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## Department for Legal Affairs



# LAW AMENDING THE LAW OF BOSNIA AND HERZEGOVINA ON THE EXECUTION OF CRIMINAL SANCTIONS, DETENTION AND OTHER MEASURES

**“Official Gazette of Bosnia and Herzegovina”, 37/09**

**[NOTE: The Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures was published in the “Official Gazette of Bosnia and Herzegovina”, 13/05.](#)**

Pursuant to Article IV .4 a) of the Constitution of Bosnia and Herzegovina, at the 50<sup>th</sup> session of the House of Representatives, held on 1 April 2009, and at the 28<sup>th</sup> session of the House of Peoples held on 27 April 2009, the Parliamentary Assembly of Bosnia and Herzegovina adopted the following:

## **LAW AMENDING THE LAW OF BOSNIA AND HERZEGOVINA ON THE EXECUTION OF CRIMINAL SANCTIONS, DETENTION AND OTHER MEASURES**

### **Article 1**

In the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures ("Official Gazette of BiH", nos. 13/05, 53/07 and 97/07), after Article 21, new Articles 21a., 21b., 21c., 21d., 21e. and 21f. shall be added to read as follows:

#### **“Article 21a.**

#### **(Recruitment and Requirements for Recruitment of Establishment Officers – i.e. Interns)**

(1) For the purpose of setting up and building of the appropriate standards for the Authorized Establishment Officers–the Security duties in the establishments, the Establishment Officers–the interns may be recruited in the Security service.

(2) In addition to the requirements of Article 21 of this Law, a person recruited to work in the security service as an Establishment Officer – an intern, shall meet the following recruitment requirements:

- a) not be older than 27 years of age;
- b) have a high school education;
- c) meet the medical and psycho-physical conditions prescribed for police officers.

#### **Article 21b.**

#### **(Internship Service, Organization of Education, Training and Specialized Exams)**

(1) A person who has been recruited in the Security service for the first time, shall be recruited as an Authorized Establishment Officer – i.e. an Intern, on the basis of competition.

(2) The internship service shall take six months.

(3) Practical training shall be organized for professional education of the Establishment Officers – interns, through courses, seminars and other forms of education in the manner and according to the program set by the Minister of Justice.

(4) On the corresponding jobs and tasks during the internship service, the interns shall be trained through practical work in the Establishment for the independent performance of the jobs and tasks of the Authorized Establishment Officers, under the supervision of the manager and with the technical assistance of managerial and other officers of the Establishment.

(5) Within three months after the end of internship service, the intern shall take a specialized exam for the title as the Authorized Establishment Officers.

(6) The specialized exam under paragraph (5) of this Article shall be taken before a commission appointed by the Minister of Justice pursuant to Article 29 this Law.

#### **Article 21c.**

##### **(Deployment of the Establishment Officers – Interns to the jobs and tasks as the Authorized Establishment Officers)**

(1) An Establishment Officer–an Intern who has failed to successfully complete his or her internship training shall not be able to take the specialized exam.

(2) Employment in the Establishment shall be terminated for an Establishment Officer – an Intern referred to in paragraph (1) of this Article, as well as for an Intern who fails to pass the specialized exam after completing the practical training.

(3) An Establishment Officer – an Intern who have passed the exam shall be deployed to the jobs and tasks as the Authorized Establishment Officers.

#### **Article 21d.**

##### **(Employment for Authorized Establishment Officers without the Intern Status)**

(1) Persons working as guards in the Security service in an entity-level Establishment, court police officers, or other appropriate officers whose authorities are equal to those of the above titles, may be recruited as the Authorized Establishment Officer without the Intern status, provided that he or she shall have the obligation to pass the specialized exams in additional subject(s) required for the title as Authorized Establishment Officers within six months after the start of employment.

(2) The exam referred to in paragraph (1) of this Article shall be taken before the Commission under Article 21b paragraph (6) of this Law, under the terms and conditions, the method and the program established by the Minister of Justice.

