
(3)In the case of the criminal offense against humanity and international humanitarian law, the consent of the victim shall not be used in favour of the defendant.
(4)Before admitting evidence pursuant to this Article, the court shall conduct an appropriate hearing closed for public.
(5)The motion, supporting documents and the record of the hearing must be sealed in a separate envelope, unless the court orders otherwise.

Article 280
Consequences of Confession of Accused

If a confession of the accused during the main trial is complete and in accordance with previously presented evidence, then, in the evidentiary proceedings, only evidence related to the decision on criminal sanction shall be presented.

Article 281
Taking Oath or Affirmation

(1) All witnesses shall take an oath, or affirmation replacing an oath, before testifying.
(2) The text of the oath or the affirmation is as follows: "I swear or affirm that I shall speak the whole truth regarding everything that I shall be asked before the court and shall not fail to reveal anything known to me."

(3) Mute witnesses who are able to read and write shall take an oath by signing the text of the oath or affirmation, and deaf witnesses shall read the text of the oath or affirmation. If mute or deaf witnesses are not able to read or write, the oath or affirmation shall be given through an interpreter for sign language.

Article 282
Protection of Witnesses from Insults, Threats and Attacks

(1) The judge or the presiding of the panel shall protect the witness from insults, threats and attacks.
(2) The judge or the presiding of the panel shall warn or fine a participant in the proceedings or any other person who insults, threatens or jeopardizes the safety of the witness before the court. In case of pronouncing fine, the provisions of Article 257 of this Code shall be applied.
(3) In the case of a serious threat to a witness, the judge or the presiding of the panel shall inform the prosecutor for the purpose of undertaking criminal prosecution.
(4) At the petition of the parties or the defence attorney, the judge or the presiding of the panel shall order the police to undertake actions necessary to protect the witness.

Article 283
Sanctions for Refusing to Testify

(1) If the witness refuses to testify without providing a justified reason and after being warned of the consequences, the witness may be fined in an amount of up to 30,000 KM.
(2) If the witness still refuses to testify, the witness may be imprisoned. Imprisonment shall last until the witness agrees to testify, or until his testimony becomes irrelevant or until the finalization of the criminal proceedings but no longer then 30 days.
(3) The panel from Article 24 Paragraph 5 of this Code shall decide on appeal filed against the decision on fine or imprisonment. An appeal against the decision on fine and imprisonment shall not stay the execution of the decision.

Article 284
Engagement of Expert

(1) The parties, the defence attorney and the court may engage an expert.
(2) Expenses of the expert referred to in Paragraph 1 of this Article shall be paid by the one who engaged the expert.

Article 285
Questioning of Experts

(1) Before questioning the expert, the judge or the presiding of the panel shall remind the expert of his duty to present his findings and opinion to the best of his knowledge and in accordance with the ethics of his profession and shall warn him that the presentation of false findings and false opinions is a criminal offense.
(2) The expert shall take an oath or affirmation before questioning.

(3) The oath or affirmation shall be taken orally.
(4) The text of the oath or affirmation is as follows: "I swear/affirm on my honour that I shall testify truthfully and shall present my findings and opinion accurately and completely."
(5)The written findings and opinion of the expert shall only be admitted as evidence if the expert in question testified at the main trial and was subject to cross-examination.
(6)Exceptionally, with the consent of the parties and defence attorney, the court may decide to only read the written findings and opinion, if due to the nature of expert evaluation no more complete clarification of the written findings and opinion can be expected, or if for important reasons the questioning of the expert is not possible or purposeful.

Article 286
Discharging Witnesses and Experts

(1) Witnesses and experts who have been questioned by both parties and the defence attorney, or the court shall remain outside the courtroom until the judge or presiding of the panel discharges them.
(2) The judge or the presiding of the panel may order *ex officio* or on the motion of the parties or the defence attorney that questioned witnesses and experts leave the courtroom and be subsequently recalled and re-questioned in the presence of other witnesses and experts.

Article 287
Out of Courtroom Questioning

(1) If it is learned during the proceedings that a witness or expert is not able to appear before the court or that his appearance would be of disproportionate hardship, the judge or the presiding of the panel, if he deems the testimony of witness and expert important, may order that he be questioned out of the courtroom. The judge or the presiding of the panel, the parties and the defence attorney shall be present at the questioning, and the questioning shall be conducted in accordance with Article 277 of this Code.
(2) If the judge or the presiding of the panel finds it necessary, the questioning of the witness may be carried out during a reconstruction of the criminal offense out of the courtroom. The judge or the presiding of the panel, the parties and the defence attorney shall be present at the reconstruction, and the questioning shall be carried out in accordance with Article 277 of this Code.
(3) The parties, defence attorney and injured party shall always be invited to attend the questioning of witnesses or the reconstruction. Questioning shall be carried out as it is at the main trial in accordance with Article 277 of this Code.
(4) If the judge or the presiding of the panel finds it necessary, the questioning of minors as witnesses shall be carried out in accordance with Article 151, Paragraph 6, and Article 155 of this Code.

Article 288
Exemptions from Direct Presentation of Evidence

(1) Statements given during the investigative phase are admissible as evidence in the main trial and may be used in cross-examination or in rebuttal or in rejoinder, and subsequently presented as evidence. In this case, the person may be given the opportunity to explain or deny the prior statement.
(2) Notwithstanding Paragraph 1 of this Article, if the judge or the panel of judges so decides, records on testimony given during the investigative phase, shall be read or used as evidence at the main trial only if the persons who gave the statements are dead, affected by mental illness, cannot be found or their presence in court is impossible or very difficult due to important reasons.
(3) If the accused during the main trial exercises his right not to present his defence or not to answer questions he is asked, records of testimonies given during the investigation may, upon decision of the judge or the presiding of the panel, be read and used as evidence in the main trial, only if the accused was, during his questioning at investigation, instructed as provided for in Article 143 Paragraph 2 Item v) of this Code.

Article 289
Records on Evidence

(1) Records concerning the crime scene investigation, the search of dwellings and persons, the forfeiture of items, books, records and other evidence, shall be introduced at the main trial in order to establish their content, and at the discretion of the judge or presiding of the panel, their content may be entered in the record of proceedings in summarized version.
(2) To prove the content of writing, recording or photograph, the original writing, recording or photograph is required, unless otherwise stipulated by this Code.
(3) Notwithstanding Paragraph 2 of this Article, a certified copy of the original may be used as evidence or the copy verified as unchanged with respect to the original.
(4) Evidence referred to in Paragraph 1 of this Article shall be read unless the parties and the defence attorney do not agree otherwise.

Article 290
Amendment of Indictment

If the prosecutor evaluates that the presented evidence indicates a change of the facts presented in the indictment, the prosecutor may amend the indictment during the main trial. The main trial may be adjourned in order to give adequate time for preparation of the defence. In this case, the indictment shall not be confirmed.

Article 291
Supplementary Evidence

(1) After the presentation of evidence, the judge or the presiding of the panel shall ask the parties and defence attorney if they have additional evidentiary motions.
(2) If the parties or the defence attorney has no evidentiary motions or their motions are rejected, the judge or the presiding of the panel shall declare the evidentiary proceedings completed.

Article 292
Closing Arguments and Concluding Main Trial

(1) Upon the completion of the evidentiary proceedings, the judge or the presiding of the panel shall call the prosecutor, injured party, defence attorney and the accused to present their closing arguments. The last statement shall be always given by the accused.
(2) If the prosecution is represented by more than one prosecutor and if the accused is represented by more than one defence attorney, all prosecutors and defence attorneys may give their closing arguments, but their closing arguments shall not be repetitive.
(3) Once all closing arguments are completed, the judge or the presiding of the panel shall declare the main trial closed and the court shall retire for deliberation and voting for the purpose of reaching a verdict.

CHAPTER XX
THE VERDICT

1. Pronouncement of Verdict

Article 293
Pronouncement and Announcement of Verdict

The verdict shall be pronounced and announced in the name of Republika Srpska.

Article 294
Correspondence between Verdict and Charges

(1) The verdict shall refer only to the accused person and only to the criminal offense specified in the indictment that has been confirmed, or amended at the main trial.
(2) The court is not bound to accept the proposals of the prosecutor regarding the legal classification of the act.

Article 295
Evidence on which Verdict is Grounded

(1) The court shall reach a verdict solely based on the facts and evidence presented at the main trial.

(2) The court is obliged to conscientiously evaluate every piece of evidence and its correspondence with the rest of the evidence and, based on such evaluation, to conclude whether the facts have been proved.

2. Types of Verdicts

Article 296
Meritorious and Procedural Verdicts

(1) The verdict shall dismiss the charge, acquit the accused or declare him guilty.
(2) If the charge encompasses several criminal offenses, the verdict shall declare for each of them whether the charge is dismissed, or the accused is acquitted of the charge or is declared guilty.

Article 297
Verdict Dismissing Charges

The court shall pronounce the verdict dismissing the charges in following cases:
a) if the court has no subject matter jurisdiction to reach the verdict;
b) if the prosecutor dropped the charges between the beginning and the end of the main trial;
v) if there was no necessary approval or if the competent state body revoked the approval;
g) if the accused has already been convicted by a final and binding decision of the same criminal offense or has been acquitted of the charges or if proceedings against him have been dismissed by a final and binding decision, provided that the decision in question is not the decision on dismissing the proceedings referred to in Article 342 of this Code;
d) if by an act of amnesty or pardon, the accused has been exempted from criminal prosecution or if criminal prosecution may not be undertaken due to the statute of limitations or if there are other circumstances which permanently preclude criminal prosecution.

Article 298
Verdict Acquitting Accused

The court shall pronounce the verdict acquitting the accused of the charges in the following cases:
a) if the act with which he is charged does not constitute a criminal offense under the law;
b) if there are circumstances which exclude criminal responsibility;
v) if it is not proved that the accused committed the criminal offense with which he is charged.

Article 299
Guilty Verdict

(1) In a guilty verdict, the court shall pronounce the following:
a) the criminal offense for which the accused is found guilty along with a citation of the facts and circumstances that constitute the elements of the criminal offense and those on which the application of a particular provision of the Criminal Code depends;

b) the legal title of the criminal offense and the provisions of the Criminal Code that was applied;
v) the punishment to which the accused is sentenced or released from punishment under the provisions of the Criminal Code;
g) a decision on suspended sentence;
d) a decision on security measures and forfeiture of the proceeds of crime and a decision on return of items from Article 139 of this Code if such items have not been returned to their owner or the possessor;
đ) a decision crediting the period of pre-trial custody or time already served;
e) a decision on costs of criminal proceedings and on a property claim, and the decision that the final and binding verdict shall be announced by public information means.
(2) If the accused has been fined, the verdict shall indicate the deadline for payment, or way to substitute the fine in case that the accused does not pay.

3. Announcement of Verdict

Article 300
Date and Place of Verdict Announcement

(1) After the pronouncement of the verdict, the court shall announce the verdict immediately. If the court is unable to announce the verdict the same day the main trial was completed, the judge may postpone the announcement of the verdict for a maximum of three days and shall set the date and place when the verdict shall be announced.
(2) The court shall read the inactment clause of the verdict in the presence of the parties, the defence attorney, legal representatives and their attorneys-in-fact and briefly explain it.
(3) The verdict shall be announced even if the parties, the defence attorney, legal representative or attorney-in-fact are not present. The court may decide that the judge or the presiding of the panel shall orally announce the verdict to the accused absent during the announcement or that the verdict only be served on the accused.
(4) If the main trial was closed for public, the verdict must be read in a session open for public. The panel of judges shall decide whether and to what extent the session will be closed for public when announcing the reasons for the verdict.
(5) All those present shall stand to hear the reading of the inactment clause of the verdict.

