

# Decision Enacting the Law on the Prosecutor's Offices of the Republika Srpska

**In the exercise** of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

**Recalling** paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) "measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

**Recalling further** paragraph 12.1 of the Declaration of the Peace Implementation Council which met in Madrid on 15 and 16 December 1998, which made clear that the said Council considered that the establishment of the rule of law, in which

all citizens had confidence, was a prerequisite for a lasting peace, and for a self-sustaining economy capable of attracting and retaining international and domestic investors;

**Bearing in mind** the reinvigorated strategy for judicial reform to strengthen the Rule of Law efforts in Bosnia and Herzegovina in 2002/03 which was endorsed by the Steering Board of the Peace Implementation Council on 28 February 2002 and noting that the aforementioned strategy was devised in response to calls by the authorities in Bosnia and Herzegovina for firmer International Community actions to tackle economic crime, corruption and problems inherent in the judicial system;

**Further bearing in mind** the communiqué of the Steering Board of the Peace Implementation Council issued at Sarajevo on 7 May 2002 wherein it was stated that the establishment of a single High Judicial and Prosecutorial Council would “lay the foundations for further reform of the judiciary, such as the re-structuring of the court and prosecutorial systems”;

**Considering** that the communiqué of the Steering Board of the Peace Implementation Council issued at Sarajevo on 31 July 2002 called upon the authorities in Bosnia and Herzegovina to assist in the timely establishment of the High Judicial and Prosecutorial Council and in the re-structuring of the Court and Prosecutorial systems;

**Conscious** of the necessity to pursue the re-structuring and selection process following the establishment of the High Judicial and Prosecutorial Council of the Republika Srpska and that re-structuring is a fundamental step towards reforming and strengthening the Prosecutorial system;

**Observing** that criminal activities continue to infringe on the economic, fiscal, commercial and other social rights and interests of the citizens of Bosnia and Herzegovina and that the re-structuring of the Prosecutorial System in the

Republika Srpska will advance the robust fight against crime in Bosnia and Herzegovina;

**Convinced of** the vital importance to Bosnia and Herzegovina of ensuring that the rule of law is strengthened and followed in order to create the ground for economic growth and foreign investment;

**Mindful therefore** both of the urgency and of the need to re-structure the Prosecutorial System of the Republika Srpska and for all the reasons as aforesaid,

I hereby issue the following

## **DECISION**

**Enacting the Law on the Prosecutor's Offices of the Republika Srpska, which is hereby attached as an integral part of this Decision.**

The said Law shall enter into force as a law of the Republika Srpska as provided for in Article 53 thereof on an interim basis, until such time as the Republika Srpska National Assembly adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into effect forthwith and shall be published without delay in the Official Gazette of the Republika Srpska.

## **LAW ON THE PROSECUTOR'S OFFICES REPUBLIKA SRPSKA**

### **I. GENERAL PROVISIONS**

#### **Article 1**

The Prosecutor's Offices are autonomous state bodies which, within the rights and duties of the Republika Srpska, shall undertake, as provided by Law, certain measures concerning the

investigation and prosecution of persons that may have committed criminal offences and shall file legal expedients for the purpose of protecting legality and constitutionality.

## **Article 2**

The Prosecutor's Offices shall perform their function in conformity with the Constitution of Bosnia and Herzegovina and the Republika Srpska and on the basis of the Laws of Bosnia and Herzegovina and the Republika Srpska.

## **Article 3**

Within their competence, Prosecutor's Offices shall protect the exercise of human rights and civil freedoms guaranteed by the Constitutions of Bosnia and Herzegovina and the Republika Srpska, and the rights and interests of legal entities as defined by law, and shall ensure constitutionality and legality.

## **Article 4**

The Prosecutor's Offices shall be established and abolished by Law.

## **Article 5**

(1) The function of prosecution shall be performed by the Chief Republic Prosecutor, Deputy Chief Republic Prosecutor(s) and Republic Prosecutor(s) in the Office of the Republic Prosecutor.

(2) Functions of public prosecution shall also be performed by Chief District Prosecutors, Deputy Chief District Prosecutor(s) and District Prosecutor(s) in the Offices of the District Prosecutors.

(3) Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall be selected and appointed by the High Judicial and Prosecutorial Council of the Republika Srpska

(hereinafter: the High Judicial and Prosecutorial Council).