(3) Employment within the Establishment shall be terminated for the persons who have failed to pass the specialized exam(s) in additional subjects within the period referred to in paragraph (1) of this Article.

**Article 21e.**  
**(Monitoring and Evaluation of Practical Training  
for the Establishment Officers - Interns)**

(1) The practical training for Authorized Establishment Officers - Interns shall be monitored and evaluated by the Commission that is made of the Chairman and two members.

(2) The Commission under paragraph (1) of this Article shall be established by the manager of the Establishment among the employees in the Establishment who are experts for educational treatment and security affairs.

(3) Within 60 days of into force of this Law, the Minister of Justice shall enact the regulations governing the work of the Commission referred to in paragraphs (1) and (2) of this Article, the program of vocational training, organization and implementation of the requirements for conducting the practical training of the Establishment Officer – the Intern.

**Article 21f.**  
**(Permission to Carry Weapons)**

The Establishment Officer – Intern and the person under Article 21d. this Law shall not have permission to carry weapons until they have passed the exam referred to in paragraph (6) of Article 21b. or the exam referred to in paragraph (2) of Article 21d. of this Law respectively.”

**Article 2**

In article 40 (Inspector), after paragraph (3), the new paragraphs (4), (5), (6) and (7) shall be added to read as follows:

“(4) The inspector shall be responsible to examine carefully whether the provisions of this Law are implemented in all penal-correctional establishments in Bosnia and Herzegovina against the persons serving imprisonment sentences and detention measures

imposed or ordered by the Court or other authority in accordance with the Law or an international treaty.

(5) In carrying out the tasks of inspection supervision, the inspector shall be independent and take actions within the framework and on the basis of this Law and other regulations.

(6) The staff of the Institute shall cooperate with the Inspector and assist him in fulfilling the powers and obligations, particularly in the supervision of the exercise of human rights under the Constitution of Bosnia and Herzegovina, with regard to which the detained and confined persons are not deprived of or restricted in their use within the limits of the required purpose and by a specific law or an international treaty.

(7) The Inspector of the Ministry of Justice shall cooperate and promote the cooperation with the competent inspectors of the Entities and the Brcko District of Bosnia and Herzegovina, and shall develop their mutual coordination and activities or consultations in accordance with the Constitution and laws of Bosnia and Herzegovina, the Entities and the relevant regulations of the Brcko District of Bosnia and Herzegovina.”

### **Article 3**

After Article 41, a new Article 41a. shall be added to read as follows::

#### **“Article 41a. (Independent Commission)**

(1) An Independent Commission shall monitor the conditions in the establishments, the treatment and respect for human rights of the persons against whom criminal sanctions and other measures are being executed as imposed in the criminal proceedings by the Court, by foreign courts for the offences foreseen under the Criminal Code or international treaties signed by Bosnia and Herzegovina or by any other court in accordance with the law of Bosnia and Herzegovina.

(2) The Independent Commission referred to in paragraph (1) of this Article shall be appointed and dismissed by the Parliamentary Assembly of Bosnia and Herzegovina.

(3) The Commission shall have five members, one of whom shall be the Chairman.

(4) The Commission members are appointed for a term of five years, with possibility of reappointment for yet another term.

(5) The Commission members should be experts or persons familiar with legal or other related areas, such as, for example: judiciary, administration, penology, social welfare, psychology, pedagogy, and the like.

(6) The Commission may perform the external monitoring of the Establishment's operations independently or together with the inspection or other supervisory authorities, as well as the cooperation with international and other institutions competent for monitoring and implementing the human rights and fundamental freedoms in accordance with the Law and relevant international documents.

(7) When acting as provided under paragraph (6) of this Article, the Commission shall have all the powers identical to those that are held by an authorized officers referred to in Article 40 and Article 42 of this Law.

(8) The Commission shall adopt its rules of procedure.