Article 301
Custody after Pronouncement of Verdict

Provisions of Article 197 of this Code shall apply when ordering, extending or terminating the custody after the announcement of the verdict.

Article 302
Instructions on Right to Appeal and other Instructions

(1) Upon the announcement of the verdict, the judge or the presiding of the panel shall instruct the accused and the injured party on their right to appeal, and on the right to respond to the appeal.
(2) If the accused has received a suspended sentence, the judge or presiding of the panel shall caution him as to the significance of a suspended sentence and conditions to which he must adhere.
(3) The judge or the presiding of the panel shall warn the accused that he must notify the court regarding every change of the address until the final and binding verdict is rendered.

4. Drafting and Delivery of Verdict

Article 303
Drafting of Verdict

(1) An announced verdict must be prepared in writing within 15 days from its announcement, and in complicated matters and as an exception, within 30 days. If the verdict has not been prepared by these deadlines, the judge or the presiding of the panel shall inform the President of the court as to why this has not been done. The President of the court shall, if necessary, undertake the necessary steps to have the verdict drafted as soon as possible.
(2) The judge or the presiding of the panel and the record taker shall sign the verdict.
(3) A certified copy of the verdict shall be delivered to the prosecutor and to the injured party, and it shall be delivered to the accused and the defence attorney pursuant to Article 82 of this Code. If the accused is in custody, certified copies of the verdict shall be sent within the time periods stipulated in Paragraph 1 of this Article.
(4) The instructions on the right to appeal shall be also delivered to the accused and the injured party.
(5) The court shall deliver a certified copy of the verdict, with instructions as to the right to appeal, to a person who owns the property forfeited under the verdict in question and to a legal person against whom forfeiture of the proceeds of crime was ordered. The final and binding verdict shall be delivered to the injured party.

Article 304
Contents of Verdict

(1) A written verdict shall fully correspond to the announced verdict. The verdict shall have an introductory part, the inactment clause and the reasoning.
(2) The introductory part of the verdict shall contain the following: a statement that the verdict is pronounced in the name of Republika Srpska, the name of the court, the first and last names of the judge, or presiding of the panel and judges in the panel and the record taker, the first and last name of the accused, the criminal offense with which the accused is charged and whether the accused was present at the main trial, the date of the main trial and whether the main trial was

public, first and last name of the prosecutor, defence attorney, legal representative and attorney-in-fact who were present at the main trial and the date when the verdict was announced.
(3) The inactment clause of the verdict shall contain the personal data of the accused and the decision declaring the accused guilty of the criminal offense with which he is charged with or the decision acquitting him of the charge in question or the decision rejecting the charge.
(4) If the accused is found guilty, the pronouncement of the verdict shall include the necessary data referred to in Article 299 of this Code, and if the accused is acquitted of the charge or the charge is rejected, the pronouncement of the verdict shall include a description of the criminal offense with which the accused is charged and a decision on the costs of criminal proceedings and a property claim if such was filed.
(5) In the case of joinder of criminal offenses, the court shall incorporate in the inactment clause of the verdict the penalties determined for each individual criminal offense and then the total sentence pronounced for all the criminal offenses.
(6) In the reasoning of the verdict, the court shall present the reasons for each count of the verdict.
(7) The court shall specifically and completely state which facts and on what grounds the court finds to be proven or unproven, furnishing specifically an assessment of the credibility of contradictory evidence, the reasons why the court did not sustain the various motions of the parties, the reasons why the court decided not to directly examine the witness or expert whose testimony was read, and the reasons guiding the court in ruling on points of law and especially in establishing whether the criminal offense was committed and whether the accused was criminally responsible and in applying specific provisions of the Criminal Code to the accused and to his act.
(8) If the accused has received a sentence, the opinion shall state the circumstances the court considered in determining the level of punishment. The court shall specifically present the reasons which guided the court when it decided on a more severe punishment than that prescribed, or when it decided that the punishment should be more lenient or the accused should be released from the punishment or when the court has pronounced a suspended sentence or has pronounced a security measures or forfeiture of the proceeds of crime.
(9) If the accused is acquitted of the charge, the opinion shall specifically state on what grounds referred to in Article 298 of this Code the acquittal is based.
(10) In the opinion of a verdict rejecting the charge, the court shall not decide the merits, but shall restrict itself solely to the grounds for rejecting the charge.

Article 305
Corrections in Verdict

(1) Errors in names and numbers and other obvious errors in writing and arithmetic, formal defects and disagreements between the written copy of the verdict and the original verdict shall be corrected through a special decision by the judge or the presiding of the panel, on the motion of the parties and defence attorney or *ex officio*.
(2) If there is a discrepancy between the written copy of the verdict and the original of the verdict with respect to Article 299, Paragraph 1, Items a) through d) and Item e) of this Code, the decision on the correction shall be delivered to the persons referred to in Article 303 of this

Code. In that case, the period allowed for appeal shall commence on the date of delivery of the decision against which no separate appeal is allowed.

CHAPTER XXI
REGULAR LEGAL REMEDIES

1. Appeal against First Instance Verdict

Article 306
Right and Deadline to Appeal

(1) An appeal may be filed against the verdict rendered by the court of first instance within 15 days from the date when the copy of the verdict was delivered.
(2) In complex matters, the court may, on the motion of the parties or the defence attorney, extend the deadline for filing an appeal for a maximum of 15 days.
(3) Until the court renders a decision on a motion referred to in Paragraph 2 of this Article, the deadline for filing an appeal shall not run.
(4) An appeal filed in due time shall stay the execution of the verdict.

Article 307
Subjects of Appeal

(1) The parties, the defence attorney and the injured party may file an appeal.
(2) An appeal on behalf of the accused may also be filed by his legal representative, spouse or cohabitee, parent or child and adoptive parent or adopted child. In this case, the period allowed for the appeal shall run from the day when the accused or his defence attorney was delivered a copy of the verdict.
(3) The prosecutor may file an appeal in favour or against the accused.
(4) The injured party may contest the verdict only with respect to the decision of the court on costs of the criminal proceedings and with respect to the decision on the property claim.
(5) An appeal may also be filed by a person whose item was forfeited or from whom the property gain obtained by a criminal offense was forfeited.
(6) The defence attorney and persons referred to in Paragraph 2 of this Article may file an appeal even without a special authorization of the accused, but not against the will of the accused, unless a sentence of long period imprisonment was pronounced on the accused.

Article 308
Waiving and Abandoning Appeal

(1) The accused may waive the right to appeal only after the verdict has been delivered to him. The accused may waive the right to appeal even before that date if the prosecutor has waived the right to appeal, unless under the verdict the accused must serve a prison sentence. The accused may abandon an appeal already filed that is pending before an appellate court.

(2) The prosecutor may waive the right to appeal from the moment when the verdict is announced to the end of the period allowed for filing an appeal, and the prosecutor may abandon an appeal already filed that is pending before an appellate court.
(3) The waiver and abandonment of an appeal may not be revoked.

Article 309
Contents of Appeal and Removing Shortcomings of Appeal

(1) An appeal should include:
a) an indication of the verdict being appealed, including the name of the court, the number and the date of the verdict;
b) the grounds for contesting the verdict from Article 310 of this Code;
v) the reasoning behind the appeal;
g) a proposal for the contested verdict to be fully or partially reversed, or revised;
d) the signature of the appellant.
(2) If an appeal has been filed by the accused or another person referred to in Article 307, Paragraph 2 of this Code, and the accused does not have defence attorney, or if the appeal has been filed by an injured party who has no attorney-in-fact, and the appeal has not been drawn up in conformity with the provisions of Paragraph 1 of this Article, the trial court shall call upon the appellant to supplement the appeal in writing or orally with the court by a certain date. If the appellant fails to respond, the court shall dismiss the appeal if it does not contain the data referred to in Item b), v), and d) of Paragraph 1 of this Article; if the appeal does not contain the data referred to in Item a) of Paragraph 1 of this Article, it shall be dismissed if it cannot be ascertained to what verdict it pertains. If the appeal has been filed in favour of the defendant, it shall be delivered to the appellate court if it can be established to what verdict it pertains, otherwise, the appeal shall be dismissed.
(3) If an appeal was filed by the injured party who is represented by an attorney-in-fact or filed by the prosecutor, and an appeal does not contain the data referred to in Items b), v), and d) of Paragraph 1 of this Article or data referred to in Item a) of Paragraph 1 of this Article, and it cannot be ascertained to what verdict the appeal pertains, the appeal shall be dismissed. An appeal that lacks the aforesaid data filed in the favour of the accused who is represented by the defence attorney, shall be delivered to the appellate court if it can be ascertained to what verdict the appeal pertains, and if it cannot be ascertained, then it shall be dismissed.
(4) New facts and new evidence, which despite due attention and caution were not presented at the main trial, may be presented in the appeal. The appellant must cite the reasons why he did not present them previously. In referring to new facts, the appellant must cite the evidence that would allegedly prove these facts; in referring to new evidence, he must cite the facts that he wants to prove with that evidence.

Article 310
Grounds for Appeal

A verdict may be contested on the grounds of:
a) an essential violation of the provisions of Criminal Procedure Code;
b) a violation of the Criminal Code;

v) the state of the facts being erroneously or incompletely established;
g) the decision as to the sanctions, the forfeiture of the proceeds of crime, costs of criminal proceedings, property claims and announcement of the verdict through the media.

Article 311
Essential Violations of Criminal Procedure Provisions

(1) The following constitute an essential violation of the provisions of criminal procedure:
a) if the court was improperly composed or if a judge participated in pronouncing the verdict who did not participate in the main trial or who was disqualified from trying the case by a final and binding decision;
b) if a judge who should have been disqualified participated in the main trial from Article 37, Paragraphs a) through g) of this Code;
v) if the main trial was held in the absence of a person whose presence at the main trial was required by law, or if the defendant, defence attorney or the injured party, in spite of his motion was denied the use of his own language at the main trial and the opportunity to follow the course of the main trial in his language from Article 8 of this Code;
g) if the right to defence was violated;
d) if the main trial was unlawfully closed for public;
đ) if the court violated the rules of criminal procedure that require an approval of the competent authority;
e) if the court reached a verdict and did not have subject matter jurisdiction over the case, or if the court rejected the charges improperly due to a lack of subject matter jurisdiction;
ž) if, in its verdict, the court did not entirely resolve the subject-matter of the indictment;
z) if the verdict is based on evidence that may not be used as the basis of a verdict under the provisions of this Code;
i) if the charge has been exceeded from Article 294, Paragraph 1 of this Code;
j) if the verdict has violated Article 321 of this Code;
k) if the inactment clause of the verdict is incomprehensible, self-contradictory or contradictory to reasons of the verdict, or if the verdict does not contain reasons or if it does not contain reasons about relevant facts.
(2) There is also an essential violation of the principles of criminal procedure if the court has not applied or has improperly applied some provisions of this Code during the main trial or in rendering the verdict, and this affected or could have affected the rendering of a lawful and proper verdict.