(4) The Chief Republic Prosecutor and Chief District Prosecutor, respectively, shall have not more than two Deputy Chiefs. The number of Deputy Chief Prosecutors and Prosecutors shall be determined by the High Judicial and Prosecutorial Council.

(5) The Chief Republic Prosecutor and the Chief District Prosecutors shall have not more than two Deputies. If the Chief Prosecutor has two Deputy Chiefs, the High Judicial and Prosecutorial Council shall, upon the proposal of the respective Chief Prosecutor, appoint one of the two Deputy Chiefs as the Chief Prosecutor's First Deputy.

## **Article 6**

(1) The Republic Prosecutor's Office shall be represented and chaired by the Chief Republic Prosecutor, and the District Prosecutor's Offices shall be represented and chaired by the respective Chief District Prosecutor.

(2) Deputy Chief Prosecutors and Prosecutors shall perform the tasks entrusted to them by the Chief Prosecutor and shall be accountable to the Chief Prosecutor regarding the execution of those tasks.

(3) Deputy Chief Prosecutors and Prosecutors may perform any action in the proceedings before a court or governmental body, which the Chief Prosecutor is legally authorized to perform.

## **Article 7**

(1) The mandate of the Chief Prosecutors and Deputy Chief Prosecutors is six years and they may be re-appointed. This mandate shall be subject to resignation, mandatory retirement age, or removal from office for cause. Upon expiration of the mandate, the Chief Prosecutors and Deputy Chief Prosecutors shall continue to perform their duties as Prosecutors.

(2) The mandate of the Prosecutors shall be permanent. This mandate shall be subject to resignation, mandatory retirement age, or removal from office for cause.

## **Article 8**

The Republic Collegium of Prosecutors shall consist of the Chief Republic Prosecutor, the Deputy Chief Republic Prosecutor(s), and the Republic Prosecutors. Each District Collegium of Prosecutors shall consist of the Chief District Prosecutors, Deputy Chief District Prosecutor(s), and District Prosecutors, respectively.

## **Article 9**

(1) The Chief Republic Prosecutor shall supervise the performance of Chief District Prosecutor's Offices in order to guarantee the legality and efficiency of proceedings. Upon his/her request the District Prosecutor's Offices shall provide case reports with details of measures undertaken by the office.

(2) The Chief District Prosecutors shall regularly, and at least once every six months, submit to the Republic Prosecutor's Office reports on the crime situation and the resolution of cases.

## **Article 10**

The Prosecutor's Offices have the right and duty, within the framework of performing their functions, upon their own initiative or upon demand, to inform the Republika Srpska National Assembly, the Government of the Republika Srpska and the President of the Republika Srpska, in relation to the implementation of criminal law in the Republika Srpska and on the performance of their respective Offices.

## **Article 11**

(1) The Prosecutor's Offices may inform the public and

appropriate authorities and organizations, through the media or other means, about the crime situation in the Republika Srpska.

(2) Within the scope of the work as defined by Law and in accordance with the interests of proceedings, the Prosecutor's Offices may inform the public about individual cases prosecuted if the information concerned is of public interest. On the occasion of informing the public, the Prosecutor's Offices shall be guided by the interests of justice, bearing in mind the standards referred to in Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **Article 12**

(1) The Prosecutor's Offices shall monitor and analyze problems in the prosecutorial practice of the Republika Srpska, which are important for the implementation of the Republika Srpska Criminal Law.

(2) Regarding the issues within the responsibilities of the Prosecutor's Offices which are important for the implementation of the Republika Srpska Criminal Law and which are within the scope of competencies defined in Article 9 of this Law, the Chief Republic Prosecutor and the Chief District Prosecutors may take joint stances at a session convened by the Chief Republic Prosecutor upon his/her initiative or upon the proposal of a Chief District Prosecutor.

## **Article 13**

(1) In the Prosecutor's Offices the Bosnian, Croat, and Serb languages shall be equally used.

(2) Additionally, the Prosecutor's Offices may use other languages as a means of communication.

(3) In the Prosecutor's Offices the Latin and Cyrillic

alphabets shall be equally used.

#### **Article 14**

(1) Republika Srpska regulations on the employment of officials in administrative bodies shall accordingly apply to officials of the Prosecutor's Offices, unless otherwise provided by this Law.