(9) The Commission shall adopt an annual report on its operations and submit it to the Parliamentary Assembly of Bosnia and Herzegovina and the Ministry of Justice with a view to taking appropriate actions or measures in accordance with law."

#### **Article 4**

After Article 50, a new Article 50a. shall be added to read as follows:

#### **“Article 50a. (Voting Right)**

(1) The Governor of the Establishment shall ensure that the persons deprived of their liberty are able to exercise their right to vote in the elections for the levels of government in Bosnia and Herzegovina, insofar as this right is not limited by the Election Law of Bosnia and Herzegovina and the Constitution of Bosnia and Herzegovina.

(2) In order to achieve this right, the Governor of the Establishment shall contact the competent election commission in connection with the method, time or other necessary actions required for implementation of the voting procedure in the Establishment.”

#### **Article 5**

After Article 51, a new Article 51a. shall be added to read as follows:

#### **“Article 51a. (Women)**

(1) Together with the provisions of this Law relating to the persons deprived of liberty, special attention shall be paid to women's needs in terms of their physical, professional, social and psychological needs when making decisions concerning any aspect of their accommodation in the Establishment.

(2) The management of the Establishment shall seek to ensure that the scope of activities available to women deprived of their liberty is appropriate to the role of women in contemporary society, and that it is comparable with the scope of activities available to men.

(3) Women shall, as a rule, be enabled to give childbirth outside the Establishment, but if a child is born within the Establishment, the management of the Establishment shall provide for all of the required support, assistance or other necessary conditions.

(4) When a child is born within the Establishment, such information must not be entered in the birth certificate as the place of birth.”

## **Article 6**

After Article 52, a new Article 52a. shall be added to read as follows:

### **“Article 52a.**

#### **(Search of Premises, Persons Deprived of Liberty, Visitors, Official Persons and Seizure of Objects)**

(1) The Authorized Establishment Officer shall be allowed to conduct search and seizure of property in respect of any premises in which the detained or imprisoned persons are accommodated, work or spend their leisure time, including the persons deprived of liberty, visitors and their personal belongings and official persons.

(2) The search of premises and the persons referred to in paragraph (1) of this Article shall be carried out in such a manner as to detect and prevent any escape attempt and hiding of smuggled goods along with respect for human dignity of persons affected by the search and for objects in their possession.

(3) No persons affected by the search shall be humiliated during the search.

(4) The search shall be carried out only by the Establishment officers of the same sex as the person affected by the search.

(5) The search of sensitive body parts may be performed only by a medical doctor or trained medical personnel.

(6) When visitors are entering the Establishment, the Authorized Establishment Officer may request from such persons to undergo the search. If the visitor is unwilling to undergo the search, the Authorized Establishment Officer will refuse his or her admission to the Establishment, provided that the security programs must reflect the balance with respect to privacy of the visitors or their official capacity in accordance with the law or other regulations.

(7) The Authorized Establishment Officers may search the Establishment staff members at the request of the Governor of the Establishment, an official person authorized by the Governor in accordance with the law or at request of another body authorized by law.

(8) The method and the situations in which the search is to be conducted shall be defined by special regulations governing the method of how the security tasks are exercised in the Establishment.”

## **Article 7**

After Article 59, a new Article 59a. shall be added to read as follows:

### **“Article 59a. (Refusal to Take Food)**

(1) If a detainee or prisoner who refuses to accept the food, the Governor of the Establishment, the court conducting the judicial proceedings and the Ministry of Justice exercising the supervision of the execution of the detention measure shall be notified thereof immediately.

(2) A detainee or prisoner who refuses to take food shall, as a rule, be placed in an in-patient clinic, he or she shall be checked every day by a medical doctor who shall enter all important changes in his or her health condition into his or her medical records, and shall report thereof regularly to the Governor of the Establishment.

(3) If the refusal to take food has put at risk the vital bodily functions of detainees or prisoners, the decision to undertake the required medical measures, without the consent of the detainee or prisoner, shall be made by the medical doctor or an expert team of medical doctors, unless otherwise determined by a special law or other regulation.