Article 312
Violations of Criminal Code

The violation of the Criminal Code shall exist if the Criminal Code was violated in the following issues:
a) whether the act for which the accused is being prosecuted constitutes a criminal offense;
b) whether the circumstances exist that preclude criminal responsibility;
v) whether the circumstances exist that preclude criminal prosecution, and especially as to whether the statute of limitations applies to the prosecution, or whether prosecution is precluded

because of amnesty or pardon, or whether the cause has already been decided by a final and binding verdict;
g) if a law that could not be applied has been applied to the criminal offense that is the subject matter of the charge;
d) if the decision pronouncing the sentence, suspended sentence or judicial admonition or decision pronouncing a security measure or forfeiture of the proceeds of crime, has exceeded the authority that the court has under the law;
đ) if provisions have been violated concerning the crediting of period of custody and time served.

Article 313
Incorrectly or Incompletely Established Facts

(1) A verdict may be contested because the state of the facts has been incorrectly or incompletely established when the court has erroneously established some conclusive fact or has failed to establish it.
(2) It shall be taken that the state of facts has been incompletely established when new facts or new evidence so indicate.

Article 314
Decisions on Sentence, Costs of Proceedings, Property Claims and Announcement of Verdict

(1) A verdict or decision on court admonition of the defendant may be contested because of the decision on the level of sentence, suspended sentence or admonition when the court did not exceed its jurisdiction in the decision from Article 312, Item d) of this Code, but the court did not correctly determine the punishment in view of the circumstances that had a bearing on greater or lesser punishment, and also because the court applied or failed to apply the rule of lenity, provisions respecting release from punishment, suspended sentence or admonition of the defendant although legal requirements existed.
(2) A decision on a security measure or forfeiture of the proceeds of crime may be contested when there is no violation of the law under Article 312, Item d) of this Code, but the court incorrectly rendered that decision or did not pronounce a security measure or order for forfeiture of the proceeds of crime although legal requirements were met. These same reasons may be the grounds for contesting a decision on the costs of the criminal proceedings.
(3) A decision on a property claim and a decision on announcing the verdict through the media may be contested when the court has rendered the decision on these matters contrary to the provisions of law.

Article 315
Filing Appeal

(1) The appeal shall be filed with the court in a sufficient number of copies for the court, for the adverse party and defence attorney to prepare a response.
(2) The judge or the presiding of the panel shall issue a decision rejecting an appeal that is late from Article 325 of this Code or inadmissible from Article 326 of this Code.

Article 316
Response to Appeal

A copy of the appeal shall be submitted to the opposing party and the defence attorney from Articles 82 and 83) of this Code who, within eight days of the date of receipt of the appeal, may file their response to the appeal with the court. Along with the entire file and the transcript of the records from the main trial, the appeal and the response to the appeal, shall be submitted to the appellate court.

Article 317
Reporting Judge

(1) When the documents pertaining to the appeal reach the appellate court, the presiding of the appellate panel shall appoint a reporting judge.
(2) The reporting judge may, if necessary, obtain the report on violations of the provisions of criminal procedure from the trial court, and the reporting judge may inspect the contents of the appeal with respect to new evidence and new facts and obtain necessary reports or documents.
(3) When a reporting judge receives the file, the presiding of the panel shall schedule a session of the panel.

Article 318
Panel Session

(1) The prosecutor, the accused and his defence attorney shall be informed about the session of the panel.
(2) If the accused is in custody or serving the sentence, his presence shall be ensured.
(3) The session shall open with the presentation of the appellant, and then the other party shall present the response to the appeal. The panel may request for any necessary explanation regarding the appeal and the response to appeal from the parties and the defence attorney present at the session. The parties and the defence attorney may propose that certain documents be read and may, upon the permission from the presiding of the panel, present any necessary explanation for their points in the appeal, or the response to the appeal without being repetitive.
(4) Failure of the parties and the defence attorney to appear at the session despite being duly summoned shall not preclude the session from being held.
(5) The session at which the parties are present may be closed for public only under the conditions stipulated in this Code in Articles 251 and 252 of this Code.
(6) The record of the panel session shall be added to the case file.
(7) The decision referred to in Articles 325 and 326 of this Code may be rendered even without informing the parties and the defence attorney about the session of the panel.

Article 319
Decision Rendered in Session or Hearing

(1) The appellate court shall render a decision in a session of the panel or on the basis of a hearing.
(2) The appellate court shall render a decision in a session of the panel regarding holding a hearing.
(3) The hearing before the appellate court shall be held only if it is necessary for presenting new evidence or re-presenting already presented evidence due to incorrectly or incompletely established facts, and if for justified reasons the case need not to be returned to the first instance court for retrial.
(4) The accused and his defence attorney, prosecutor, injured party, legal representative and attorney-at-law as well as witnesses for which the court decided to be questioned again shall be invited to the hearing before the appellate court.
(5) The deadlines from Article 303 Paragraph 1 of this Code shall apply to drafting decision rendered in a session of the panel.

Article 320
Limits in Reviewing Verdict

The appellate court shall review the verdict insofar as it is contested by the appeal, and *ex officio* if the Criminal Code was violated to the detriment of the accused.

Article 321
Rule against *Reformatio in Peius*

If an appeal has been filed only in favour of the accused, the verdict may not be modified to the detriment of the accused.

Article 322
Extended Effect of Appeal

An appeal filed in favour of the accused due to the state of the facts being erroneously or incompletely established or due to the violation of the Criminal Code shall also contain an appeal of the decision concerning the sentence and forfeiture of the proceeds of crime from Article 314 of this Code.

Article 323
Beneficium Cohaesionis

If in ruling on an appeal, regardless of who filed the appeal, the appellate court finds that the grounds on which the decision was rendered in favour of the accused is also of benefit to any of the co-defendants who did not file an appeal or did not file an appeal along the same lines, it shall *ex officio* proceed as though such an appeal had been filed.

Article 324
Decisions on Appeal

(1) The appellate court may reject the appeal as being late or inadmissible or refuse the appeal as unfounded and confirm or reverse the verdict of the first instance or revoke the verdict and return the case file to the first instance court for retrial or hold main trial before the appellate court.
(2)The main trial must be held before the second instance court if the verdict in a criminal case was once revoked.

Article 325
Rejecting Appeal for Being Late

A decision shall be rendered to reject the appeal for being late if it is found to have been filed after the legal deadline.

Article 326
Rejecting Appeal as Inadmissible

A decision shall be rendered to reject the appeal as inadmissible if it is found to have been filed by a person not eligible or authorized to file an appeal or a person who waived the right to appeal, or if it is found to have been abandoned or if after the abandonment the appeal was filed again or the appeal is not allowed under the law.

Article 327
Refusing Appeal

The appellate court shall issue a decision refusing the appeal as unfounded and confirm the verdict of the first instance when it finds that the grounds on which the verdict is contested by the appeal do not exist.

Article 328
Revision of First Instance Verdict

(1) Allowing an appeal, the appellate court shall render a decision revising the verdict of the first instance if the court deems that the decisive facts have been correctly ascertained in the verdict of the first instance and that in view of the state of the facts established, a different verdict must be rendered when the law is properly applied, according to the state of the facts and in the case of violations as per Article 311, Paragraph 1, Item đ), e), i) and j) of this Code.
(2) If the appellate court finds that legal requirements are met for passing judicial admonition on the defendant, it shall revise the original verdict and pass the judicial admonition on the defendant.
(3) If due to the revision of the original verdict, requirements to order or to terminate the custody pursuant to Article 196, Paragraph 1 and 5 of this Code have been fulfilled, the appellate court shall issue a separate decision against which an appeal is not allowed.

Article 329
Revocation of First Instance Verdict

(1) Allowing the appeal, the appellate court shall revoke the first instance verdict and order for a retrial if it finds that:
a) major violations of the provisions of the criminal procedure exist, except cases referred to in Article 328, Paragraph 1 of this Code;
b) it is necessary to hold retrial before the first instance court due to erroneously and incompletely established facts.
(2) The appellate court may order that a new main trail before the first instance court is held before a new judge or new panel of judges.
(3) The appellate court may also partially revoke the first instance verdict if certain parts of the verdict can be severed out without causing a detriment to rightful adjudication, and hold a trial concerning the parts in question.
(4) If the accused is in custody, the appellate court shall review whether the grounds for custody still exist and issue a decision on extension or termination of the custody. An appeal is not allowed against this decision.

Article 330
Reasoning of Decision on Revoking First Instance Verdict

(1) In the reasoning of the decision revoking the first instance verdict, the appellate court shall assess the appeal and cite violations of the law considered ex officio.
(2) When first instance verdict is revoked due to essential violation of criminal procedure, the reasoning will cite which provisions have been violated and the nature of violations in accordance with Article 311 of this Code.
(3) When the first instance verdict is revoked due to erroneously and incompletely established facts, it shall be stated what constitutes the gaps in establishing the facts and/or why new evidence and facts are important and have impact on rendering accurate decision.

Article 331
Delivery of Second Instance Decision and Actions of First Instance Court

(1)The appellate court shall return all case file documents to the first instance court in sufficient number of verified copies of the appellate court decision for delivery to the parties, defence attorney and other interested parties.
(2)The first instance court which received the case for trial shall use initial indictment as basis. If the verdict of the first instance court has been partially revoked, the first instance court shall use only parts of the indictment that refer to the revoked part of the verdict.
(3)The parties and the defence attorney may present new facts and evidence at the new main trail.
(4)The first instance court shall take all procedural steps and deliberate on all outstanding issues indicated at by the appellate court in its decision. The statement of witnesses and expert witnesses and written evidence and opinions shall be admitted as evidence and may be read or

reproduced if such witnesses and expert witnesses were cross examined by the opposite party or defence attorney, or if they were not cross examined by the opposite party or defence attorney although this was made possible to them, as well as when it is otherwise provided by this Code, and in cases of evidence referred to in Article 276 Paragraph 2 Item d) of this Code.
(5) When rendering new verdict, the first instance court is bound by the prohibition referred to in Article 321 of this Code.

Article 332
Hearing before Appellate Court

(1) The hearing before the appellate court shall begin by the report of the reporting judge who shall present the state of facts without giving personal opinion on the merits of the appeal.
(2) The entire verdict or the part challenged by the appeal, and the records of the main trail if necessary, shall be read pursuant to a proposal of the parties or defence attorney or *ex officio*.
(3) Then, the appellant shall be invited to present the appeal and the respondent party to present its response. The accused and his defence attorney shall always have the last word.
(4) Parties and defence attorney may present new facts and evidence at this hearing.
(5) The prosecutor may, considering the results of the hearing, withdraw all or some charges or change indictment in favour of the accused.
(6) If Articles 319 and 331 of this Code do not provide otherwise, the provisions on the main trail before the first instance court shall apply accordingly in the proceedings before the appellate court.

2. Appeal against Appellate Court Verdict

Article 333
General provision

(1)An appeal is admitted against the verdict of the second instance court in the following cases:
a) if the second instance court has pronounced long term imprisonment sentence or confirmed the verdict of the first instance court in which long term imprisonment sentence has been pronounced,
b) if the second instance court reversed a verdict of acquittal of the court in the first instance and pronounced a verdict finding the accused guilty, or if on the basis of the appeal to the first instance verdict finding the accused guilty pronounced a verdict of acquittal, and
v) if on the basis of the appeal to the acquittal verdict the appellate court in a hearing pronounced a verdict finding the accused guilty, or if on the basis of the appeal to a verdict finding the accused guilty in a hearing pronounced a verdict of acquittal.
(2)An appeal against an appellate court verdict shall be ruled on by the panel of the Supreme Court in third instance pursuant to provisions regulating the proceedings in the second instance. A hearing may not be held before this panel.