(2) Republika Srpska regulations on governmental administration related to the management and responsibilities of a senior official and his/her deputy shall accordingly apply to the Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors, unless otherwise provided by this Law.

#### **Article 15**

(1) The Prosecutor's Offices shall have their seal in accordance with the Law on the Seal of the Republika Srpska (Official Gazette of the Republika Srpska, 11/2, 63/01).

(2) The title of the Prosecutor's Offices and the Coat of Arms of the Republika Srpska must be displayed on the Prosecutor's Offices' buildings.

(3) The seat of the Republic Prosecutor's Office shall be in Banja Luka.

### **II. GENERAL RESPONSIBILITIES AND POWERS**

#### **Article 16**

Prosecutor's Offices shall investigate and prosecute persons that may have committed criminal offences pursuant to the Law of the Republika Srpska and they shall file legal expedients for the purpose of protecting legality and constitutionality.

#### **Article 17**



(1) The Chief Republic Prosecutor shall initiate proceedings before the Constitutional Court of the Republic for the assessment of the constitutionality of laws of the Republic to be applied in criminal proceedings if the issue of constitutionality is raised in his/her practice.

(2) Chief District Prosecutors shall inform the Chief Republic Prosecutor if the issue of constitutionality is raised in their practice.

### **Article 18**

(1) If the Chief Prosecutors, Deputy Chief Prosecutors or Prosecutors determine that due to a violation of Law or an International Treaty there are well-founded reasons for him/her to pursue a legal remedy against an executive Court decision or a decision issued in administrative or other proceedings, he/she may demand that the enforcement of such a decision be postponed or cancelled, if its enforcement may cause irreversible detrimental consequences.

(2) The request for postponement or stay of execution of decision referred to in Paragraph 1 of this Article shall be filed by the Prosecutor who is authorized to use legal expedient against the decision. The request shall be filed with the Court or another authority responsible for permitting the execution and if the execution is ongoing, with the Court or another authority responsible for the execution.

(3) The Court or another authority shall postpone or stay the execution upon the request by the competent Prosecutor. The postponement or stay of execution shall last until the decision has been made regarding the legal expedient filed by the competent Prosecutor.

(4) The decision on postponement or stay of execution shall cease to be effective if the Prosecutor fails to pursue the legal expedient within 30 days from the date of receipt of decision.

## **Article 19**

The Chief Republic Prosecutor shall decide on conflicts of jurisdiction between District Prosecutor's Offices. The conflict of competence within a District Prosecutor's Office or within the Prosecutor's Office of the Republic shall be resolved by the respective Chief District Prosecutor or by the Chief Republic Prosecutor.

## **Article 20**

(1) Within the scope of his/her authority as defined by Article 9 of this Law, the Chief Republic Prosecutor may issue general or individual mandatory instructions to District Prosecutor's Offices and carry out criminal investigation and prosecution in District Courts and Basic Courts, whenever the Chief Republic Prosecutor has reason to believe that District Prosecutor's Offices have failed to implement the Criminal Law of the Republika Srpska or that the prosecution of criminal acts cannot be carried out efficiently under the jurisdiction of a District Prosecutor's Office.

(2) The Chief Republic Prosecutor may entrust some cases or actions falling within the competencies of a District Prosecutor's Office to another District Prosecutor's Office. Regardless of the competencies of a District Prosecutor's Office the Chief Republic Prosecutor may also entrust individual cases to individual Chief Prosecutors, Deputy Chief Prosecutors or Prosecutors.

## **Article 21**

(1) A Deputy Chief Republic Prosecutor or Republic Prosecutor may be temporarily assigned to a District Prosecutor's Office without his/her consent for a period of not longer than six months within a five-year period.

(2) A Chief District Prosecutor, Deputy Chief District Prosecutor, or District Prosecutor may be temporarily assigned

to another District Prosecutor's Office or to the Office of the Republic Prosecutor without his/her consent for a period of not longer than six months within a five-year period.

(3) The Chief Republic Prosecutor shall pass a decision on temporary assignment and inform the High Judicial and Prosecutorial Council accordingly.

(4) A Chief Prosecutor, Deputy Chief Prosecutor or Prosecutor who has been temporarily assigned to another Prosecutor's Office shall be entitled to a salary, allowances, and other income as specified by Law.

