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LAW ON THE CENTRE FOR JUDICIAL AND PROSECUTORIAL TRAINING OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

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NOTE:

- **This Law has been adopted by FBH Parliament and published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 40/02.**
- The High Representative's Decision Enacting Amendments to the Law on the Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 59/02, is not included in this translation.

LAW ON THE CENTRE FOR JUDICIAL AND PROSECUTORIAL TRAINING OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

I. GENERAL PROVISION

Article 1 Establishment

This Law establishes and regulates the status and functions of the Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina (hereinafter: “the Centre”), the management and executive bodies of the Centre, the funding of the Centre, and the manner and conditions by which the Centre will provide training for judges and prosecutors and for those persons considering a career as a judge or prosecutor.

It shall be the object of the Centre to ensure, under the supervision of the High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina (hereinafter “High Judicial Council”), that training programmes for judges and prosecutors are designed and implemented in the light of the requirements of open-mindedness, competence and impartiality, which are bound up with the exercise of judicial and prosecutorial duties.

II. THE STATUS AND FUNCTIONS OF THE CENTRE

Article 2 Status of the Centre

The Centre shall be established as a public body.

The seat of the Centre shall be in Sarajevo.

The Government of the Federation of Bosnia and Herzegovina (hereinafter “the Federation”) shall provide appropriate premises, equipment and an annual budget for the work of the Centre.

The Centre shall be endowed with legal personality and shall be registered in court.

Article 3 Functions of the Centre

The functions of the Centre shall be the following:

- 1) To provide, under the direction and supervision of the High Judicial Council, induction training courses to those persons considering a career as a judge or prosecutor;
- 2) To provide, under the supervision of the High Judicial Council, advanced professional training for judges and prosecutors;
- 3) To award certificates of graduation on the successful completion of induction training as provided in subparagraph 1 of this paragraph and, where appropriate, annual certificates on the completion of any minimum advanced professional training requirement as established under Article 16 of this law and as provided under subparagraph 2 of this paragraph.

II. MANAGEMENT AND EXECUTIVE

Article 4
Management and Executive Bodies

The management body of the Centre shall be a Steering Board and executive authority shall be vested in a Director.

Article 5
Membership of the Steering Board

The Steering Board shall have nine members.

The members of the Steering Board shall be:

- 1) One judge of the Supreme Court of the Federation to be elected by the general session of the Supreme Court ;
- 2) One Federation Deputy Prosecutor of the Federation to be elected by the collegium of the Federation Prosecutor's Office;
- 3) Two distinguished legal professionals, having expertise within the field of training, to be appointed by the Federal Minister of Justice after consultation with professional associations, law faculties and other law-related bodies;
- 4) Two judges to be elected by the members of the Association of Judges of the Federation;
- 5) Two prosecutors to be elected by the members of the Association of Prosecutors of the Federation;
- 6) One minor offence court judge to be elected by the members of the Association of Minor Offence Judges of the Federation.

The High Judicial Council shall announce the members of the Steering Board.

Members of the Steering Board shall be appointed or elected for terms of five years. Terms are renewable only once.

The Director shall have the right to attend and participate in meetings of the Steering Board but without voting powers.

Article 6
Meetings of the Steering Board

The Chairperson shall call all general meetings of the Steering Board. Steering Board meetings shall take place at least six times per year.

Special meetings of the Steering Board may be called at the request of the Director, or by a majority of the members of the Steering Board.

Article 7
Steering Board Decisions

The Steering Board shall be able to take decisions if a minimum of six members of the Board is present.

The Steering Board shall take decisions by a majority vote. In the event that votes are evenly divided, the Chairperson of the Steering Board shall have a casting vote.