3. Appeal against Decision

Article 334
Admissibility of Appeal against Decision

(1) The parties, the defence attorney and persons whose rights have been violated may always file an appeal against the decision of the court rendered in the first instance unless it is explicitly provided that an appeal is not allowed under this Code.
(2) An appeal is not allowed against any decision rendered during the investigation, unless this Code provides otherwise.
(3) A decision rendered in order to prepare the main trial and the verdict may be contested only in an appeal against the verdict.
(4) No appeal is allowed against a decision issued by the Supreme Court unless otherwise provided by this law.

Article 335
General Deadline for Filing Appeal

(1) An appeal shall be filed with the court which issued the decision.
(2) Unless this Code stipulates otherwise, an appeal against the procedural decision shall be filed within three days from the day the decision was served.

Article 336
Suspensive Effect of Appeal

Unless otherwise stipulated in this Code, filing an appeal against the decision shall stay the execution of the decision in question.

Article 337
Deciding on Appeal against Decision Issued by Court of First Instance

(1) Unless otherwise stipulated in this Code, the panel of appellate court shall decide an appeal against the decision rendered by court of first instance. An appeal against a decision issued by the Supreme Court, as trial court, shall be decided by a different panel of the Supreme Court.
(2) The panel of the same court from Article 24, Paragraph 5 of this Code shall decide an appeal against the decision rendered by the preliminary proceedings and preliminary hearing judge, unless otherwise provided in this Code.
(3) In deciding an appeal, in its decision the court may reject the appeal as late or inadmissible, may refuse the appeal as unfounded or may allow the appeal and revise the decision or revoke the decision and, if necessary, refer the case for new decision to be rendered.

Article 338
Appropriate Application of Provisions on Appeal against Verdict Issued by Court of First Instance

Provisions of Article 307 and 309, Article 315 Paragraph 2, Article 317 Paragraph 1, Articles 320, 321 and 323 of this Code shall be appropriately applied when deciding an appeal against the procedural decision.

Article 339
Appropriate Application of Provisions of this Code to other Decisions

Unless otherwise stipulated under this Code, provisions of Article 334 and 338 of this Code shall be appropriately applied to all other procedural decisions rendered in accordance with this Code.

CHAPTER XXII
EXTRAORDINARY LEGAL REMEDIES

1. Reopening Criminal Proceedings

Article 340
General Provision

Criminal proceedings that were completed with a final and binding decision or verdict may be reopened on the petition of an eligible or authorized person only in cases and under the conditions provided by this Code.

Article 341
Reopening Criminal Proceedings

(1) The verdict may be modified without reopening of the criminal proceedings if two or more verdicts against the same convict rendered several valid penalties and provisions on pronouncing a single new sentence for merger of crimes were not applied.
(2) In the case referred to in Paragraph 1 of this Article the court shall, with this new verdict, modify the previous verdict with respect to the decision on sentencing and pronounce a single penalty. The court in the first instance which tried the case in which the strictest type of penalty was pronounced has competent jurisdiction to issue the new verdict, and if the penalties were of the same kind, that court has competent jurisdiction which pronounced the highest penalty; and if the penalties are equal in that respect, that court has competent jurisdiction which was the last to pronounce a penalty.
(3) The new verdict shall be rendered by the court in a session of the panel on petition of the competent prosecutor or the convicted or the defence attorney, but after hearing the adverse party.

(4) If in the case referred to in Paragraph 1 of this Article the verdicts of other courts are also taken into account when the penalty is pronounced, a certified copy of the new final verdict shall also be delivered to those courts.

Article 342
Resumption of Criminal Proceedings and Reopening Proceedings finalised by Final and Binding Decision

(1) If criminal proceedings were dismissed by a final and binding decision or the charges were rejected by a final and binding verdict due to lack of permission otherwise required by this Code, the proceedings shall resume at the motion of the prosecutor upon termination of the reasons for rendering the aforesaid decision.
(2) Except for the cases referred to in Paragraph 1 of this Article, if criminal proceedings was dismissed by final and binding decision prior to the main trial, the criminal proceedings may be reopened on a petition of the prosecutor if new evidence is introduced enabling the court to ascertain that the conditions to reopen the criminal proceedings have been fulfilled.
(3) Criminal proceedings that were dismissed by final and binding decision prior to the commencement of the main trial may be reopened if the prosecutor dropped the charges and it is proven that the prosecutor dropped the charges in connection with the prosecutor's criminal official misconduct. The provision of Article 343, Paragraph 2 of this Code shall be applied when proving the criminal offense committed by the prosecutor.

Article 343
Reopening Proceedings in Favour of Accused

(1) Criminal proceedings that were finalised by final and binding verdict may be reopened in favour of the accused:
a) if it is proven that the verdict was based on a false document or on the false testimony of a witness, expert or interpreter;
b) if it is proven that the verdict came about because of a criminal offense committed by the judge, prosecutor or person who performed the investigation;
v) if new facts are presented or new evidence submitted, which despite due attention and caution were not presented at the main trial, and which in themselves or in relation to the previous evidence would tend to bring about the acquittal of the person who has been convicted or his conviction under a more lenient criminal code;
g) if an individual has been tried more than once for the same criminal offense or if more than one person have been convicted of a criminal offense which could have been perpetrated by only one person or by some of them;
d) if, in the case of a conviction for a continuous criminal offense or for another criminal offense that on the basis of the law covers several acts of the same kind or several acts of different kinds, new facts are presented or new evidence is submitted that shows that the accused did not commit the act included in the criminal offense he is convicted of, and the existence of those facts would have essentially affected the determination of punishment;
đ) if the Constitutional Court of Bosnia and Herzegovina, the Human Rights Chamber or the European Court for Human Rights or the Constitutional Court of Republika Srpska establishes

that human rights and basic freedoms were violated during the proceedings and that the verdict was based on these violations; and
e) if the Constitutional Court of Republika Srpska or Constitutional Court of Bosnia and Herzegovina has rescinded the legislation pursuant to which the final and binding verdict of guilty was passed.
(2) In cases referred to Paragraph 1, Items a) and b) of this Article, it must be proven by a final and binding verdict that the persons in question were found guilty of the criminal offenses in question. If the proceedings against these persons could not be conducted because they have died or because circumstances exist which preclude criminal prosecution, the facts referred to in Items a) and b) of the Paragraph 1 of this Article may be established through other pieces of evidence as well.

Article 344
Reopening Proceedings to Detriment of Accused

(1) Criminal proceedings may be reopened to the detriment of the accused if the verdict refusing the indictment was rendered due to the withdrawal of the prosecutor from prosecution, and it is proven that this withdrawal was brought about by criminal official misconduct of the prosecutor.
(2) In the case referred to in Paragraph 1 of this Article, the provision of Article 343, Paragraph 2, of this Code shall be applied.

Article 345
Persons Eligible to File Motion

(1) A motion to reopen criminal proceedings may be filed by the parties and the defence attorney, and following the death of the accused the motion may be filed in his favour by the prosecutor and by the persons from Article 307, Paragraph 2, of this Code.
(2) A motion to reopen criminal proceedings in favour of a convicted person may be filed even after the convicted person has served his sentence and regardless of the statute of limitations, amnesty or pardon.
(3) If the court learns that a reason exists for reopening criminal proceedings, the court shall so inform the convicted person or the person who is eligible to file the motion on his behalf.

Article 346
Acting upon Motion

(1) The panel from Article 24, Paragraph 5 of this Code of the court that conducted first instance proceedings shall decide upon the motion for reopening.
(2) The motion must cite the legal basis on which reopening is sought and the evidence to support the facts on which the motion is based. If the motion does not contain such data, the court shall call upon the movant to supplement the motion by a certain date.
(3) When deciding on a motion, a judge who participated in rendering the verdict in the previous proceedings shall not sit in the panel.

Article 347
Deciding on Motion

(1) The court shall reject the motion in a decision if, on the basis of the motion itself and the record of the prior proceedings, it finds that the motion was filed by a person who is not eligible to file it or that there are no legal conditions for reopening the proceedings, or because the facts and evidence on which the motion is based have already been presented in a previous motion for reopening the proceedings that was refused by a final and binding decision of the court, or if the facts and evidence obviously are not adequate to provide a basis for reopening the proceedings, or if the applicant did not comply with Article 346, Paragraph 2, of this Code.
(2) Should the court not reject the motion, it shall serve a copy of the motion on the opposing party who has the right to answer the motion within eight days. When the court receives response or when the deadline for giving the response is overdue, the presiding of the panel shall order a review of the facts and collection of the evidence cited in the motion and in the response to the motion.
(3) After the review has been conducted, the court shall issue a decision in which it rules on the motion for reopening the proceedings as set in Article 348 Paragraph 1 of this Code.

Article 348
Permission to Reopen Proceedings

(1) If the court does not order an extended review, on the basis of the results of the review, the court shall grant the motion and allow the criminal proceedings to be reopened or the court shall reject the motion if it finds that the new evidence is not sufficient for reopening of the criminal proceedings.
(2) If the court finds that there are grounds for allowing the proceedings to be reopened on behalf of the accused and also on behalf of the co-accused who did not file a motion to reopen the proceedings, the court shall *ex officio* proceed as though such motion had been filed for the co-accused.
(3) In the decision on reopening the criminal proceedings, the court shall order that a new main trial be scheduled immediately.
(4) If the motion to reopen criminal proceedings has been filed on behalf of a convicted person, and the court deems in view of the evidence submitted that in the reopened proceedings the convicted person may receive such a punishment that would call for his release, once time already served had been credited, or that he might be acquitted of the charge, or that the charge might be rejected, it shall order that execution of the verdict be postponed or terminated.
(5) When a decision allowing the reopening of criminal proceedings becomes final and binding, the execution of the penalty shall be suspended, but on the recommendation of the prosecutor the court shall order custody if the conditions exist as referred to in Article 197 of this Code.

Article 349
Rules of Reopened Proceedings

(1) The provision applicable to the previous proceedings shall also apply to the new reopened criminal proceedings that are being carried out on the basis of the decision to reopen the criminal proceedings. During the new proceedings, the court shall not be bound by the decisions rendered in the previous proceedings.
(2) If the new proceedings are suspended before the main trial commences, the court shall revoke the prior verdict by a decision on dismissing the proceedings.
(3) When the court renders a verdict in the new proceeding, the court shall pronounce that the prior verdict is being partially or in whole abolished, or shall pronounce that the prior verdict remains valid. When the court pronounces the new verdict, the court shall give the accused credit for time served in the sentence, and if reopening of the proceedings was ordered only to try some of the criminal offenses of which the accused has been convicted, the court shall pronounce a new total sentence.
(4) In the new proceedings, the court shall be bound by the prohibition set forth in Article 321 of this Code.

2. Motion for Protection of Legality

Article 350
Requirements to File Motion

(1) A motion for protection of legality may be filed against a final and binding verdict in the following cases:
a) for reasons of violations of the Criminal Code, and
b) for reasons of violations of criminal procedure provisions pursuant to Article 311 Paragraph 1 Item g) of this Code.
(2) A request for protection of legality cannot be filed in the following cases:
a) if an appeal has not been filed, and
b) if violations referred to in Paragraph 1 of this Article have not been put forward in the appeal against the first instance verdict, unless those violations appeared during the appellate procedure.
(3) A motion for protection of legality cannot be filed against a decision of the Supreme Court pronounced in the third instance.

Article 351
Authorized Persons and Deadline to File Motion

(1) A motion for protection of legality may be filed by a prosecutor, convicted person and defence attorney. After the death of the convicted person persons referred to in Article 307 Paragraph 2 of this Code may file the motion in his favour.
(2) The prosecutor may file a motion for protection of legality both in favour and to the detriment of the convicted person.