(4) The expert team under paragraph (3) of this article shall be established by the Establishment’s medical doctor, with the cooperation of and in consultation with the Governor of the Establishment and the Court conducting the criminal proceedings, unless otherwise determined by a special law or other regulations.

(5) If the person refusing to take food is a detainee, the Establishment shall inform the Court conducting the criminal proceedings and the Ministry of Justice about the need for undertaking the measures under paragraph (3) of this Article.

(6) When providing the treatment to the detainees or prisoners that are on hunger strike the medical doctors shall, in addition to the regulations in the area of execution of criminal sanctions, take into account also the regulations in the area pertaining to health care in Bosnia and Herzegovina, as well as international standards and regulations regarding the ethical treatment of doctors with persons on hunger strike.”

## **Article 8**

In Article 60 (Right to Health Care), in paragraph (3) and after the word “establishment”, the following wording shall be inserted:

“except for the cost of treatment of the suspect or the accused while in custody, as well as the costs associated with childbirth that were incurred outside the establishment.”

## **Article 9**

In Article 64 (Consent for Treatment), in paragraph (3) the number “107” shall be replaced with the number “127”.

## **Article 10**

After Article 64, a new Article 64a. shall be added to read as follows:

### **“Article 64a. (Testing on Infectious Diseases or Psychoactive Substances)**

(1) In case of reasonable suspicion as to the existence of infectious diseases or the abuse of narcotic drugs or psychoactive substances, it shall be possible to take samples of blood and urine from the detainee or prisoner, insofar as that is necessary for examination according to the rules of the medical profession, or to use appropriate tests.

(2) Placement in a special room due to the suspicion concerning the medical conditions referred to in paragraph (1) of this Article, as well as the testing on infectious diseases or psychoactive substances shall be administered under the supervision of a medical doctor.”

## **Article 11**

In article 67 (Use of physical restraints), after paragraph (5), a new paragraph (6) shall be added to read as follows:

“(6) The time limits referred to in paragraph (3) and (4) of this Article shall not apply to the persons who are escorted to trials, serving of prison sentences or detention measures.”

## **Article 12**

In Article 88 (Disciplinary Offences), in paragraph (3), after sub-paragraph 13, a new sub-paragraph 14 shall be added to read as follows:

“14. Non-compliance with or violation of the regulations on the use privileges outside the Establishment, or the adopted or issued measures of supervision, prohibition or restriction.”

The current sub-paragraphs 14 and 15 shall now become sub-paragraphs 15 and 16.

### **Article 13**

After Article 100, a new Article 100a. shall be added to read as follows:

#### **“Article 100a. (Transfer of Detainees)**

(1) If it is in the interest of conducting the criminal proceedings or if so is required for security reasons, the detainee may be transferred from one establishment to another or for purposes of medical treatment from one medical institution to another medical institution of any entity.

(2) The decision to transfer the detainee referred to in paragraph (1) of this Article shall be issued by the Court or another court in Bosnia and Herzegovina when the Court has delegated the conduct of the proceedings to that court.

(3) Against the decision under paragraph (2) of this Article the detainee may file an appeal with the court panel within three days following the receipt of the decision.

(4) The appeal shall not stay the execution of the decision.

(5) The ruling of the court panel shall be final.

(6) During the transfer from one establishment to another, the person referred to in paragraph (1) of this Article must be exposed to the public as less as possible, and protected by the appropriate measures from insults, curiosity and publicity in any form.”

### **Article 14**

In Article 101 (Transfer to Medical Institution for Psychiatric Reason) in Paragraph (1) the words “prison sentence” shall be replaced by the words “detention measure”.

