

# Decisions Enacting the Law on the Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina

***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 for the Federation of Bosnia and Herzegovina 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 Federation of Bosnia and Herzegovina 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 Federation of Bosnia and Herzegovina and for all the reasons as aforesaid,

I hereby issue the following

## **DECISION**

**Enacting the Law on the Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina, which is hereby attached as an integral part of this Decision.**

The said Law shall enter into force as a law of the Federation of Bosnia and Herzegovina as provided for in Article 40 thereof on an interim basis, until such time as the Parliament of the Federation of Bosnia and Herzegovina 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 Federation of Bosnia and Herzegovina.

## **LAW ON THE FEDERATION PROSECUTOR'S OFFICE OF**

## **THE FEDERATION OF BOSNIA AND HERZEGOVINA**

### **I. GENERAL PROVISIONS**

#### **Article 1**

The Federation Prosecutor's Office is an autonomous state body

which, within the rights and duties of the Federation of Bosnia and Herzegovina (hereinafter: the Federation), shall undertake, as provided by Law, certain measures concerning the investigation and prosecution of persons that may have committed criminal offences and economic violations and conducts other activities as defined by Federation Law.

## **Article 2**

The Federation Prosecutor's Office shall perform its function in conformity with the Constitution of Bosnia and Herzegovina and of the Federation and on the basis of the Laws of Bosnia and Herzegovina and the Federation.

## **Article 3**

Within its competence, the Federation Prosecutor's Office shall protect the exercise of human rights and civil freedoms guaranteed by the Constitutions of Bosnia and Herzegovina and the Federation and the rights and interests of legal entities as defined by Law, and shall ensure constitutionality and legality.

## **Article 4**

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

## **Article 5**

(1) The function of the Federation Prosecutor's Office is carried out by the Chief Federation Prosecutor and his/her Deputy Chief Federation Prosecutors and Federation Prosecutors.

(2) The Chief Federation Prosecutor shall have two Deputy Chief Federation Prosecutors. The number of Federation Prosecutors shall be determined by the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina (hereinafter: the High Judicial and Prosecutorial

Council).

(3) The Chief Federation Prosecutor, Deputy Chief Federation Prosecutors, and Federation Prosecutors shall be selected and appointed by the High Judicial and Prosecutorial Council.

(4) The High Judicial and Prosecutorial Council shall, upon the proposal of the Chief Federation Prosecutor, appoint one of the two Deputy Chief Federation Prosecutors as the Federation Prosecutor's First Deputy Chief.

## **Article 6**

(1) The Federation Prosecutor's Office shall be represented and chaired by the Chief Federation Prosecutor.

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

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

## **Article 7**

(1) The mandate of the Chief Federation Prosecutor and the Deputy Chief Federation Prosecutors shall be 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 Federation Prosecutor and Deputy Chief Federation Prosecutors shall continue to perform their duties as Federation Prosecutors.

(2) The mandate of the Federation Prosecutors shall be permanent. This mandate shall be subject to resignation,

mandatory retirement age, or removal from office for cause.

## **Article 8**

The Federation Collegium of Prosecutors shall consist of the Chief Federation Prosecutor, the Deputy Chief Federation Prosecutors, and the Federation Prosecutors.

## **Article 9**

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

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

## **Article 10**

The Federation Prosecutor's Office has the right and duty, within the framework of performing its duties, upon its own initiative or upon demand, to inform the President of the Federation and the Vice-President of the Federation, the Parliament of the Federation and the Government of the Federation in relation to the implementation of criminal law in the Federation and the performance of the Office.

## **Article 11**

(1) The Federation Prosecutor's Office shall, through media and other means, inform the public on the crime situation in the Federation.

(2) Within the scope of work as defined by Law and in accordance with the interests of proceedings, the Federation

Prosecutor's Office may inform the public about individual cases prosecuted if the information concerned is of public interest. On the occasion of informing the public, the Federation Prosecutor's Office 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 Federation Prosecutor's Office shall monitor and analyze problems in the prosecutorial practice of the Federation, which are important for the implementation of Federation Criminal Law.

(2) Regarding the issues within the responsibilities of the Prosecutor's Office which are important for the implementation of Federation Criminal Law and which are within the scope of competencies defined in Article 20 of this Law, the Chief Federation Prosecutor and the Chief Cantonal Prosecutors may take joint stances at a session convened by the Chief Federation Prosecutor upon his/her initiative or upon the proposal of a Chief Cantonal Prosecutor.

## **Article 13**

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

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

(3) In the Federation Prosecutor's Office the Latin and Cyrillic alphabets shall be equally used.

## **Article 14**

(1) Federation regulations on the employment of officials in administrative bodies shall accordingly apply to officials of the Federation Prosecutor's Office, unless otherwise provided

by this Law.

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

## **Article 15**

(1) The Federation Prosecutor's Office shall have its seal in accordance with the Law on the Seal of the Federation of Bosnia and Herzegovina (Official Gazette of the BiH Federation, 2/94).