(3) A motion for protection of legality shall be filed within three months of receipt of the final and binding verdict.

Article 352
Filing Motion

(1) A motion for protection of legality shall be filed with the Supreme Court through the court that issued a verdict in the first instance.
(2) A judge, or the presiding of the panel of the first instance court shall issue a decision rejecting the motion for protection of legality if:
a) it was filed against a verdict of the court from Article 350, Paragraph 2 and 3 of this Code,
b) if it was filed by an unauthorized person from Article 351, Paragraph 1 of this Code, and
v) if it was filed untimely in accordance with Article 351, Paragraph 3 of this Code.
(3) An appeal to the Supreme Court against this decision shall be allowed.

Article 353
Response to Motion and Reporting Judge

(1) The Supreme Court shall issue a decision rejecting the motion for protection of legality if there are reasons referred to in Article 352, Paragraph 2 of this Code, and if it does not reject the motion, it shall deliver the motion to the opposing party and the defence attorney who shall be able to file a response to the motion within 15 days of receipt of the motion. A copy of the motion shall be delivered to the prosecutor together with the case files.
(2) Before deciding on the motion the reporting judge may, if necessary, obtain a report on the alleged violations of the law.
(3) Depending on the contents of the motion the panel of the Supreme Court may order for the execution of the final and binding decision to be postponed or terminated.

Article 354
Scope of Examining Motion

(1) When deciding on the motion for protection of legality the Supreme Court shall limit itself to examining only those violations of the law alleged by the person submitting the motion.
(2) If the Supreme Court establishes that the reasons for which it issued a decision in favour of the convicted persons exist also for one of the co-convicted persons in relation to which a motion for protection of legality had not been filed, it shall *ex officio* act as if such a motion had been filed.
(3) If a motion for protection of legality has been filed in favour of the convicted person, when rendering the decision, the Supreme Court shall be obliged by the ban provided for in Article 321 of this Code.

Article 355
Refusing Motion

The Supreme Court shall issue a verdict refusing the motion for protection of legality if it establishes that there are no violations of the law that the person submitting the motion alleges.

Article 356
Honouring Motion

(1) If the Supreme Court establishes that the motion for protection of legality is grounded, depending on the nature of the violation, it shall render a verdict to revise the final and binding decision or to revoke the first and second instance verdict, partially or in whole, or only the second instance verdict and to order retrial, or it shall limit itself to only establishing a violation of the law.
(2) If the motion for protection of legality has been filed to the detriment of the convicted person, and the Supreme Court establishes that it is grounded, it shall only establish that there is a violation of the law, not changing the final and binding verdict.

Article 357
Procedure Following Revoking of Final and Binding Verdict

(1) If final and binding verdict has been revoked and the case sent back to retrial, the prior indictment shall be used as basis, or the part of it which refers to the revoked part of the verdict.
(2) The court shall have the obligation to carry out all procedural actions and discuss all issues brought to its attention.
(3) When rendering a new decision the court shall be bound by the ban foreseen in Article 321 of this Code.

PART FOURTH

SPECIAL PROCEEDINGS

CHAPTER XXIII
PROCEDURE FOR ISSUING WARRANT FOR PRONOUNCEMENT OF SENTENCE

Article 358
General Provision

(1) For criminal offenses for which the code prescribes a prison sentence up to five (5) years or a fine as the main sentence, for which the prosecutor has gathered enough evidence to provide grounds for the prosecutor's allegation that the suspect has committed the criminal offense, the prosecutor may request, in the indictment, from the court to issue a warrant for pronouncement of the sentence in which a certain sentence or measure shall be pronounced to the accused without holding the main hearing.
(2) The prosecutor may request one or more of the following criminal sanctions or measures to be pronounced: fine, suspended sentence or security measures- ban on carrying out a certain

profession, activity or duty, ban on driving motor vehicles and forfeiture of items as well as forfeiture of material gain acquired by the criminal offence.
(3) A fine may be requested in an amount that shall not exceed 50,000 KM.

Article 359
Rejection of Request to Issue Warrant for Pronouncement of Sentence

(1) The judge shall reject the request for issuing of a warrant for pronouncement of the sentence if he determines that grounds exist for joinder of the proceedings from Article 30 of this Code, if the criminal offense in question is such that this request may not be filed or if the prosecutor has requested a pronouncement of sentence or measure that is not allowed according to law.
(2) The panel referred to in Article 24, Paragraph 5 of this Code shall decide the prosecutor's appeal against the decision on rejection within 48 hours.
(3) If the judge considers that the information contained in the indictment does not provide sufficient grounds for issuing a warrant for pronouncement of the sentence, or that according to this information another sanction or measure may be expected other than the one requested by the prosecutor, the judge shall treat the indictment as if it has been submitted for confirmation and shall act in accordance with Article 243 of this Code.

Article 360
Granting Request to Issue Warrant for Pronouncement of Sentence

(1) If the judge agrees with the request to issue the warrant for pronouncement of the sentence, the judge shall confirm the indictment and set a hearing without delay, and at the latest within 8 days of confirmation of the indictment.
(2) The presence of the prosecutor and defence attorney shall be necessary at the hearing. Expert associate of the prosecutor's office authorised by prosecutor may attend on his behalf. In case of their absence provisions of Articles 260, 261 and 263 of this Code shall apply.
(3)At the hearing the judge shall:
a) ensure whether the right of the accused to be represented by the defence attorney is honoured;
b) ensure whether the accused understands the indictment and the prosecutor's request for a certain sentence or certain measures to be pronounced;
v) invite prosecutor to present the accused with the contents of the evidence gathered by the prosecutor, and call upon the accused to make a statement regarding the evidence presented;
g) call upon the accused to enter a plea of guilty or not guilty;
d) call upon the accused to make a statement upon the requested sentence or measures.

Article 361
Entering Plea and Issuance of Warrant for Pronouncement of Sentence

(1) If the accused pleads not guilty or raises any objections to the indictment, the judge shall forward the indictment for the purpose of scheduling the main trial, in accordance with this Code. The main trial shall be scheduled within 30 days.

(2) If the accused pleads guilty, and accepts the sentence or measure proposed in the indictment, the judge shall first establish the guilt of the accused and than shall issue a warrant for pronouncement of sentence in accordance with the indictment.

Article 362
Contents of Verdict and Right to Appeal

(1) The verdict by which the warrant for pronouncement of the sentence is issued shall contain the data referred to in Article 299 of this Code.
(2) The reasoning of the verdict referred to in Paragraph 1 of this Article shall only state the reasons that justify the pronouncement of the verdict by which the warrant for pronouncing the sentence is issued.
(3) An appeal is allowed against the verdict referred to in Paragraph 1 of this Article and the appeal may be filed within eight days from the day of the delivery of the verdict.

Article 363
Service of Verdict

(1) The verdict by which the warrant for pronouncement of the sentence is issued shall be delivered to the accused, his defence attorney and to the prosecutor.
(2) Payment of the fine before the expiration of the deadline for appeal is not considered to be a waiver of the right to appeal.

CHAPTER XXIV
PROCEEDINGS AGAINST LEGAL PERSONS

Article 364
Joinder of Proceedings

(1) A joinder of proceedings, as a general rule, shall be instituted and conducted against a legal person and the perpetrator for the same criminal offense.
(2) Proceedings against only a legal person may be instituted or conducted when it is not possible to institute or conduct the proceedings against the perpetrator because of the reasons provided by the law or when the proceedings against the perpetrator has already been conducted.
(3) In the joinder of proceedings against the indicted legal person and the indicted perpetrator, one indictment shall be brought and one verdict shall be pronounced.

Article 365
Purposefulness of Instituting Proceedings

The prosecutor may decide not to request institution of the criminal proceedings against the legal person when the circumstances indicate that it would not be purposeful, because the contribution of the legal person to the commission of the criminal offense was insignificant or the legal person has no property or has so little that it would not be enough to cover the costs of the proceedings or if bankruptcy proceedings have been instituted against the legal person or if the

perpetrator is the only owner of the legal person against whom the proceedings should be instituted.

Article 366
Representative of Legal Person in Criminal Proceedings

(1) Every legal person shall have a representative in the criminal proceedings and the representative is authorized to undertake all actions for which, under this Code, the suspect or the accused and the convicted person are also authorized.
(2) A legal person may have only one representative in the criminal proceedings.
(3) The court shall each time verify the identity of the representative and his authorization to represent the legal person.

Article 367
Appointing Representative

(1) A representative of the legal person in the criminal proceedings is a person who is authorized to represent the legal person under the law, under an official act of the state body, under the corporate charter, Articles of association or Articles of incorporation or another act of the legal person.
(2) A representative may authorise someone else to represent the legal person. Authorization shall be given in writing or orally in the court record.
(3) If the legal person ceased to exist before the final and binding verdict is rendered, the court shall appoint a representative for the legal person.

Article 368
Disqualification of Representative

(1) A person who has been called to testify in the criminal proceedings may not be a representative of the legal person.
(2) A person against whom the proceedings are ongoing for the same criminal offense may not be a representative of the legal person in the criminal proceedings unless he is the only member of the legal person.
(3) In cases referred to in Paragraph 1 and 2 of this Article, the court shall request from the competent body of that legal person to appoint another representative within a certain deadline and to notify the court of the appointment in writing. Otherwise, the court shall appoint the representative.

Article 369
Service of Court Papers

Court papers addressed to the legal person, shall be served on the legal person and on the representative.

Article 370
Costs of Representative

Costs of the representative of the legal person in the criminal proceedings shall fall under the costs of the criminal proceedings. Costs of the representative appointed in accordance with Articles 366 and 367 of this Code shall be paid in advance from the budget of the body that carries out the criminal proceedings only when the legal person has no assets.

Article 371
Defence Attorney of Legal Person in Criminal Proceedings

(1) A legal person may have a defence attorney in addition to a representative.
(2) A legal person and a physical person, as well as a suspect or an accused may not have the same defence attorney.

Article 372
Contents of Indictment

The indictment against a legal person in criminal proceedings, besides the contents as stipulated by this Code, shall also include the name under which the legal person acts in legal dealings pursuant to the regulations, its location, a description of the criminal offense and the basis for the liability of that legal person.

Article 373
Questioning and Closing Argument

(1) At the main trial, the accused shall be questioned first and then the representative of the legal person.
(2) Upon the completion of the evidentiary proceeding and the closing argument of the prosecutor and the injured party, the judge or the presiding of the panel shall give the floor to the defence attorney, then to the representative of the legal person, then to the defence attorney of the accused and finally to the accused.

Article 374
Verdict against Legal Person

Beside the contents stipulated in the Article 299 of this Code, a written verdict against legal person shall contain the following:
a) In the introductory part of the verdict, there shall be the name under which the legal person acts in legal dealings pursuant to regulations and its address, as well as the first and the last name of its representative who was present at the main trial, and
b) In the inactment clause of the verdict, there shall be the name under which the legal person acts in legal dealings pursuant to the regulations and its location, as well as the provisions of the

law under which the legal person is indicted, released from charges or the provisions under which the charges have been dismissed.

Article 375
Interlocutory Orders

(1) In order to ensure enforcement of a punishment, forfeiture of property or forfeiture of the proceeds of crime, the court may issue an interlocutory order against a legal person, at the proposal of the prosecutor. In this case, the provisions of Article 112 of this Code shall apply.
(2) If there is a legitimate fear that an offense will be repeated within an indicted legal person and that the legal person will be responsible and if there is a threat that an offense will be committed, the court may in the same procedure, except for the orders under Paragraph 1 of this Article, impose a time restriction on the legal person to carry out one or more lines of work.
(3) When the criminal procedure is instituted against the legal person, the court may, at the proposal of the prosecutor, or *ex officio*, forbid status-related changes, the consequence of which would be deletion of the legal person from the court registry. The decision on this ban shall be registered in the court registry.