### **Article 15**

After Article 140, new Articles 140a., 140b. , 140c. and 140d. shall be added to read as follows:

**“Article 140a.  
(Risk Assessment)**

(1) Upon the first admission, as well as when deciding on the privileges to be used outside the establishment, each prisoner should be evaluated so as to determine:

- a) the degree of risk to the community in case of the prisoner’s escape,
- b) the likelihood that such person shall make an attempt to escape, either by himself/herself or assisted from the outside.

(2) The safety classification is to be continually tested throughout the time of serving the prison sentence, but also according to the estimated level of risk in the security conditions, an appropriate decision is to be taken as to whether or not to grant the privileges.

(3) An escape risk assessment – a safety conditions assessment, shall at least include:

- a) threats to the public - the community in the event that a prisoner escapes,
- b) previous behaviour, attempts to escape, earlier deprivation of freedom by way of an arrest warrant,
- c) access to external assistance,
- d) previous convictions,
- e) personal and family circumstances,
- f) previous residence outside the territory of BiH, the tendency to travel continually i.e. to move from one place to another, or to make frequent changes of permanent or temporary residence,
- g) personal participation in the exercise of treatment programs,
- h) nature of the crime for which the prisoner has been sentenced,
- i) method, motives and consequences of the committed crime,
- j) attitude towards the victim,
- k) length of the prison sentence imposed,
- l) a possible threat to other inmates,
- m) as well as other circumstances that might be relevant for assessing the security risks.

**Article 140b.  
(Supervision Beyond Mandatory Supervision)**

(1) In addition to mandatory supervision, the need for ordering the measures of supervision shall be assessed and determined during each granting of privileges.

(2) In addition to the assessment of risk and other circumstances in accordance with Article 140a. this Law, when granting privileges, the competent service of the

establishment shall supervise the behaviour and treatment of the convicted persons and do so regularly, in an organized way with systematic observation and monitoring of the said persons by employing modern penological methods and in accordance with Article 18 this Law.

(3) The supervision measures can last as long as it is necessary, but for a maximum of 15 days up to the expiration of the sentence.

**Article 140c.**  
**(Supervision Measures, Prohibitions and Restrictions)**

(1) The management of the Establishment shall use the supervision in order to be able to assess the threat of each prisoner, to ensure that each prisoner is subjected to the security conditions, all aiming at preventing the prisoner's escape and protection the public - public order, by making sure that the supervised process leads to the point of safe release of prisoners in the community while serving a prison sentence and the maintenance of the balance between the security program and the social reintegration.

(2) The supervision includes the inspection of the activities and behaviour of prisoners which is conducted in a regular, systematic and organized way, by employing the measures of prohibition, information, confiscation of illegal objects, temporary withholding of personal documents, tracking of persons, objects or events, visually or by using various technical methods and resources.

(3) The prohibition measures that may be ordered against any prisoner using the privileges outside the establishment shall include:

- a) the prohibition to leave the place of temporary or permanent residence; and
- b) the prohibition to travel.

(4) Other prohibition measures shall include:

- a) the prohibition against visiting certain places or areas,
- b) the prohibition of stay near certain facilities or institutions,
- c) the prohibition against meeting with certain persons,
- d) the prohibition against visiting a certain address or addresses,
- e) the prohibition against the change of location of using the privileges,
- f) the retention of personal documents - temporarily, which can be used for border crossing and the driver's license,
- g) the requirement for personal reporting periodically to the police department or some other designated government authority,
- h) the requirement that the period of using the privileges outside the establishment should be subject to close supervision,
- i) the requirement to reside on a particular address,
- j) the requirement to be on a particular address at a certain period of time,
- k) the restriction of movement outside the perimeter of the Establishment's headquarters.

(5) Together with the use of privileges, the Governor of the Establishment may impose the prohibition measures and other prohibition measures, whether as separate or combined, as well as request from the competent police administration or other body to provide periodical or continuous information or reports concerning the manner of behaviour and the use of privileges by prisoners, or order that during their going out to town or to other place which is more than 5 kilometres away from the establishment's headquarters the prisoners could visit such places only with the prior written approval of the Governor containing a mandatory indication of such place.