## **Article 22**

The Chief Prosecutor in an Office shall have the right and duty to give mandatory instructions to the Deputy Chief Prosecutor (s) or Prosecutors regarding his/her work, and additionally, may do the following:

a. Take certain actions which are in the competence of Deputy Chief Prosecutor(s) or Prosecutor(s);

b. Authorize different Deputy Chief Prosecutor(s) or Prosecutor(s) to process individual cases that are within the competence of other Deputy Chief Prosecutor(s) or Prosecutor(s); and

c. Authorize Deputy Chief Prosecutor(s) or Prosecutor(s) to perform individual activities that are within the competence of other Deputy Chief Prosecutor(s) or Prosecutor(s).

## **Article 23**

(1) As applied in this Law, mandatory work instructions shall be understood to mean instructions of a general character regarding the work and activities of Prosecutors, as well as instructions for actions in particular cases.

(2) The Chief Prosecutor shall issue mandatory work instructions of a general character, in accordance with the Rulebook.

### **III. ORGANIZATION AND WORK**

#### **Article 24**

The Prosecutor's Offices shall be the Office of the Republic Prosecutor and the District Prosecutor's Offices.

#### **Article 25**

(1) District Prosecutor's Offices shall be established for the territory of the Courts of the respective District and the Office of the Republic Prosecutor for the entire territory of the Republika Srpska.

(2) Upon the proposal of the Chief Republic Prosecutor and after having heard the respective District Prosecutor's Offices and the Government of the Republika Srpska, the High Judicial and Prosecutorial Council may establish a common District Prosecutor's Office for the territorial jurisdiction of two or more District Prosecutor's Offices.

(3) Upon the proposal of a Chief District Prosecutor and having heard the Chief Republic Prosecutor and the Government of the Republika Srpska, the High Judicial and Prosecutorial Council shall decide on the establishment or abolition of Sub-offices of a District Prosecutor's Office in municipalities of the District. Sub-offices may be opened only if there is an urgent and indispensable need for such a sub-office.

(4) District Prosecutors Offices and Sub-offices are a single organizational body. Sub-offices are established in order to guarantee efficiency of proceedings concerned.

#### **Article 26**

Prosecutor's Offices, in the fulfillment of their function, shall act as follows:

(1) District Prosecutor's Offices before Basic and District Courts and

(2) The Prosecutor's Office of the Republic before all courts of the Republic, and pursuant to Article 17, Paragraph 1, before the Constitutional Court of the Republic.

## **Article 27**

(1) District Prosecutor's Offices shall be the:

1. District Prosecutor's Office in Banja Luka for the territory of the District Court of Banja Luka;

2. District Prosecutor's Office in Bijeljina for the territory of the District Court of Bijeljina;

3. District Prosecutor's Office in Doboj for the territory of the District Court of Doboj;

4. District Prosecutor's Office in Srpsko Sarajevo for the territory of the District Court of Srpsko Sarajevo; and

5. District Prosecutor's Office in Trebinje for the territory of the District Court of Trebinje.

(2) The following District Prosecutor's Offices shall have sub-offices:

1. For the District Prosecutor's Office in Banja Luka, one sub-office in Prijedor and one sub-office in Mrkonjic Grad;

2. For the District Prosecutor's Office in Bijeljina, one sub-office in Srebrenica;

3. For the District Prosecutor's Office in Srpsko Sarajevo, one sub-office in Visegrad and one sub-office in

Vlasenica;

4. For the District Prosecutor's Office in Trebinje, one sub-office in Foca/Srbinje.

(3) Article 25, Paragraph 3 shall be applied accordingly to the abolition of the Sub-offices established in Paragraph 2 of this Article.

## **Article 28**

(1) When the Chief Republic Prosecutor is absent or incapacitated, he/she shall be replaced by the (First) Deputy Chief Republic Prosecutor, and then the Deputy Chief Republic Prosecutor, if one has been appointed. In the case that the Chief Republic Prosecutor and his/her Deputy Chief(s) are absent or incapacitated, the Republic Prosecutor, who has the most official experience, shall act as temporary Chief Republic Prosecutor. If the Chief Republic Prosecutor and his/her Deputy Chief(s) are absent or incapacitated for longer than one month, the High Judicial and Prosecutorial Council shall appoint an Acting Chief Republic Prosecutor, but not for longer than the period of six months. When this period has expired, the High Judicial and Prosecutorial Council may announce the vacancy in the Republic Prosecutor's Office.