Article 376
Application of other Provisions of this Code

Unless otherwise stipulated, the appropriate provisions of this Code shall be applied accordingly against the legal person even if the procedure is conducted only against the legal person.

CHAPTER XXV
SPECIFIC PROVISIONS GOVERNING JUDICIAL ADMONITION

Article 377
Judicial Admonition

(1) Judicial admonition shall be pronounced in a form of a decision.
(2) The provisions of this Code respecting the judgment of conviction (guilty verdict) shall be applied appropriately to the decision on judicial admonition, unless this Chapter provides otherwise.

Article 378
Contents of Decision on Admonition

(1) The decision on judicial admonition shall be rendered immediately after the conclusion of the main trial. The judge shall caution the accused that he will not receive a sentence for the criminal offense he committed because judicial admonition is expected to affect him so that he will not repeat any criminal offense. If the decision is announced in the absence of the accused the caution shall be incorporated in the reasoning of the decision. As to the waiver of the right to appeal and drafting of the decision, Articles 308, Paragraph 3 and 303, Paragraph 1 of this Code shall apply accordingly.

(2) In the pronouncement of the decision on judicial admonition, besides personal details of the accused, only the fact that the judicial admonition is pronounced on the accused for the offence which is the cause of action and the legal title of the criminal offence shall be stated. The pronouncement of the decision on judicial admonition shall contain the data under Article 299, Paragraph 1, Items d) and e) of the Code.
(3) The court shall state the reasons for delivering the judicial admonition in the reasoning of the decision.

Article 379
Grounds for Contesting Decision on Judicial Admonition

(1) The decision on judicial admonition may be contested on the grounds under Article 310, Item a) through v) of this Code as well as for the reason that the circumstances justifying the judicial admonition did not exist.
(2) If the decision on judicial admonition also contains a decision on security measure, forfeiture of the proceeds of crime, costs of criminal proceedings or a property claim, the decision may be contested on the grounds that the court did not properly issue the security measure or the order for forfeiture of the proceeds of crime or that the decision on costs of criminal proceedings or on the property claim was passed in contravention of legal provisions.

Article 380
Violations of Criminal Code

Besides violations under Article 312, Item a) through g) of this Code, the Criminal Code shall be deemed violated also when the decision on judicial admonition, security measure or forfeiture of the proceeds of crime has exceeded the court's jurisdiction.

Article 381
Appellate Court Decisions

(1) If the prosecutor has filed an appeal against the decision on judicial admonition to the detriment of the accused, the appellate court may render a guilty verdict and pass a sentence or a suspended sentence, if it finds that the trial court ascertained decisive facts correctly and that, with the proper application of law, a sentence or a suspended sentence can be passed.
(2) Deciding any appeal against the decision on judicial admonition, the appellate court may render a decision on dismissing the indictment or on acquitting the accused, if it finds that the trial court ascertained decisive facts correctly and that, with the proper application of law, one of the decision can be passed.
(3) When requirements under Article 327 of this Code are met, the appellate court shall issue the decision to refuse the appeal as ungrounded and to sustain the decision on judicial admonition rendered by the trial court.

CHAPTER XXV
PROCEDURE FOR APPLICATION OF SECURITY MEASURES, FORFEITURE OF PROCEEDS OF CRIME AND REVOCATION OF SUSPENDED SENTENCE

Article 382
Suspension of Proceedings in Case of Mental Illness

(1) If the accused becomes affected by such a mental disorder after the commission of the criminal offense that he is unable to stand trial, the court shall, upon psychiatric forensic examination, adjourn the procedure and send the accused to the body responsible for social welfare issues.
(2) When the health condition of the accused has improved to the extent to which he or she is capable to stand trial, the proceedings shall resume.
(3) In case the statute of limitations to criminal prosecution becomes effective during the adjournment, the panel referred to in Article 24, Paragraph 5 of this Code shall issue a decision on adjournment of proceedings.

Article 383
Procedure in Case of Mental Incapacity

(1) If the suspect has committed a criminal offence in the state of mental incompetence and if legally prescribed conditions for ordering mandatory placement in a health institution for seriously mentally incapacitated persons exist, the prosecutor shall propose in the indictment that it is established that the suspect committed an unlawful act in a state of mental incompetence, and that he shall be issued a temporary order on mandatory placement in a health institution, with the health institution being informed about it.
(2) Upon the reasoned proposal of the prosecutor, the custody of the suspect or accused under Paragraph 1 above may be ordered for reasons under Article 197 of this Code. When custody of the suspect is ordered or extended, he shall be confined in a health institution for a period that may last as long as the reasons under Article 197 of this Code exist, but not longer than time under Articles 200 and 202, Paragraph 2 and Article 203, Paragraph 3 of this Code, or until the temporary order on mandatory placement in a health institution has become final and binding.
(3) If, after the main trial is conducted, the court establishes that the accused committed an unlawful act in a state of mental incompetence, it shall pass a judgment stating that the accused committed the offence in a state of mental incapacity and shall issue a special decision ordering temporary and mandatory placement in a health institution for the duration of up to six months. The judgment and the decision may be appealed, and such an appeal must be filed no later than 15 days of delivery of the decision.
(4) Once the decision referred to in Paragraph 3 of this Article has become final and binding, the prosecutor shall, in accordance with a special legislation regulating the protection of these persons, notify the competent court, for the purpose of initiating proceedings for mandatory placement of seriously mentally incapacitated persons in a health institution. The medical documentation and final and binding decision on temporary mandatory placement in a health institution shall be submitted with this notification.

(5) If, during the main trial, the evidence presented indicates that the accused committed the unlawful offence in a state of full mental competence, reduced, or significantly reduced mental competence, the prosecutor shall abandon the proposal from Paragraph 1 of this Article, continue with the proceedings and change the indictment. In case of significantly reduced mental capacity, the prosecutor may propose a security measure of mandatory psychiatric treatment, pronounced along with another criminal sanction.
(6) Should the court find that the accused was not in a state of mental incapacity at the time of committing the offence, and the prosecutor has not abandoned the proposal referred to in Paragraph 1 of this Article, the court shall issue a judgement refusing the charges.
(7) After the proposal referred to in Paragraph 1 of this Article has been filed, the suspect or accused must be represented by defence attorney.

Article 384
Procedure in Case of Mandatory Medical Treatment of Addiction

(1) The court shall decide the application of a security measure of mandatory treatment of addiction after it obtains findings and an opinion from an expert witness. The expert also must give an opinion on the possibilities for the treatment of the accused.
(2) If in pronouncing a suspended sentence, the perpetrator is ordered to receive treatment as an out-patient and he fails to undertake treatment or abandons it voluntarily, the court may, *ex officio,* or at the proposal of the institution in which the perpetrator was treated or should have been treated, after the hearing of the prosecutor and the perpetrator, revoke a suspended sentence or forceful enforcement of the pronounced measure of mandatory treatment of addiction. Before it issues a decision, the court shall also obtain a medical opinion, when needed.

Article 385
Forfeiture of Items

(1) The items that need to be forfeited under the Criminal Code shall be forfeited also when the criminal procedure is not completed by a guilty verdict, if this is required in the interests of general security. A separate decision shall be issued on this.
(2) The decision referred to in Paragraph 1 of this Article shall be issued by the court at the moment when the proceedings are finalised or dismissed.
(3) The decision on forfeiture of items referred to in Paragraph 1 of this Article shall be issued by the court when the guilty verdict fails to contain such a decision.
(4) A certified copy of the decision on forfeiture of items shall be delivered to the owner of the items concerned if the owner is known.
(5) The owner of the items may appeal the decision from Paragraphs 2 and 3 of this Article on the grounds of non-existence of legal basis for forfeiture of items.

Article 386
Forfeiture of Proceeds of Crime (*Criminal Forfeiture*)

(1) The existence of proceeds of a criminal offense shall be established in a criminal procedure *ex officio*.

(2) The prosecutor shall be obliged to collect evidence during the procedure and examine the circumstances that are important for the assessment of the proceeds of a criminal offense.
(3) If the injured party submitted a claim for repossession of items obtained through a criminal offense, or the amount that is equivalent to the value of such items, the existence of proceeds of crime shall be established only in the part that is not included in the property claim.

Article 387
Procedure of Forfeiture of Proceeds of Crime

(1) When forfeiture of the proceeds of crime is a possibility, the person to whom the proceeds of crime are transferred and the representative of the legal person shall be summoned to the main trial for hearing. They shall be warned in the summons that the procedure may be conducted without their presence.
(2) A representative of the legal person shall be heard at the main trial after the accused. The same procedure shall apply to the person to whom the proceeds of crime were transferred if that person is not summoned as a witness.
(3) The person to whom the proceeds of crime are transferred as well as the representative of legal person shall be authorised to propose evidence in relation to the assessment of proceeds of crime and to question the accused, witnesses and expert witnesses upon approval by the judge or the presiding of the panel.
(4) The closure of the main trial for public shall not refer to the person to whom the proceeds of crime are transferred and the representative of the legal person.
(5) If during the main trial the court establishes that the forfeiture of the proceeds of crime is a possibility, the court shall adjourn the main trial and shall summons the person to whom the proceeds of crime were transferred, and a representative of the legal person.

Article 388
Determination of Value of Proceeds of Crime

The court shall determine the value of proceeds of crime by a free estimate if the assessment would involve disproportional difficulties or a significant delay of the procedure.

Article 389
Interlocutory Order

When the forfeiture of the proceeds of crime is a possibility, the court shall *ex officio* and under the provisions applicable to the judicial enforcement procedure issue an interlocutory order. In that case, the provisions of Article 112, Paragraph 2 of this Code shall apply.

Article 390
Contents of Decision Pronouncing Forfeiture of Proceeds of Crime

(1) The forfeiture of the proceeds of crime may be ordered by court in a guilty verdict, in a decision on judicial admonition and in a decision on application of a correctional measure and in the proceedings referred to in Article 383 of this Code.

(2) In the inactment clause of the verdict or decision, the court shall indicate what item or amount of money is to be forfeited.
(3) A certified copy of the verdict or the decision shall also be delivered to the person to whom the proceeds of crime are transferred and to the representative of the legal person, if the court ordered for forfeiture of the proceeds of crime from that person.

Article 391
Motion for Reopening with Respect to Measure of Forfeiture of Proceeds of Crime

The person referred to in Article 387 of this Code may file a motion for reopening in relation to the decision on forfeiture of the proceeds of crime.

Article 392
Appropriate Application of Appeal Provisions

The provisions of Articles 308, Paragraphs 2 and 3 and Articles 316 and 332 of this Code shall be applied appropriately in reference to the appeal against the decision on forfeiture of the proceeds of crime.

Article 393
Appropriate Application of other Provisions of the Code

If the provisions of this Chapter do not stipulate otherwise, the procedure for application of security measures or forfeiture of the proceeds of crime *(criminal forfeiture)*, other relevant provisions of this Code shall be applied appropriately.

