

# Criminal legislation

Title	“Official Gazette Number”	Date of Publishing
<a href="#">Criminal Code of Bosnia and Herzegovina</a>	BH, 3/03	10/02/2003
	BH, 32/03	28/10/2003
<b>Criminal Code of Bosnia and Herzegovina (Revised Text)</b>	BH, 37/03	22/11/2003
<b>Amendments:</b>		
<a href="#">High Representative Decision Enacting the Amendment to the Criminal Code of Bosnia and Herzegovina No. 301/04</a>	BH, 54/04	08/12/2004
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 61/04	29/12/2004
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 30/05	17/05/2005
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 53/06	13/07/2006
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 55/06	18/07/2006
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 8/10	02/02/2010
<a href="#">Law Amending the Criminal Code of Bosnia and Herzegovina</a>	BH, 47/14	17/06/2014
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 22/15	16/03/2015
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 40/15	19/05/2015
<a href="#">Law on Amendments to the Criminal Code of Bosnia and Herzegovina</a>	BH, 35/18	29/05/2018
<a href="#">High Representative Decision Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina</a>	BH, 46/21	27/07/2021
<a href="#">High Representative Decision Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina (No. 10/23)</a>	BH, 31/23	05/05/2023
<a href="#">High Representative Decision Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina</a>	BH, 47/23	07/07/2023
<a href="#">Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 3/03	10/02/2003
	BH, 32/03	28/10/2003
<b>Criminal Procedure Code of Bosnia and Herzegovina (Revised Text)</b>	BH, 36/03	21/11/2003
<b>Amendments:</b>		
<a href="#">Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 26/04	07/06/2004
<a href="#">High Representative Decision Enacting the Amendments to the Criminal Procedure Code of Bosnia and Herzegovina No. 321/04</a>	BH, 63/04	31/12/2004
<a href="#">Law on Changes and Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 13/05	09/03/2005
<a href="#">Law on Changes and Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 48/05	19/07/2005
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina No. 15/06</a>	BH, 46/06	19/06/2006
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina No. 38/07</a>	BH, 29/07	17/04/2007
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina No. 01/07</a>	BH, 53/07	16/07/2007

<a href="#">Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 58/08	21/07/2008
<a href="#">Law on Changes to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 12/09	10/02/2009
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina No. 24/09</a>	BH, 16/09	16/02/2009
<a href="#">Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 93/09	01/12/2009
<a href="#">Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 72/13	17/09/2013
<a href="#">Law on Amendments to the Criminal Procedure Code of Bosnia and Herzegovina</a>	BH, 65/18	21/09/2018
<b><a href="#">Criminal Code of Republika Srpska</a></b>	RS, 64/17	10/07/2017

NOTE: According to the BHCC Decision U-21/23 ("Official Gazette of Bosnia and Herzegovina," 9/24) from January 18, 2023, Article 280a of this Law is unconstitutional. In deciding the request filed by Denis Zvizdić, the Second Deputy Chairman of the House of Representatives of the Parliamentary Assembly of BiH and 14 Members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, the Constitutional Court hereby established that Article 280a of the Criminal Code of the Republika Srpska (Official Gazette of the Republika Srpska, 64/17, 104/18, 15/21, 89/21, [www.ohr.int](http://www.ohr.int) – Decision of the HR nos. 12/23 and 73/23) is not compatible with Article II(3)(h) of the Constitution of Bosnia and Herzegovina and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and quashed the disputed provision of the law. It further established that Articles 208a, 208b, 208v, 208g, 208d and 208đ of the cited law are compatible with Article II(3)(h) of the Constitution of Bosnia and Herzegovina and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