(6) During the serving of the sentence, the measures of prohibition or supervision shall be ordered by the Governor of the establishment. In addition to the measures referred to in paragraphs (3) and (4) of this Article, the Governor may also include other measures in accordance with the Regulation.

(7) Against the decision of the Governor under paragraph (5) of this Article, the prisoners may submit a petition or other submission to the Ministry of Justice, the Inspector responsible for supervision of the establishment's operations, or file a complaint with the Office of the State Ombudsman. For the purpose of protecting their rights, the prisoners may make these submissions individually or cumulatively at their own discretion and according to their own order of precedence, without any limitations.

#### **Article 140d** **(Execution of Prohibition Measures)**

(1) The measures of prohibition ordered with the approval for access to privileges, shall be executed by the competent police authority or other designated government authority.

(2) The Governor of the establishment shall submit to the police authorities in the place where the privileges are to be used, all written decisions on all ordered prohibition measures and requests, including all important information that may be of relevance for the matters of safety and the protection of public order, in addition to information about all prisoners using the privileges in their area of responsibility.

(3) All written decisions and information referred to in paragraph (2) of this Article shall also be delivered by the Governor of the establishment to another state authority designated to execute the prohibition measures, the specific request or supervision. "

#### **Article 16**

In Article 141 (Limitations on Access to Privileges), in paragraph (1), the words "one half" shall be replaced with the words "three fifths".

In paragraph (2), the words "five and ten years" shall be replaced with the words "eight and ten years", whereas the words "one third" shall be replaced with the words "one half", and after the words "prison sentence has been served", at the end of the paragraph,

a comma and the following new words shall be added: “whereas the persons sentenced to prison between five and eight years may be granted the privileges to be used outside the establishment after one third of the prison sentence has been served.”

After paragraph (8) a new paragraph (9) shall be added to read as follows:

“(9) While undergoing a medical treatment in a medical institution outside the establishment, the prisoner may not be granted the privileges to be used outside the establishment.”

### **Article 17**

After Article 157, a new Article 157a. shall be added to read as follows:

#### **“Article 157a. (Governor’s Mandatory Proposal for Conditional Release)**

(1) The Governor of the establishment shall have an *ex officio* obligation to send to the Commission the proposals for all prisoners that may be considered for conditional release and so within the period of 30 days before the end of two thirds of the imposed sentence and that meet the required conditions in the domain of conditional release.

(2) The proposals referred to in paragraph (1) of this Article shall be submitted by the Governor to the Commission, according to their contents, scope and procedure, as provided under Article 157 of this Law.”

### **Article 18**

In Article 160 (Appeal and Re-application), in paragraph (2), the word: “temporary” shall be replaced by the word: “early”.

### **Article 19**

After Article 160, a new Article 160a. shall be added to read as follows:

#### **“Article 160a. (Responsibility to Decide the Requests for Conditional Release)**

With a view to acting upon the application or the proposal to decide the conditional release of a prisoner convicted by a particular entity court or the Court of the Brcko District of BiH on the basis of the laws of the entities and the Brcko District of BiH, who is serving a prison sentence, or who, while serving the sentence, has been transferred to an establishment of the other entity, an establishment of the Brčko District or to the Establishment, the responsibility shall rest with an authority of the entity or the Brcko District respectively, in the territory of which there is the head office of the court

adjudicating in the first instance or imposing the first instance judgment by applying the relevant legal regulations, unless otherwise determined by a separate law.”

## **Article 20**

After Article 164, a new Article 164a. shall be added to read as follows:

### **"Article 164a. (Notification to the Establishment about the Assistance Required after the Execution of the Sentence)**

(1) In addition to the assistance on release referred to in Article 164 of this Law, before releasing the prisoner from serving the prison sentence, the Establishment shall determine whether and what assistance is to be required for the prisoner after his or her release.

