

Decision amending the Law on the Federation Prosecutors' Office

In accordance with my authority under Annex 10 of the Peace Agreement and Article XI of the Bonn Document, I do hereby decide that the Law on Amendments to the Law on the Federation Prosecutor's Office enters into force with immediate effect on an interim basis, until the Parliamentary Assembly adopts this law in due form.

Sarajevo, 30 July 1999

Carlos Westendorp
High Representative

Law on Amendments to the Law on the Federation Prosecutor's Office

Article 1

In the Law on the Federation Prosecutor's Office ("Official Gazette of the BiH Federation", issue 2/95, 9/96 and 6/97), the name of the Law shall be changed and shall read as follows:

"Law on the Federation's Prosecutor's Office" (Interpreter's remark: the original text in Bosnian reads: "Zakon o Federalnom tuzilastvu-Federalnom tuziteljstvu" whereby the Federation Prosecutor's Office is given a dual name, the former in Bosnian and the latter in Croatian.)

Article 2

Article 5 shall be replaced with the following language:

"The Federation Prosecutor may issue mandatory instructions to cantonal and municipal prosecutors and carry out criminal prosecution in cantonal courts wherein canton prosecutors fail to implement obligatory instructions."

The Federation Prosecutor may issue obligatory instructions to cantonal and municipal prosecutors and undertake prosecution in the matters related to the economic violations as well as matters that may relate to terrorism, international terrorism, narcotics trafficking, inter-cantonal and organized crime as defined in federal legislation.

"The Cantonal and Municipal Prosecutors shall be required to act in accordance with the obligatory instruction of the Federation Prosecutor and inform in writing the Federation Prosecutor thereof, within the period of time set in the obligatory instruction."

The Federation Prosecutor may entrust some cases or actions falling within the competencies of a Cantonal or a Municipal Prosecutor to another Cantonal or Municipal Prosecutor.

Article 3

A second paragraph shall be added in Article 11 and it shall read as follows:

The Federation Prosecutor's Office shall have the jurisdiction to prosecute the persons who committed the criminal acts of terrorism, inter-cantonal crime, unauthorized drug trafficking and organized crime in criminal matters in the first instance, which the Law on the Supreme Court of the Federation of Bosnia and Herzegovina ("Official Gazette of the BiH Federation " 2/95, 9/96 and __/99) defines as the competencies of that court.

Article 4

The following paragraph shall be added to Article 12:

"The Federation Prosecutor, when performing the function of prosecution for Federal crime, as stipulated in the Constitution of the Federation and as defined in Federal legislation, proceeds in the Supreme Court of the Federation with the same powers and authority as provided for cantonal prosecutors in the Federation Criminal

Procedure Code. For other criminal acts the Federation Prosecutor proceeds in the Supreme Court and other courts of the Federation and in Cantonal courts as provided for in Article 5 of this Law.”

Article 5

After Article 13, new Articles 13a,13b,13c and 13d shall be added, and shall read as follows:

Article 13a

If there is no Deputy at the Prosecutor’s Office, and if the regular performance of duties is called into question due to the absence or incapacitation of the Prosecutor, or due to some other reasons, the responsible higher-level Prosecutor may send his/her Deputy to perform the tasks at the respective Prosecutor’s Office temporarily, but not longer than six months in one calendar year, or may decide that those duties should be temporarily performed by the Prosecutor of Deputy Prosecutor from a different Prosecutor’s Office.

Article 13 b

In the procedure of the appointment of a Municipal or Cantonal Prosecutor or his/her Deputy or Deputy Federation Prosecutor, the opinion of the Federation Prosecutor on the qualifications of the Candidate shall be obtained.

The rules on monitoring and keeping the record of the performance of Prosecutors and their Deputies, as well as the manner of obtaining the data on qualifications of the candidates for appointments referred to in the previous Paragraph, shall be prescribed by the Federation Prosecutor.

Article 13c

The Cantonal Prosecutors shall regularly, and at least once every three months, be required to submit to the Federation Prosecutor reports on the status of criminality and the resolution of cases, as well as on the performance of each Deputy Cantonal Prosecutor and Deputy Municipal Prosecutor.

Article 13d

Mutual relations between the Federal Prosecutor’s Office and the cantonal and municipal prosecutor offices shall be based on the rights and obligations defined in the Constitution and law.

In the course of undertaking the activities under its competence, the Federal Prosecutor’s Office shall co-operate with cantonal and municipal prosecutor offices for the purpose of exchange of information and experience and reaching an agreement on issues of mutual interest.

At the request of the Federal Prosecutor’s Office, cantonal and municipal prosecutor offices are obliged to submit information and reports on issues important for exercise of functions of the Federal Prosecutor’s Office and for implementation of federal policies and laws and other regulations. Information and reports shall be submitted within the deadline set by the Federal Prosecutor’s Office.

Article 6

After Article 16, a new Article 16a shall be added, and shall read as follows:

Article 16a

When the Federation Prosecutor receives a complaint in terms of the provisions of Article 151, Paragraph 4 of the Law on Criminal Procedure (“Official Gazette of the BiH Federation,” issue 43/98), he/she shall be required to verify the validity of the complaint without delay and take appropriate measures, as well as to inform the appellant of the validity of the complaint.

Article 7

In Article 43, a second Paragraph shall be added, and shall read as follows:

"The Rules on Operation and Record-Keeping in Cantonal Prosecutor's Offices must be brought into line with the Rules on Operation and Record-Keeping in the Federation Prosecutor's Office."

Article 8

In Article 18, Paragraph 1 shall be amended and shall read as follows:

"The Federation Prosecutor shall have nine deputies."

After Paragraph 1, a new Paragraph 2 shall be added, and shall read as follows:

"An equal number of Bosniaks and Croats shall be appointed to the positions of the Federation Prosecutor and his/her Deputies, and the others shall be appropriately represented."

The current Paragraph 2 shall become Paragraph 3, and Paragraph 3 shall become Paragraph 4.

Article 9

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the BiH Federation".

Office of the High Representative