(2) Paragraph 1 of this Article shall be relevantly applied to the District Prosecutor's Offices in the case that the Chief District Prosecutor and his/her Deputy Chief(s) are absent or incapacitated. In the case that both the Chief District Prosecutor and Deputy Chief District Prosecutor(s) are absent or incapacitated, the Chief Republic Prosecutor shall designate the acting Chief District Prosecutor for a period not to exceed six months. When that period has ended, the Chief Republic Prosecutor shall inform the High Judicial and Prosecutorial Council about the vacancy in the District Prosecutor's Office, who in turn may announce the vacancy of

the position.

## **Article 29**

Chief Prosecutors, the Deputy Chief Prosecutors, and the Prosecutors cannot be held responsible in terms of criminal or civil liability for any offense they might have committed in the course of discharging their official duties.

## **Article 30**

(1) The Republika Srpska shall be responsible for damage caused to a citizen or a legal entity by Chief Prosecutors, Deputy Chief Prosecutors, or Prosecutors in the course of discharging his/her duties by incorrect and unlawful work.

(2) The Republika Srpska may demand that the Chief Prosecutors, the Deputy Chief Prosecutors, or the Prosecutors compensate for the damage amount paid only if the damage was caused deliberately or out of gross negligence.

(3) The request to pay out damage compensation as referred to in Paragraph 2 of this Article shall be subject to the statute of limitations after six months from the day of the original damage compensation payment.

## **Article 31**

(1) At the end of each budgetary year, the Chief Republic Prosecutor shall make a statistical overview of its activities which refers to:

a) pending and completed cases (description of the criminal act, date of its commission, name, surname and date of birth of the alleged perpetrator, date of filing),

b) number of incoming cases during the current year (see item a),

c) date and kind of final or temporary decision on

pending cases in the office,

d) date and kind of final or temporary decision on cases under indictment in a court or after a court verdict.

(2) At the end of each budgetary year, on the basis of the statistical overview, the Chief Republic Prosecutor shall inform the Republika Srpska National Assembly accordingly. The Chief Republic Prosecutor shall elaborate on the development of criminality in the Republika Srpska and crime trends. The Chief Republic Prosecutor may, in his conclusions, submit proposals to reform the law. The aforementioned conclusions shall be published in the media and in other appropriate fora.

(3) The Chief District Prosecutors of the Republika Srpska shall provide the Chief Republic Prosecutor with necessary data for the purposes mentioned in Paragraph 2 of this Article.

(4) The Chief Republic Prosecutor shall be responsible for providing the above information to the Chief Prosecutor of Bosnia and Herzegovina in accordance with the Law on the Prosecutor's Office of Bosnia and Herzegovina.

#### **IV. INTERNAL ORGANIZATION OF THE PROSECUTOR'S OFFICES**

##### **Article 32**

(1) There shall be one Rulebook of the Prosecutor's Offices, which shall regulate, *inter alia*, the organization of the Republic and District Prosecutor's Offices, the number of administrative-technical staff, and the conditions for performance of such duties.

(2) The Rulebook of the Prosecutor's Offices shall be issued by the Chief Republic Prosecutor, upon approval of the Republic Collegium of Prosecutors and the High Judicial and Prosecutorial Council.



### **Article 33**

(1) The Chief Republic Prosecutor or Chief District Prosecutor directs the Office administration of his/her respective office. He/she shall issue general instructions to the prosecutorial and administrative branches of the Office in accordance with the Rulebook.

(2) At the beginning of each year, the Chief Republic or Chief District Prosecutor, respectively, shall make a general plan for the distribution of cases and for administrative matters. Regarding case distribution, the general plan must define objective criteria according to which cases shall be distributed. The general plan may be amended during the year if required due to a change in the number of incoming cases or related administrative matters or other unforeseen circumstances.

### **Article 34**

(1) The Republic Prosecutor's Office and District Prosecutor's Offices, respectively, shall have a Republic Registrar and District Registrar, appointed by the respective Collegium of Prosecutors. The Republic Prosecutor's Office and District Prosecutor's Offices shall have other staff in charge of expert, administrative and technical duties.