(2) About the need for and the type of the assistance referred to in paragraph (1) of this Article, the Establishment shall notify the social welfare authority according to the place of permanent or temporary residence of the released person, as well as another institution or legal entity, or an appropriate organization or association whose scope of responsibility is to provide assistance to persons released from serving prison sentences.

(3) The released foreigner nationals shall receive payment for the costs of transportation to the border crossing point, unless otherwise provided by a special regulation.”

## **Article 21**

After Article 165, a new Article 165a. and 165b. shall be added to read as follows:

### **“Article 165a. (Notification to the Establishment about the Assistance Required for Conditionally Released Persons)**

At the time of releasing a person who is being conditionally released from the establishment, in addition to delivering the information to the authorities referred to in Article 126 in connection with Article 165 of this Law, the Establishment shall establish whether and what assistance is to be required for the person and shall notify within 3 days following the start of the person’s conditional release the social welfare authority responsible according the place of temporary residence of the conditionally released person, as well as other institution or legal entity, or an appropriate organization or association whose scope of responsibility is to provide assistance to persons released from serving prison sentences.

**Article 165b.**  
**(Release by Reason of Amnesty and Pardon)**

(1) In the event that the prisoner is to be released from the Establishment on the basis of the Amnesty Law, the Establishment shall release the person no later than 24 hours after receiving the amnesty decision, unless otherwise determined by the Amnesty Law.

(2) In the event that the prisoner is to be released from the Establishment on the basis of a pardon decision, the Establishment shall release the person on the same day upon receiving the pardon decision, but not later than within 24 hours following it.

**Article 22**

After Article 168, a new Article 168a. shall be added to read as follows:

**“Article 168a.**  
**(Juveniles Placed in Other Establishments or Special Wards)**

(1) For minor persons sentenced to prison by a competent court of any entity or the Brcko District of BiH, in the event of the lack of possibility of accommodation, implementation of modern educational measures and treatment, as well as the lack of possibility of serving the juvenile prison sentence in a special unit for juveniles in the Establishment or in a special establishment in the entity in which the prisoner has taken the permanent or temporary residence, the Minister of Justice may take the decision ordering that such juvenile prisoners are to serve the sentence in an appropriate establishment in the other entity in Bosnia and Herzegovina.

(2) An application made on the grounds specified under paragraph (1) of this Article shall be submitted by the court of the place of permanent or temporary residence that is responsible for transferring such persons to accommodation, through the relevant entity Ministry of Justice or the Judicial Commission of the Brcko District of BiH, which shall have to give the prior written approval for placement of the juvenile in the establishment or the special unit of the other entity.

(3) On the basis of the decision taken by the Minister of Justice, the court of the place of the permanent or temporary residence shall transfer the person sentenced to juvenile prison to the appropriate establishment or a special unit for juveniles in the establishment of the other entity, following the prior approval of the Ministry of Justice of that entity.

(4) The placement costs shall be borne by the entity Ministry of Justice or by the Judicial Commission of Brcko District of BiH, as appropriate, depending on which of them gave the written approval for placement of such juveniles to the appropriate special unit, or to the establishment for juveniles of the other entity.”

**Article 23**  
**(Consolidated Text)**

The Constitutional and Legal Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and the Constitutional and Legal Committee of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina is authorised to establish the consolidated text of the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures within 60 days following the publication of this Law in the “Official Gazette of Bosnia and Herzegovina”.

**Article 24**  
**(Harmonisation of Legislation)**

The competent authorities of the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brcko District shall harmonise their laws in this area with this Law within the period of 90 days.

**Article 25**  
**(Entry into Force)**

This Law shall enter into force on the eighth day following its publication in “Official Gazette of Bosnia and Herzegovina”.

PA BiH No. 348/09  
27 April 2009  
Sarajevo

Chairman  
House of Representatives  
BiH Parliamentary Assembly  
**Beriz Belkic**, *manu propria*

Chairman  
House of Peoples  
BiH Parliamentary Assembly  
**Ilija Filipović**, *manu propria*