**Decision summary:** In considering the constitutionality of Article 280a, the Constitutional Court found that the scope of acts which could be regarded as punishable under Article 280a (*Damage to the reputation of the Republika Srpska and its Peoples*) of the contested law called into question the proportionality of the interference by way of criminal sanctions. In addition, the Constitutional Court concluded that the criminal offense referred to in Article 280a of the contested Law, which was punishable by imprisonment, left open the possibility for applying the measures stipulated by the Criminal Procedure Code to ensure the presence of the accused person and the successful conduct of the criminal procedure, or the possibility for ordering the accused into custody, which additionally confirmed the deterrent effect of Article 280a. The Constitutional Court concluded that Article 280a was not proportionate to the aims for which it was enacted and that such interference with freedom of expression was not "necessary in a democratic society.". In considering Articles 208a, 208b, 208v, 208g, 208d, and 208đ, the Constitutional Court noted that the fact that defamation, after a long period, was again prescribed as a criminal offense was not in itself against the Constitution of Bosnia and Herzegovina or the European Convention. However, the Constitutional Court also considered it necessary to point out that, although it did not judge the aforementioned provisions to be unconstitutional, the competent authorities in Republika Srpska should act with special care in the cases of criminal prosecution for the offenses prescribed by these articles and notably take care to apply the challenged provisions in accordance with standards under the well-established case law of the European and Constitutional Court. The Constitutional Court further emphasized that competent authorities should, as much as it is possible, avoid using legal remedies that could deter citizens, notably journalists, from expressing critical opinions on issues of public interest due to fear of criminal and other sanctions. The Constitutional Court concluded that Articles 208a, 208b, 208v, 208g, 208d and 208đ of the Criminal Code of the Republika Srpska were compatible with Article II(3)(h) of the Constitution of BiH and Article 10 of the European Convention.

NOTE: According to the Constitutional Court of Republika Srpska Decision's U-73/23 ("Official Gazette of Republika Srpska", 105/24), Article 190, Paragraph (6) of the Criminal Code of Republika Srpska ("Official Gazette of Republika Srpska", 64/17, 15/21, 89/21 and 73/23) in the part which reads as follows: "persons who have been or are still in an emotional or intimate relationship with each other, regardless of whether the perpetrator shares or has shared the household with the victim" is not in accordance with the Constitution of Republika Srpska.

<p align="center"><a href="#">Law on Amendments to the Criminal Code of Republika Srpska</a></p>	RS, 15/21	23/02/2021
<p align="center"><a href="#">High Representative Decision Enacting the Law on Amendment to the Criminal Code of Republika Srpska (No. 12/23)</a></p>	RS, ??/23	not published yet

<a href="#">Law on Amendments to the Criminal Code of Republika Srpska</a>	RS, 73/23	18/08/2023
<b><a href="#">Criminal Procedure Code of Republika Srpska</a></b>	RS, 53/12	17/05/2012
<a href="#">Law on Amendments to the Criminal Procedure Code of Republika Srpska</a>	RS, 91/17	04/10/2017
<a href="#">Law on Amendments to the Criminal Procedure Code of Republika Srpska</a>	RS, 66/18	04/07/2018
<a href="#">Law on Amendments to the Criminal Procedure Code of Republika Srpska</a>	RS, 15/21	23/02/2021
<b><a href="#">Criminal Code of the Federation Bosnia and Herzegovina</a></b>	FBH, 36/03	29/07/2003
Correction to the Criminal Code of the Federation Bosnia and Herzegovina	FBH, 37/03	31/07/2003
Correction to the Criminal Code of the Federation Bosnia and Herzegovina	FBH, 21/04	17/04/2004
<b>Amendments</b>		
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Code of the Federation Bosnia and Herzegovina No. 302/04</a>	FBH, 69/04	07/12/2004
	FBH, 18/05	23/03/2005
<a href="#">Law Amending the Criminal Code of the Federation Bosnia and Herzegovina</a>	FBH, 42/10	21/07/2010
<a href="#">Law Amending the Criminal Code of the Federation Bosnia and Herzegovina</a>	FBH, 42/11	13/07/2011
<a href="#">Law Amending the Criminal Code of the Federation Bosnia and Herzegovina</a>	FBiH, 76/14	19/09/2014
<a href="#">Law Amending the Criminal Code of the Federation Bosnia and Herzegovina</a>	FBiH, 46/16	15/06/2016
<a href="#">Law Amending the Criminal Code of the Federation Bosnia and Herzegovina</a>	FBiH, 75/17	04/10/2017
<a href="#">High Representative Decision Enacting the Law on Amendment to the Criminal Code of the Federation of Bosnia and Herzegovina (No. 11/23)</a>	FBiH, 31/23	28/04/2023
<b><a href="#">Criminal Procedure Code of the Federation of Bosnia and Herzegovina</a></b>	FBH, 35/03	28/07/2003
Correction to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina	FBH, 37/03	31/07/2003
Correction to the Criminal Procedure Code of the Federation of Bosnia and Herzegovina	FBH, 56/03	14/11/2003
<b>Amendments</b>		
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina No. 322/04</a>	FBH, 78/04	31/12/2004
	FBH, 28/05	11/05/2005
<a href="#">Law Amending the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 55/06	20/09/2006
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina No. 39/07</a>	FBH, 27/07	18/04/2007
	FBH, 53/07	08/08/2007
<a href="#">Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 9/09	11/02/2009