Article 394
Procedure to Revoke Suspended Sentence

(1) When a conviction provides that a suspended sentence will be executed if a convicted person fails to return the proceeds of crime, to compensate for damage or to meet other obligations, and the convicted person has failed to do so, the court shall conduct proceedings to revoke the suspended sentence at the proposal of the prosecutor or *ex officio*.
(2) The court shall schedule a hearing in order to establish facts, to which it shall summons the prosecutor, convicted person and injured party.
(3) If the court establishes that the convicted person failed to meet obligations ordered in the verdict, it shall issue a verdict revoking the suspended sentence and order execution of the sentence, or extend the deadline for compliance with the obligation or replace the obligation with another corresponding obligation or relieve the convicted person of complying with the pronounced obligation. If the court finds that there are no grounds for taking any of the said decisions, it shall issue decision dismissing the proceedings to revoke the suspended sentence.

CHAPTER XXVII
PROCEDURE FOR RENDERING DECISION ON EXPUNGEMENT OF RECORD OR TERMINATING SECURITY MEASURES AND LEGAL CONSEQUENCES OF CONVICTION

Article 395
Decision on Expunging Record

(1) When the law provides that a conviction shall be expunged after a specific period of time and under the condition that the convicted person has not committed any criminal offense during such period, the authority in charge of keeping criminal records shall issue *ex officio* a decision on expungement of record.
(2) It shall be necessary to conduct certain inquiries before the issuance of such decision on expungement of record, in particular to gather information as to any criminal proceedings against the convicted person for a new criminal offense committed prior to the expiry of deadline provided for expungement of record.

Article 396
Motion of Convicted Person for Expunging Record

(1)If the responsible authority has failed to issue a procedural decision on expungement of record, the convicted person may request that it be established as to whether the expungement of record came into force by operation of law.
(2)If the responsible authority fails to meet the request of the convicted person within 30 days of the day of its receipt, the convicted person may request the court to issue a decision on expungement of record.

Article 397
Judicial Expungement of Suspended Sentence

If a suspended sentence has not been revoked one year after the day when the inquiry was terminated, the court shall issue a decision ordering expungement of the suspended sentence. Such decision shall be delivered to the convicted person, prosecutor and authority in charge of keeping criminal records.

Article 398
Procedure of Expunging Record based on Judicial Decision

(1) The procedure of expungement of record on the basis of judicial decision shall be instituted at the motion of the convicted.
(2) Such motion shall be submitted to the court.
(3) A judge assigned for such purpose shall schedule and conduct a hearing of the prosecutor and convicted person.

(4) The judge may request the police authorities to provide him with a report on the conduct of the convicted person, or he can request such report from the management of the facility where the convicted person has served his sentence.
(5) The applicant and prosecutor may file an appeal against a decision that the court has taken on the motion for expungement of record.
(6) If the court rejects the motion on the grounds that the convicted person has not deserved it based on his conduct, the convicted person may resubmit his motion upon the expiry of one year of the day when procedural decision rejecting the motion became final and binding.

Article 399
Criminal Record Certificate

A criminal record certificate that is issued to citizens on the basis of criminal records shall not mention any convictions or legal consequences that were expunged.

Article 400
Motion and Procedure to Terminate Security Measure

(1) A motion for termination of the security measures prescribed in the Criminal Code shall be submitted to the court that issued first instance decision.
(2) A judge assigned for such purpose shall conduct a preliminary inquiry as to whether the required period of time provided for by the law has expired, he shall than schedule and conduct hearings in order to establish facts to which the applicant referred. The judge shall summons the prosecutor and applicant.
(3) The judge under Paragraph 2 of this Article may also request from the police authority or facility where the convicted person served his sentence, a report as to the conduct of the convicted person.
(4) If the motion has been rejected, no new motion may be submitted before the expiry of one year of the day when the procedural decision rejecting the previous motion became final and binding.

CHAPTER XXVIII
PROCEDURE TO RENDER INTERNATIONAL LEGAL ASSISTANCE AND TO ENFORCE INTERNATIONAL AGREEMENTS IN CRIMINAL MATTERS

Article 401
General Provisions

International assistance in criminal matters shall be rendered under the provisions of this Code, unless otherwise prescribed by the legislation of Bosnia and Herzegovina or an international agreement.

Article 402
Communication of Request for Legal Assistance

Requests of the court or the prosecutor for legal assistance in criminal matters shall be communicated to foreign authorities by diplomatic channels by the court or the prosecutor through the Ministry of Justice of Republika Srpska to send them to the Ministry of Justice of Bosnia and Herzegovina. Foreign authorities shall send the letters of request to courts of Republika Srpska in the same manner.

Article 403
Actions Following Request of Foreign Authorities

(1) When the Ministry of Justice of Republika Srpska receives a request of a foreign authority for legal assistance, it shall communicate such request to the prosecutor.
(2) The court or prosecutor shall decide as to the permissibility of and manner to carry out actions requested by the foreign authority in accordance with domestic legislation.

Article 404
Execution of Verdict Rendered by Foreign Court

(1) The court shall not act on the request of a foreign body in which it seeks the execution of a verdict rendered by a foreign court.
(2) Notwithstanding Paragraph 1 of this Article, the court shall execute foreign final and binding verdicts with respect to a sanction pronounced by the foreign court if it is so stipulated by international agreement, and if the sanction is also pronounced by the court in accordance with the criminal legislation of Republika Srpska.
(3) The panel referred to in Paragraph 5 of Article 24 of this Code shall render a verdict.
(4) Territorial jurisdiction shall be established according to the convict's last domicile in Republika Srpska or, if the convict has not had domicile in Republika Srpska, according to the place of birth. If the convict has not had domicile in Republika Srpska nor was he born in Republika Srpska, the Supreme Court shall designate the case to one of the courts having subject-matter jurisdiction to conduct proceedings.
(5) The court having subject-matter jurisdiction shall be the court defined by law.
(6) In the inactment clause of the verdict referred to in Paragraph 3 of this Article, the court shall incorporate the complete pronouncement of the foreign court's verdict and the name of the foreign court and shall pronounce a sanction. In the reasoning of the verdict, the court shall present its reasons for pronouncing the sanction.
(7) The prosecutor and convicted person or his defence attorney may file an appeal in accordance with this Code against the verdict referred to in Paragraph 6 of this Article.
(8) If a foreigner, convicted by the domestic court, or the person authorized by the agreement, files a motion with the court that the convicted person be allowed to serve the sentence in his home country, the court shall act in accordance with the international agreement.

Article 405
Centralisation of Data

The court shall be obliged to communicate, without delay, to the competent Ministry of Bosnia and Herzegovina information on any criminal offense and perpetrator as well as any valid verdict concerning criminal offenses of production and circulation of counterfeit money, unauthorized production, processing and trade of drugs and poison, human trafficking, dissemination of pornography as well as other criminal offenses for which international agreements provides for the centralisation of data. As regards criminal offenses of money laundering or cases involving a criminal offense relating to money laundering, information must also be delivered without delay to the Bosnia and Herzegovina authority responsible for prevention of money laundering.

Article 406
Relinquishing Prosecution to Foreign State

(1) If a criminal offense was committed in the territory of Republika Srpska by a foreigner who has his permanent residence in a foreign state, it is possible to cede all criminal files for the purpose of prosecution and trial to such country beyond any requirements for extradition provided for, if such state is not opposed thereto.
(2) Relinquishment of prosecution and criminal action is not permitted if in that case the foreigner might be subjected to unfair trial, inhuman and humiliating treatment or punishment.
(3) The prosecutor shall take a decision on relinquishment before the indictment has been confirmed. After the indictment was raised and before the case is referred to the judge or to the panel for the purpose of scheduling the main trial, such decision shall be taken by the preliminary hearing judge at the proposal of the prosecutor.
(4) If the injured party in the case is a citizen of Republika Srpska/Bosnia and Herzegovina such relinquishment shall not be allowed if the said citizen is opposed thereto, unless a security was deposited to guarantee enforcement of the injured party's property claim.

Article 407
Taking Over Prosecution

(1) A request of a foreign state to institute and pursue criminal action against a citizen of Republika Srpska/Bosnia and Herzegovina, who has domicile in Republika Srpska, for a criminal offense committed abroad shall be delivered together with the pertaining file to the competent prosecutor in whose territory the domicile is located.
(2) If a property claim has been submitted to the responsible authority of a foreign state, the same procedure shall apply as if the claim had been submitted to the court.
(3) The foreign state that submitted the request shall be informed of any decision refusing to carry on prosecution as well as of any final and binding decision rendered in the criminal proceedings.

CHAPTER XXIX
PROCEDURE FOR COMPENSATION OF DAMAGE, REHABILITATION AND OTHER RIGHTS OF PERSONS SUBJECT TO MISCARRIAGE OF JUSTICE

Article 408
Compensation for Damage Caused by Unjust Conviction

(1) A person against whom a final and binding criminal sanction was pronounced or who was found guilty, but exonerated from the sanction, and later, based on extraordinary legal remedy, new proceedings were suspended by final and binding decision or a final and binding verdict was pronounced acquitting the person of charges, or the charges were refused, shall be entitled to compensation for damage on grounds of unjust conviction, except in the following cases:
a) if the suspension of proceedings or the verdict rejecting the charges resulted from the prosecutor dismissing the prosecution in the new proceedings based on plea bargain;
b) if in the new proceedings a verdict was pronounced rejecting the charges due to court's not having jurisdiction and the authorized prosecutor failed to instituted prosecution before a competent court.
(2) A convicted person shall not be entitled to compensation for damage if he intentionally brought about his own conviction by false admission or in another way, unless he was forced to such action.
(3) In case of conviction for joinder of crimes, the right to compensation for damage may also refer to individual criminal offenses when the conditions for awarding damages are met.

Article 409
Statute of Limitations of Claims for Damages

(1) The statute of limitations for claims for damages shall take effect three years after the effective date of the original verdict acquitting the accused or dismissing the charges, or the final and binding decision dismissing the proceedings, and if an appeal was filed to the appellate court, three years from the day of receipt of that court's decision.
(2) Before submitting a claim for damages to the court, the injured person shall be obliged to file his claim with the Ministry of Justice, for the purpose of agreeing on existence of injury and the kind and amount of damages.
(3) In the case referred to in Article 408, Paragraph 1, Item b) of this Code, the claim may be decided only if the authorized prosecutor did not institute prosecution before a competent court within three months from the day of receipt of the final and binding verdict.

Article 410
Initiating Lawsuit for Damages to Competent Court

(1) If the claim for damages is not granted or the Ministry of Justice fails to make its decision within three months from the day the claim was filed, the injured party may initiate the lawsuit for damages with the competent court. If an agreement is reached to satisfy a part of the claim only, the injured party may initiate a lawsuit with regard to the rest of the claim.

(2) No statute of limitations from Article 409, Paragraph 1 of this Code shall run during proceedings from Paragraph 1 of this Article.
(3) Lawsuit for the damages shall be initiated against Republika Srpska.

Article 411
Right of Heirs to Compensation of Damage

(1) The heirs of the injured party shall inherit only the right of the injured party to compensation for damaged property. If a claim has already been filed by the injured party, the heirs may continue the proceedings only within the scope of the already filed claim for damages.
(2) The heirs of the injured party, after his death, may continue action for damages, or initiate such proceedings in case the injured party died before the statute of limitations became effective, and did not renounce the claim.