Article 8
Competencies of the Steering Board

The Board shall have the following competencies:

- 1) To adopt by-laws and other regulations of the Centre;

- 2) To establish, in accordance with the direction and under the supervision of the High Judicial Council, an induction training programme for those persons considering a career as a judge or prosecutor;
- 3) To establish, in consultation with the High Judicial Council, programmes of advanced professional training for judges and prosecutors, including judges of minor offence courts;
- 4) To establish specialised training programmes in consultation with the High Judicial Council;
- 5) To appoint and dismiss the Director of the Centre;
- 6) To adopt annual budget proposals for the functioning of the Centre and submit them to the competent authorities;
- 7) To adopt financial plans;
- 8) To adopt annual reports on the work of the Centre;
- 9) To appoint, in consultation with the Director and with the president of the relevant court or cantonal or municipal prosecutor and with approval of the High Judicial Council, judges and prosecutors to serve as trainers;
- 10) To adopt rules of procedure and carry out other duties as set out in those rules;
- 11) To fundraise for the Centre, including the seeking of donations and bequests from domestic and foreign physical and legal persons;
- 12) To co-operate with other training bodies within Bosnia and Herzegovina and of foreign countries, and in particular with any European judicial training networks, in the development of training programmes;
- 13) To hire consultants and experts as appropriate;
- 14) To carry out other activities as the Steering Board deems appropriate for the functioning of the Centre.

Article 9 **Expenses of Members of the Steering Board**

The members of the Steering Board shall fill such position without remuneration.

Members of the Steering Board shall be entitled to reimbursement by the Centre of necessary and reasonable expenses, including travel expenses, for activities performed for the benefit of the Centre and in carrying out their functions as members of the Steering Board.

Article 10 **Joint Board Meetings**

The Steering Board shall hold regular joint meetings, at least twice a year, with the management body of the corresponding Centre in the Republika Srpska and of the corresponding body in the District of Brcko to adopt and co-ordinate joint training programmes and other common activities and may enter agreements in respect of that joint training as necessary.

The Steering Board shall be empowered to adopt, in agreement with such bodies, rules of procedure governing their joint work.

The Steering Board shall be further empowered to enter into an agreement with the management body of the corresponding Centre in Republika Srpska for the creation of a single joint Board responsible for the management of both the said Centres.

Article 11 **The Director of the Centre**

The High Judicial Council shall publish in daily newspapers throughout Bosnia and Herzegovina and the official gazettes of the Federation, the Republika Srpska and the District of Brcko an announcement of the vacancy of Director of the Centre and shall submit applications to the Steering Board as they are received.

In the event of the death, resignation or removal of the Director, the High Judicial Council shall announce the vacancy as soon as possible and no later than 30 days after the post becomes vacant.

In order to qualify for appointment as Director of the Centre, a person shall meet the following requirements:

- 1) be a citizen of Bosnia and Herzegovina
- 2) have experience and skills in management and administration
- 3) be a graduate from a law school in Bosnia and Herzegovina or in the Socialist Federal Republic of Yugoslavia or from another law school provided that the diploma issued from that law school has been validated in accordance with law;
- 4) be a judge or prosecutor at the time of appointment;
- 5) possess integrity, high moral standing and demonstrated professional ability with the appropriate training and qualifications.

The appointment of the Director shall be for four years and may be renewed for one further four-year term.

The Steering Board may, by majority vote, suspend or remove the Director for the following reasons: failure to perform duties and responsibilities, negligent work habits, financial mismanagement, incapacity, attainment of retirement age, or conviction for a crime.

The Steering Board shall determine the salary of the Director, which shall not be less than the average salary earned by judges of the Supreme Court of the Federation.

Article 12

Responsibilities of the Director

The Director shall have the following responsibilities:

- 1) to execute the decisions of the Steering Board;
- 2) to organise and manage the Centre;
- 3) to prepare annual budget proposals for the functioning of the Centre;
- 4) to prepare financial plans for the Centre;
- 5) to prepare annual reports summarising the work and financial status of the Centre;
- 6) to represent the Centre before third parties;
- 7) to design and implement training programmes as established by the Steering Board;
- 8) to ensure the legality of the work of the Centre;
- 9) to perform other tasks necessary for the operation of the Centre, in accordance with the law and regulations of the Centre and the instructions of the Steering Board.