<a href="#">Law on the Changes and Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 12/10	15/03/2010
<a href="#">Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 8/13	30/01/2013
<a href="#">Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 59/14	23/07/2014
<a href="#">Law on Amendments to the Criminal Procedure Code of the Federation Bosnia and Herzegovina</a>	FBH, 74/20	16/10/2020
<b><a href="#">Criminal Code of the Brcko District of Bosnia and Herzegovina</a></b>	BDBH, 10/03	24/06/2003
<b>Amendments</b>		
<a href="#">High Representative Decision Enacting the Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina No. 304/04</a>	BDBH, 45/04	30/11/2004
<a href="#">Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 6/05	06/04/2005
<a href="#">Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 21/10	22/06/2010
	BDBH, 52/11	12/12/2011
<a href="#">Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 9/13	06/06/2013
<a href="#">Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 13/17	11/04/2017
<a href="#">Law on Changes and Amendments to the Criminal Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 50/18	16/11/2018
<b><a href="#">Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a></b>	BDBH, 10/03	24/06/2003
<b>Amendments</b>		
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina No. 323/04</a>	BDBH, 48/04	31/12/2004
<a href="#">High Representative Decision Enacting the Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina No. 41/07</a>	BDBH, 12/07	17/04/2007
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 19/07	09/07/2007
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 21/07	20/07/2007
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 2/08	12/02/2008
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 17/09	19/06/2009
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 27/14	04/07/2014
<a href="#">Law on Amendments to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 3/19	30/01/2019
<a href="#">Law Enacting an Amendment to the Criminal Procedure Code of the Brcko District of Bosnia and Herzegovina</a>	BDBH, 16/20	30/04/2020

<a href="#"><u>Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures</u></a>	BH, 13/05	09/03/2005
<a href="#"><u>High Representative Decision Enacting the Law on Amendments to the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures No. 05/07</u></a>	BH, 53/07	16/07/2007
	BH, 97/07	18/12/2007
<a href="#"><u>Law Amending the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures</u></a>	BH, 37/09	12/05/2009
<a href="#"><u>Law Amending the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures</u></a>	BH, 100/13	23/12/2013
<a href="#"><u>Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina</u></a>	FBH, 44/98	23/11/1998
<a href="#"><u>Corrigenda to the Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina</u></a>	FBH, 42/99	19/10/1999
<a href="#"><u>High Representative Decision Enacting the Law on Amendments to the Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina</u></a>	FBH, 12/09	25/02/2009
<a href="#"><u>Law on Amendments to the Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina</u></a>	FBH, 42/11	13/07/2011
<a href="#"><u>Law on the Execution of Criminal Sanctions and Sanctions Passed in Minor Offences Proceedings in Republika Srpska</u></a>	RS, 63/18	20/07/2018
<b>Witnesses Protection</b>		
<a href="#"><u>High Representative Decision Enacting the Law on Protection of Witnesses Under Treat and Vulnerable Witnesses No. 102/03</u></a>	BH, 3/03	10/02/2003
	BH, 21/03	24/07/2003
<a href="#"><u>Law on Changes and Amendments to the Law on Protection of Witnesses Under Treat and Vulnerable Witnesses</u></a>	BH, 61/04	29/12/2004
<b>ICTY</b>		
<a href="#"><u>Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina</u></a>	BH, 61/04	29/12/2004
<a href="#"><u>High Representative Decision Enacting the Law on Amendment to the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina No. 16/06</u></a>	BH, 46/06	19/06/2006
<a href="#"><u>Law on Amendments to the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina</u></a>	BH, 53/06	13/07/2006