Article 412
Persons Entitled to Damages

(1) The following persons shall be entitled to compensation of damages:
a) a person who was in custody, but criminal proceedings were not initiated or proceedings were suspended or a final and binding verdict was pronounced acquitting the person of charges or charges were rejected;
b) a person who served a sentence of imprisonment, and received a shorter imprisonment sentence in reopening proceedings than the sentence he had served, or received a criminal sanction other than imprisonment or he was found guilty but exonerated from any sanction;
v) a person who was subjected to unlawful custody or retained in custody longer or imprisoned/institutionalised due to a mistake or illegal action of bodies;
g) a person who was kept in custody longer than the prison term to which he was sentenced.
(2) A person who was imprisoned without a legal ground under Article 204 of this Code is entitled to damages if no pre-trial custody was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal offense or minor offense.
(3) A person who caused deprivation of liberty by his own unlawful acts shall not be entitled to damages. In cases referred to in Item a) of Paragraph 1 of this Article, the right to damages shall not apply notwithstanding the existence of circumstances referred to in Article 408, Paragraph 1, Items a) and b) or if the proceedings were suspended pursuant to Article 215 of this Code.
(4) In the proceedings for compensation of damages, in the cases referred to in Paragraphs 1 and 2 of this Article, the provisions of this Chapter shall apply accordingly.

Article 413
Compensation for Damage Inflicted by Media

(1) If a case involving unjust conviction or unlawful deprivation of liberty of a person was covered by media, inflicting damage upon the reputation of that person, the court shall, at the person's request, publish in newspapers or other media a statement on its decision confirming that the previous conviction was a miscarriage of justice and the deprivation of liberty was unlawful. If the case was not covered by media, such a statement shall, at the request of that

person, be provided to the authority, or another legal person in which the person works, and to a political party or civil association, if that is required for the person's rehabilitation of reputation.
(2) After a convicted person dies, his spouse or cohabitee, children, parents, brothers and sisters shall be entitled to file such a claim.
(3) The claim referred to in Paragraph 1 of this Article may be filed even if no claim for damages was filed.
(4) Notwithstanding the requirements provided for in Article 408 of this Code, the claim referred to in Paragraph 1 of this Article may be filed in case the legal classification of the act changed by use of an extraordinary legal remedy, in case the reputation of the convicted person was more severely damaged by the legal qualification in the previous verdict.
(5) The claim referred to in Paragraphs 1 to 3 of this Article shall be filed to the court that issued the first instance decision within six months as referred in Article 409, Paragraph 1 of this Code. The claim shall be decided upon by the panel from Article 24, Paragraph 5 of this Code. In deciding the claim, provisions of Article 408, Paragraph 2, and Article 412, Paragraph 3 of this Code shall apply accordingly.

Article 414
Rehabilitation

The trial court shall, *ex officio*, issue a decision annulling the registration of an unjust conviction in the criminal records. The decision shall be submitted to an authority competent for keeping criminal records. No data on annulled records may be given to anybody.

Article 415
Data Use Prohibition

Any person who in any way gains access to data pertaining to an unjust conviction or unlawful deprivation of liberty shall not use such data in a way that would be damaging to the rehabilitation of a person against whom the criminal proceedings were conducted.

Article 416
Right to Compensation for Damage with Respect to Employment

(1) The period of time, during which a person's employment was terminated and he lost the status of social insurance holder due to an unjust conviction or unlawful deprivation of liberty, shall be recognized as the period of pensionable years of service, i.e. years of insurance coverage, as if he had spent it working. The period of time of unemployment effected by unjust conviction or unlawful deprivation of liberty, which was not the fault of the person in question, shall also be counted as pensionable years of service/years of insurance coverage.
(2) When deciding on any right that is affected by the length of years of service or years of insurance coverage, the responsible body or legal person shall also take into account the pensionable years of service/years of insurance coverage recognized in the provisions of Paragraph 1 of this Article.
(3) If the responsible body or legal person referred to in Paragraph 2 of this Article fails to take into account the pensionable years of service/years of insurance coverage recognized in the

provision of Paragraph 1 of this Article, the injured party may request that the court under Article 410, Paragraph 1, determine legal recognition of this period of time. The lawsuit shall be filed against the body or legal person that is disputing the recognized pensionable years of service/years of insurance coverage, and against Republika Srpska from Article 410, Paragraph 3 of this Code.
(4) At the request of the body or legal person in which the right under Paragraph 2 of this Article is exercised, statutory contributions for the years of service recognized under the provision of Paragraph 1 of this Article shall be paid from the budget in accordance with Article 410, Paragraph 3 of this Code.
(5) The pensionable years of service/years of insurance coverage recognized in pursuance of the provision in Paragraph 1 of this Article shall be added in full to the pensionable years of service.

CHAPTER XXX
PROCEDURE FOR ISSUANCE OF ARREST WARRANTS AND NOTIFICATIONS

Article 417
Searching for Address

If the permanent or temporary residence of the suspect or the accused is not known, the prosecutor or the court shall, if necessary under the provisions of this Code, request that the police authorities search for the suspect or the accused and inform the prosecutor or the court of his address.

Article 418
Requirements for Issuance of Arrest Warrant

(1) Issuance of an arrest warrant may be ordered if the suspect or the accused against whom criminal proceedings have been instituted for a criminal offense punishable by a prison sentence of three years or more is a fugitive from justice, and an order for his apprehension or a decision ordering custody has been issued.
(2) Issuance of an arrest warrant shall be ordered by the court.
(3) Issuance of an arrest warrant shall also be ordered in case a convicted person escapes from the institution in which he is serving a sentence regardless of its length, or in case of his escape from an institution in which he is placed in custody. In such a case, the warden of the institution shall issue the order.
(4) Order of the court or warden for issuance of an arrest warrant shall be submitted to the police authorities for the purpose of its execution.

Article 419
Issuance of Notification

(1) If data and information about instruments related to the criminal offense are necessary, or if these instruments need to be identified, particularly if this is necessary for the purpose of verification of the identity of an unidentified corpse, the issuance of notification requesting that the data or information be submitted to the body conducting the proceedings shall be ordered.

(2) Police authorities may publish photographs of corpses and missing persons if there are grounds for suspecting that the deaths or disappearances of these persons were caused by a criminal offense.

Article 420
Withdrawal of Warrant or Notification

The body that ordered the issuance of an arrest warrant or notification is obliged to immediately withdraw it if the wanted person or item is found or if the statute of limitations for criminal prosecution or for serving the sentence applies, or for other reasons that make the warrant or notification no longer necessary.

Article 421
Who Issues Arrest Warrant or Notification

(1) Warrants and notifications are issued by the responsible police body designated by the court in each individual case, or the institution from which the person has escaped where he was serving a sentence or was institutionalised.
(2) If it is likely that the person, after whom the warrant has been issued, is abroad, the competent Ministry of Bosnia and Herzegovina may issue an international warrant.

CHAPTER XXXI
TRANSITIONAL AND FINAL PROVISIONS

Article 422
Insufficient Number of Judges

(1) If a trial court cannot establish the panel under Article 24, Paragraph 5 of this Code due to an insufficient number of judges, a panel of the higher court shall exercise powers and competences of the panel, unless Paragraphs 2 and 3 of this Article provide otherwise.
(2) After the indictment has been filed and the prosecutor heard, the presiding of the panel or a single trial judge shall order or suspend custody, and at the main trial this shall be done by the panel.
(3) The judge of the first instance court shall decide a motion for reopening in accordance with Article 346, Paragraph 1 of this Code.

Article 423
Adjudication of Earlier Filed Cases

(1) The criminal proceedings that were instituted in the courts before 1 July 2003 shall continue in pursuance of this Code, unless this Article provides otherwise.
(2) The criminal cases under Paragraph 1 of this Code in which the indictment has entered into force or in which decision on pronouncement of a security measure of mandatory psychiatric treatment and placement in a health institution or security measure of noninstitutionalised mandatory psychiatric treatment was issued based on the proposal of the prosecutor shall

continue in pursuance of the Criminal Procedure Code (OG SFRY 26/86, 74/87, 57/89 and 3/90), and pursuant to the Law Amending the Criminal Procedure Code (OG RS 4/93, 26/93, 14/94, 6/97, and 61/01) unless this Chapter provides otherwise.
(3) The criminal cases falling under the jurisdiction of the Court of Bosnia and Herzegovina, which were filed with the courts before 1 July 2003 and in which the indictment has entered into force, shall be concluded by those courts in pursuance of the previous then applicable. The criminal cases falling under the jurisdiction of the Court of Bosnia and Herzegovina, which were filed with the courts/prosecutor's offices, and in which the indictment has not entered into force, shall be finalised by the courts which have territorial jurisdiction in pursuance of this Code, unless, the Court of Bosnia and Herzegovina decides to take over such cases *ex officio* or on the reasoned motion of the parties or defence attorney.
(4) If the Court of Bosnia and Herzegovina has transferred the case from its jurisdiction to a court in which territory the offence was committed or attempted, that court shall accept evidence collected in investigation and preserved by court in accordance with this Code.
(5) The criminal cases under Paragraph 3 of this Code in which only request for prosecution was filed shall continue in pursuance of legislation from Paragraph 3 of this Code, unless this Chapter provides otherwise.

Article 424
Trial *in Absentia*

(1) If a decision on a trial *in absentia* was issued before 1 July 2003, a decision on the adjournment of the trial shall be issued. When the reasons for the adjournment cease to exist the trial shall resume in accordance with Article 423, Paragraph 2 of this Code.
(2) If a verdict was rendered in a trial conducted *in absentia* before 1 July 2003, the proceedings shall conclude in accordance with Paragraph 1 of this Code, unless this Chapter provides otherwise.

Article 425
Cases in which Appellate Court Ordered Retrial

Cases in which the appellate court has revoked the first instance verdict and ordered retrial before that court before entry into force of this Code, the proceedings shall be conducted and finalised pursuant to legislation applicable before adoption of this Code.

Article 426
Rule against Reopening Criminal Proceedings

(1) The right to reopen criminal proceeding concluded with a final and binding verdict before 1 January 1954 will be governed in a separate law. Until then, Article 6 of the Introductory Law to the Criminal Procedure Code (FNRY Official Gazette 40/53) shall apply.
(2) As to damages for miscarriage of justice and unlawful arrest and deprivation of liberty, Article 7 of the Introductory Law to the Criminal Procedure Code (FNRY Official Gazette 40/53) shall apply after 1 July 2003, unless the law under Paragraph 1 of this Article provides otherwise.

Article 427
By-laws

(1) The Government of Republika Srpska shall adopt regulation on compensation of costs of criminal proceedings and the scheduled amounts from Article 102 of this Code within six months.
(2) Minister shall enact the following regulations within six months:
a) criminal records from Article 95 of this Code,
b) custody records from Article 206 of this Code,
v) custody house rules from Article 212 of this Code, and
g) requirements, manner of storing and destroying physical evidence in criminal procedure from Article 270 of this Code.

Article 428
Cessation of Application of By-laws

By-laws enacted pursuant to the Criminal Procedure Code (OG RS 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09, 92/09 and 100/09) shall apply until enactment of by-laws from Article 427 of this Code, unless they are contrary to the Code.

Article 429
Cessation of Application of Code

When this Code enters into force, the Criminal Procedure Code – Consolidated text (OG SFRY 26/86, 74/87, 57/89 and 3/90) with amendments to this Code published in OG RS 4/93, 26/93, 14/94, 6/97 and 61/01 and the Criminal Procedure Code of Republika Srpska (OG RS 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09, 92/09) and the Criminal Procedure Code of Republika Srpska- Consolidated text (OG RS 100/09) shall cease to apply, unless otherwise provided by this Chapter.

Article 430
Entry into Force of Code

This Code shall enter into force eight days from the day of its publication in the Official Gazette of Republika Srpska.

No: 01-724/12
17 May 2012
Banja Luka

RSNA Speaker
Igor Radojicic