(2) The title of the Federation Prosecutor's Office and the Coat of Arms of the Federation must be displayed on the Federation Prosecutor's Office building.

(3) The seat of the Federation Prosecutor's Office shall be in Sarajevo.

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

### **Article 16**

(1) The Federation Prosecutor's Office shall investigate and prosecute persons that may have committed criminal offences and economic violations and conducts other activities as defined by Federation Law.

(2) The Federation Prosecutor's Office shall have first instance jurisdiction to investigate and prosecute persons who may have committed the criminal acts of terrorism, inter-cantonal crime, illicit drug trafficking and organized crime, which the Law on the Supreme Court of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH,



2/95, 9/96 and 33/99) defines as the competencies of that Court.

## **Article 17**

(1) The Chief Federation Prosecutor, performing his/her function of the prosecution of criminal acts, shall proceed before the Supreme Court of the Federation of Bosnia and Herzegovina (hereinafter: the Supreme Court) and, in accordance with Article 20 of this Law, before other courts of the Federation.

(2) In proceedings before the Supreme Court, Cantonal and Municipal courts, the Chief Federation Prosecutor, in accordance with Federation Law, shall pursue legal remedies, attend sessions and court proceedings, and undertake other actions for which he/she is authorized.

(3) The Chief Federation Prosecutor, when performing the function of the prosecution of Federation crime, as stipulated in the Constitution of the Federation and as defined in Federation legislation, shall proceed before the Supreme Court with the same powers and authority as provided for Cantonal Prosecutors in the Federation Criminal Procedure Code. As for other criminal acts, the Chief Federation Prosecutor shall proceed before all Courts as provided for by this Law.

## **Article 18**

(1) If the Chief Federation Prosecutor determines that due to a violation of Federation 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) If the Chief Federation Prosecutor files a request

referred to in Paragraph 1 of this Article, the enforcement of the decision shall be postponed or cancelled. The postponement or cancellation of the decision on enforcement shall be effective until the decision has been made regarding the legal remedy filed by the Chief Federation Prosecutor.

(3) The decision on postponement or cancellation of the enforcement shall cease to be effective if the Chief Federation Prosecutor fails to pursue the legal remedy within 30 days from the day he/she received the decision.

### **Article 19**

The Chief Federation Prosecutor shall resolve a conflict of jurisdiction between two Cantonal Prosecutor's Offices.

### **Article 20**

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

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

### **Article 21**

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

(2) A Chief Cantonal Prosecutor, Deputy Chief Cantonal Prosecutor or Cantonal Prosecutor may be temporarily assigned to another Cantonal Prosecutor's Office or to the Federation Prosecutor's Office without his/her consent for a period of not longer than six months within a five-year period.

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

- a. Take certain actions which are within the competence of Deputy Chief Federation Prosecutor(s) or Federation Prosecutor(s);
- b. Authorize different Deputy Chief Federation Prosecutor(s) or Federation Prosecutor(s) to process individual cases that are within the competence of other Deputy Chief Federation Prosecutor(s) or Federation Prosecutor(s); and
- c. Authorize Deputy Chief Federation Prosecutor(s) or Federation Prosecutor(s) to perform individual activities that are within the competence of other Deputy Chief Federation Prosecutor(s) or Federation

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 Deputy Chief Federation Prosecutors, Federation Prosecutors, Chief Cantonal Prosecutors, Deputy Chief Cantonal Prosecutors and Cantonal Prosecutors as well as instructions for actions in particular cases.

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

## **III. ORGANIZATION AND WORK**

### **Article 24**

The Federation Prosecutor's Office shall be established with jurisdiction for the entire territory of the Federation.

### **Article 25**

(1) When the Chief Federation Prosecutor is absent or incapacitated, he/she shall be replaced by the First Deputy Chief Federation Prosecutor, followed by the Deputy Chief Federation Prosecutor. If the Chief Federation Prosecutor and his/her Deputy Chief(s) are absent or incapacitated, the Federation Prosecutor, who has the most official experience, shall act as the temporary prosecutor. If the Chief Federation 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 Federation 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

Federation Prosecutor's Office.

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

## **Article 26**

The Chief Federation Prosecutor, the Deputy Chief Federation Prosecutors, and the Federation 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 27**

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

(2) The Federation may demand that the Chief Federation Prosecutor, the Deputy Chief Federation Prosecutors, or the Federation 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 28**

(1) At the end of each budgetary year, the Chief Federation 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 Federation Prosecutor shall inform the Parliament of the Federation of Bosnia and Herzegovina accordingly. The Chief Federation Prosecutor shall elaborate on the development of criminality in the Federation of Bosnia and Herzegovina and indicate crime trends. The Chief Federation 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 Cantonal Prosecutors of the Federation of Bosnia and Herzegovina shall provide the Chief Federation Prosecutor with necessary data for the purposes mentioned in Paragraph 2 of this Article.

