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THE LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 93/09

[NOTE: Criminal Procedure Code of Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 3/03.](#)

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, on the 63rd session of the House of Representatives held on November, 4 2009 and on the 38th session of the House of Peoples held on November 13, 2009, passed

THE LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF BOSNIA AND HERZEGOVINA

Article 1

In the Criminal Procedure Code of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina ", nos. 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09 and 16/09), after Article 27, new Article 27a shall be added to read:

"Article 27a

Transfer of conduct of proceedings for criminal offenses referred to in

Chapter XVII of the Criminal Code of Bosnia and Herzegovina

(1) If a proceeding is conducted for the criminal offenses referred to in Articles 171 to 183 of the Criminal Code of Bosnia and Herzegovina, the Court may by its ruling transfer the conduct of proceedings to another court in whose jurisdiction the criminal offense has been attempted or perpetrated, not later than scheduling the main trial, and taking into consideration the gravity of the criminal offense, characteristics of the perpetrator and other circumstances important for assessment of complexity of the case.

(2) The Court can also make the ruling referred to in paragraph (1) of this Article at the proposal of the parties or defense counsels, whereas in the investigation stage it can do so only at the proposal of the prosecutor.

(3) The ruling referred to in paragraph (1) of this Article shall be made by the Panel comprised of three judges referred to in Article 24, paragraph (7) of this. The appeal against the ruling of the Panel shall not be allowed."

Article 2

In Article 45, paragraph (6), in the second sentence, after the word "Court", the words: "by order from the list of defense attorneys" shall be added.

After paragraph (6), new paragraph (7) shall be added to read:

"(7) If a summoned defense attorney is unable to take the defense, the Court shall summon the attorney next on the list. The Court shall notify the competent bar association about the refusal of the summoned attorney to take the defense ex officio."

Article 3

In Article 46, paragraph (2), in the second sentence, after the word "Panel", a comma punctuation mark shall be put, and the words: "in accordance with Article 45, paragraph (6)" shall be added.

Article 4

In Article 138, paragraph (1) shall be amended to read:

"(1) When the Court pronounces a sentence of imprisonment against a defendant, the Court may order custody against the defendant, i.e. the custody shall be extended if that is necessary for unhindered conduct of the criminal proceedings, taking into consideration all circumstances pertaining to perpetration of the criminal offense, i.e. personality of the perpetrator.

If it pronounces the sentence of imprisonment of five years or more severe sentence, the Court shall immediately order or extend the custody. In such cases a special ruling shall be made, and the appeal against the ruling shall not stay its execution."

Article 5

Title "CHAPTER XXX – PROCEDURE TO RENDER INTERNATIONAL LEGAL AID AND TO ENFORCE INTERNATIONAL AGREEMENTS IN CRIMINAL MATTERS " shall be deleted.

Articles 407, 408, 409, 410, 412 and 413 shall be deleted.

Current Article 411 shall become Article 407.

Article 6

Title "CHAPTER XXXI – PROCEDURE TO EXTRADITE SUSPECTS OR ACCUSED AND CONVICTED PERSONS " shall be deleted.

Articles from 414 to 431 shall be deleted.

Article 7

Current chapters from XXXII to XXXIV shall become chapters from XXX to XXXII.

Article 8

In Article 449, in paragraph (2) after the word "attorney," the word "no" shall be deleted, and after the word "case" the words: "and taking into consideration the gravity of the criminal offense, characteristics of the perpetrator and other circumstances important for assessment of complexity of the case " shall be added.

Article 9

Constitutional-Legal Commissions of the HoR and HoP of the Parliamentary Assembly of Bosnia and Herzegovina are authorized to prepare consolidated version of the CPC of Bosnia and Herzegovina.

Article 10

This Law shall enter into force on the eighth day from the day of its publishing in the "Official Gazette of Bosnia and Herzegovina".

PABiH, No. 450/09
13 November 2009
Sarajevo

Speaker
House of Representatives
Parliamentary Assembly of BiH
Dr. Milorad Živković

Speaker
House of Peoples
Parliamentary Assembly of BiH
Ilija Filipović