(2) The Registrars of the Prosecutor's Offices shall assist the Chief Republic Prosecutor or Chief District Prosecutor, respectively, in the exercise of the administrative duties and in making the administrative part of the plan under Article 33, Paragraph 2.

(3) An individual who is a graduate of a Law Faculty and has at least two years of relevant experience in law shall perform the duties of the Registrar.

(4) The Registrars of the Prosecutor's Offices shall assist the Chief Republic Prosecutor or Chief District

Prosecutor, respectively, in the preparation and execution of the budget of the Prosecutor's Offices.

### **Article 35**

(1) The Republic and District Prosecutor's Offices will keep a register of cases. When a case is received by the Office, it will be registered specifying *inter alia* the following data, if known:

- name and surname of the person against whom a criminal charge has been brought,
- nationality of the charged person,
- address of the charged person,
- date when the criminal act was committed,
- legal characterization of the criminal act,
- referring regulations of the Criminal Code,
- file number of the Office,
- file number of the Criminal Law Enforcement Agency,
- date of filing in the Office.

(2) The Chief Republic and Chief District Prosecutors, respectively, shall regulate the details of the administration in the Rulebook, drafted in co-operation with their respective Registrars, in so far as these have not already been arranged in the general instructions and the plan of distribution.

### **Article 36**

(1) A citizen of Bosnia and Herzegovina who is a graduate of a Law Faculty and who meets the general eligibility requirements for employment in governmental bodies may be accepted for work as a trainee.

(2) Trainees shall be employed in Prosecutor's Offices and shall be gradually assigned to all types of tasks in order for them to acquire practical experience in all fields of work in the Prosecutor's Offices.

(3) Trainees shall be employed for a definite time period not to exceed two years.

(4) Trainees shall be sent for practical work to Basic and District courts for part of their internship.

(5) The duration of trainees' practical work, the requirements for acquiring the right to take the bar exam, and the program and manner of taking that exam shall be regulated by a separate regulation.

### **Article 37**

The provisions of separate regulations regulating positions, rights, and duties of the employees of governmental bodies shall apply to the employees of the Prosecutor's Offices, unless otherwise provided by this or other Law.

## **V. FUNDING OF PROSECUTOR'S OFFICES**

### **Article 38**

(1) The Prosecutor's Offices shall have their own budget, which shall be included in the budget of the Republika Srpska. Before the commencement of the budget year, the Chief Republic Prosecutor shall present a draft budget to High Judicial and Prosecutorial Council of the Republika Srpska. The Chief Republic Prosecutor has the right to attend and to defend the High Judicial and Prosecutorial proposal at the sessions of the Republika Srpska National Assembly and its relevant committees whenever budgetary matters affecting the Prosecutor's Offices are discussed or decided.

(2) The Chief Republic Prosecutor, assisted by the Republic Registrar, shall be responsible for preparing and implementing the budget.

(3) At the end of each budgetary year, the Chief Republic Prosecutor shall inform the Republika Srpska National Assembly of the execution of the budget of the Prosecutor's Offices.

### **Article 39**

The competent bodies shall establish and remit the means for the work of the Prosecutor's Offices, in accordance with the need for the timely and orderly execution of its function.

### **Article 40**

Within the framework of the approved means, the funding for personnel incomes shall be established separately each year. The funding for material expenditures shall be established along with the costs of proceedings and the costs for equipping and improving the work of the Prosecutor's Offices.

### **Article 41**

(1) Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors have the right to a salary corresponding to the prosecutorial position to which he/she has been appointed.

(2) Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall be classified into three salary groups.

(a) The first salary group shall consist of District Prosecutors.

(b) The second salary group shall consist of Chief District Prosecutors and Deputy Chief District Prosecutors.

(c) The third salary group shall consist of the Chief Republic Prosecutor, Deputy Chief Republic Prosecutors and Republic Prosecutors.

## **Article 42**

The basic rate for the calculation of the Chief Prosecutor's, Deputy Chief Prosecutor's, and Prosecutor's Salary shall be equal to three average net salaries of the employees of the Republika Srpska for the preceding month.