(4) The Chief Federation 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 OFFICE**

##### **Article 29**

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

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

##### **Article 30**

(1) The Chief Federation Prosecutor directs the Office administration. 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 Federation Prosecutor 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 31**

(1) The Federation Prosecutor's Office shall have a Federation Registrar, appointed by the Federation Collegium of

Prosecutors. The Federation Prosecutor's Office shall have other staff in charge of expert, administrative and technical duties.

(2) The Federation Registrar shall assist the Chief Federation Prosecutor in the exercise of the administrative duties and in making the administrative part of the general plan under Article 30, 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 Federation Registrar shall assist the Chief Federation Prosecutor in the preparation and execution of the budget of the Federation Prosecutor's Office.

## **Article 32**

(1) The Federation Prosecutor's Office 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 Federation Prosecutor shall regulate the details of the administration in the Rulebook, drafted in co-operation with the Federation Registrar, in so far as these have not already been arranged in the general instructions and the plan of distribution.

### **Article 33**

(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 the Federation Prosecutor's Office 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 Federation Prosecutor's Office.

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

(4) Trainees shall be sent for practical work to municipal and cantonal 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 the bar exam shall be regulated by a separate regulation.

### **Article 34**

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

## **V. FUNDING OF THE FEDERATION PROSECUTOR'S**

## **OFFICE**

### **Article 35**

(1) The Federation Prosecutor's Office shall have its own budget, which shall be included in the budget of the Federation of Bosnia and Herzegovina. Before the commencement of the budget year, the Chief Federation Prosecutor shall present a budget proposal to High Judicial and Prosecutorial Council. The Chief Federation Prosecutor has the right to attend and to defend the High Judicial and Prosecutorial proposal at the sessions of the Parliament of the Federation of Bosnia and Herzegovina and its relevant committees whenever budgetary matters affecting the Federation Prosecutor's Office are discussed or decided.

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

**(3)** At the end of each budgetary year, the Chief Federation Prosecutor shall inform the Parliament of the Federation of Bosnia and Herzegovina of the execution of the budget of the Federation Prosecutor's Office.

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

### **Article 36**

(1) The Federation Prosecutor's Office 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 this decision in the Official Gazette of the Federation of Bosnia and Herzegovina.

(2) On the date referred to in Paragraph 1 of this Article, all laws and regulations referring to Prosecutorial positions at Municipal level shall read as Prosecutorial positions at

Cantonal level. Any provisions of the laws of the Federation or its Cantons that are inconsistent with this Law are repealed.

(3) On the date referred to in Paragraph 1 of this Article, the existing Law on the Federation Prosecutor's Office ("Official Gazette of the Federation of Bosnia and Herzegovina," 2/95, 9/96, 6/97, 14/97, 33/99) shall cease to be effective.

(4) Article 20 of this Law shall be applied accordingly to the existing Prosecutors Offices within the Federation with immediate effect on the date of entry into force of this Law.

### **Article 37**

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

### **Article 38**

(1) The Chief Federation Prosecutor, the Deputy Chief Federation Prosecutors, and the Federation Prosecutors are entitled to a salary and other remuneration as defined by Law.

(2) The Chief Federation Prosecutor, the Deputy Chief Federation Prosecutors, and the Federation Prosecutors shall have the right to a pension, disability and health insurance and corresponding rights in accordance with general regulations and the right to paid leave and vacations equal for all employees of the Federation Prosecutor's Office as defined by Law.

(3) The rights stipulated in Chapter XI of the Law on the Judicial and Prosecutorial Service in the Federation of Bosnia and Herzegovina ("Official Gazette" of the Federation of

Bosnia and Herzegovina, 22/00,37/01) shall apply to Chief Prosecutors, Deputy Chief Prosecutors, and Prosecutors as follows:

- Regulations previously concerning Municipal Deputy Prosecutors shall apply to Cantonal Prosecutors.
- Regulations previously concerning Cantonal Prosecutors and Deputy Cantonal Prosecutors shall apply to Chief Cantonal Prosecutors and Deputy Chief Cantonal Prosecutors, respectively.
- Regulations previously concerning the Federation Prosecutor shall apply to the Chief Federation Prosecutor and those concerning the Deputy Federation Prosecutors shall apply equally to Deputy Chief Federation Prosecutors and Federation Prosecutors;

Regulations in Article 37 of the Law on the Judicial and Prosecutorial Service in Federation of Bosnia and Herzegovina concerning Presidents and acting Presidents of Courts shall be applicable to Chief Prosecutors and acting Chief Prosecutors.

### **Article 39**

(1) On the date when the new Federation Prosecutor's Office is established pursuant to Article 36 Paragraph 1 of this Law, the existing Federation Prosecutor's Office shall transfer property, cases from their jurisdiction and archives to the newly established Federation Prosecutor's Office.

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

(3) A copy of the official record shall be delivered to the Federation Ministry of Justice and the newly established Federation Prosecutor's Office.

## Article 40

This Law on the Federation Prosecutor's Office shall enter into force eight days after the date of its publication in the "Official Gazette of the Federation of Bosnia and Herzegovina."

*Sarajevo, 21 August 2002*

*Paddy Ashdown  
High Representative*