## **Article 43**

(1) Chief Prosecutors', Deputy Chief Prosecutors' and Prosecutors' salary shall be determined by multiplying the basic rate from the previous article by the coefficient of the salary class, which shall be increased by adding the Prosecutorial wage supplement, so that the total amount shall be increased for 0.5% for each year of work commenced, with a maximum of 20%.

(2) Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall have the right to the Prosecutorial wage supplement due to the incompatibility of prosecutorial duty envisaged by Article 7 paragraph 2 of this law, and for all Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors it shall be 35%.

## **Article 44**

The following salary classes shall be determined:

(1) GROUP I

District Prosecutors – coefficient 1.5

(2) GROUP II

Chief District Prosecutors and Deputy Chief District Prosecutors -coefficient 1.8

(3) GROUP III

Chief Republic Prosecutors, Deputy Chief Republic Prosecutors and Republic Prosecutors-coefficient 2.1

(4) A senior post bonus of 20% shall be added to salaries of prosecutors who hold a Chief Prosecutor's position or are acting in the Chief Prosecutor's position.

#### **Article 45**

Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall have the right to salary compensation in the amount of the salary in the course of an annual leave and an extraordinary paid leave of absence and for the first thirty (30) days of absence from work due to sickness or disability.

#### **Article 46**

A pension for Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall be regulated according to the regulations on pension and disability insurance.

#### **Article 47**

The Chief Prosecutors, Deputy Chief Prosecutors and Prosecutors shall have the right to other personal earnings and compensations:

1. Compensation of costs for commuting to and from work,
2. Compensation for meal during office hours
3. Holiday cash grant
4. Compensation for living apart
5. Compensation for duty shifts
6. Compensation of costs for transportation in the course of the days off, from the place where he has an official apartment to the place of permanent residence and back
7. Compensation of costs of moving from the place of permanent residence to the place where he has an official apartment and back

8. Compensation of costs for education
9. Reward on the occasion of anniversaries
10. Indemnity when retiring

#### **Article 48**

Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall have the right to the compensation of costs incurred during business trips (per diems, transportation costs, and lodging costs).

#### **Article 49**

Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors shall have the right to an annual leave for the time period of thirty (30) days. Exceptionally, in accordance with the law, up to 36 days may be approved.

### **VI. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 50**

(1) Prosecutors Offices according to this law shall be established on a date as determined by the High Judicial and Prosecutorial Council. The High Judicial and Prosecutorial Council shall publish the decisions in the Official Gazette of the Republika Srpska.

(2) On the date referred to in Paragraph 1 of this Article, all laws and regulations referring to Prosecutorial positions at Basic level shall read as Prosecutorial positions at District level. Any provisions of the laws of the Republika Srpska that are inconsistent with this Law are repealed.

(3) On the date referred to in Paragraph 1 of this Article, the existing Law on Public Prosecutor's Office ("Official Gazette of the Republika Srpska," 13/00, 15/00, 16/00) shall

cease to be effective.

### **Article 51**

(1) Until regulations on internal operation of Prosecutor's Offices are enacted in accordance with this Law, existing regulations on internal operation of the Prosecutor's Offices are to be applied, unless they are inconsistent with this Law.

### **Article 52**

(1) On the date when the new Republic Prosecutor's Office is established pursuant to Article 50 Paragraph 1, the existing Public Prosecutor's Office of the Republika Srpska shall transfer property, cases from their jurisdiction and archives to the newly established Republic Prosecutor's Office.

(2) On the date when the new District Prosecutor's Offices are established pursuant to Article 50 Paragraph 1, the existing District Public Prosecutor's Offices and Basic Public Prosecutor's Offices from the territory of the District shall transfer property, cases from their jurisdiction and archives to the newly established District Prosecutor's Offices.

(3) The transfer of property, cases and archives referred to in Paragraphs 1 and 2 of this Article shall be carried out by the existing Republic, District and Basic Prosecutors who shall make an official record of the transfer.

(4) A copy of the official records shall be delivered to the Ministry of Justice of the Republika Srpska and the newly established Republic Prosecutor's Office and District Prosecutor's Offices, respectively.

### **Article 53**

This Law on the Prosecutor's Offices of the Republika Srpska shall enter into force eight (8) days after the date of its publication in the "Official Gazette of the Republika Srpska."



*Sarajevo, 21 August 2002*

*Paddy Ashdown  
High Representative*