The Director shall hold regular joint monthly meetings with the director of the corresponding Centre in the Republika Srpska and the corresponding body in the District of Brcko in order to co-ordinate joint training programmes and other common activities.

Article 13

Application of Labour Laws

The provisions of the law regulating labour relations in administrative bodies governs the rights, obligations and responsibilities of the employees of the Centre.

IV. FUNDS FOR THE FUNCTIONING OF THE CENTRE

Article 14

Sources of Funds

The Centre shall receive operating funds from the Budget of the Federation, from the Cantons, cities and municipalities, from donations and bequests from domestic and foreign physical and legal persons and international organisations, from loans, and from revenues for services provided by the Centre. The Centre

may not, in any event, accept funds if their provision could be considered to compromise the independence of the Centre.

The amount of charges for the provision of services under paragraph 1 of this article shall be regulated by a by-law adopted by the Centre.

Article 15 **Expenditure of Funds**

The operating funds of the Centre shall be used for the following purposes: the payment of employee salaries, payment to persons who work under temporary service contracts, operating costs, acquisition and maintenance of necessary equipment, the repayment of any loans, and other expenses necessarily incurred carrying out the activities of the Centre that have been specifically approved by the Board.

V. ADVANCED PROFESSIONAL TRAINING OF JUDGES AND PROSECUTORS AND INDUCTION TRAINING FOR PERSONS CONSIDERING A CAREER AS A JUDGE OR PROSECUTOR

Article 16 **Advanced Professional Training of Judges and Prosecutors**

The Centre shall organise advanced professional training for judges and prosecutors in each calendar year.

The Centre shall establish, under the supervision of the High Judicial Council, a curriculum for and implement courses for advanced professional training, guaranteeing to judges and prosecutors the maintenance and broadening of the technical, social and cultural knowledge needed to perform their duties.

Judges and prosecutors shall be provided with instruction on interpreting and applying laws and procedures, ethical standards for judges and prosecutors, the latest scientific and professional developments in the field of law, the practices of judges and prosecutors from other countries, and other topics determined by the Steering Board.

The advanced professional training referred to in paragraph 1 of this Article shall be mandatory for all judges and prosecutors. The High Judicial Council, in consultation with the Steering Board, shall determine the minimum amount of training each judge and prosecutor must receive annually to satisfy this professional obligation.

The Centre shall award annual certificates to those judges and prosecutors who satisfy the minimum training requirement.

Article 17 **Induction Training**

The Centre shall provide induction training in judicial skills and on the law and practice of courts of the Federation for those persons considering a career as a judge or prosecutor.

The Centre shall establish, in accordance with the direction and under the supervision of the High Judicial Council, an induction training programme.

The Centre shall award graduation certificates to those participants who successfully complete the induction training programme under paragraph 2 of this Article.

Article 18 **Expenses of Training**

Judges and prosecutors shall be entitled to the following while attending training programmes sponsored by

the Centre:

- 1) Payment of their regular salary during the training; and
- 2) Reimbursement of necessary and reasonable expenses incurred in respect of attending any training that takes place away from their regular places of work.

Article 19 **Remuneration for Trainers**

Judges and prosecutors who provide training services for the Centre, including any time engaged in necessary preparatory activities for the provision of training at the direction of the Centre, shall receive their normal salary and appropriate allowances while doing so.

The judges and prosecutors referred to in paragraph 1 of this Article shall also be entitled to reimbursement of all necessary and reasonable expenses incurred by them in the preparation for and provision of training for the Centre that takes place away from their regular places of work. The rules and guidelines for such reimbursement shall be established in the by-laws.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 20 **Election and Appointment of first Steering Board Members and announcement of post of Director**

In the period until the High Judicial Council becomes operational, its tasks as referred to in paragraph 3 of Article 5 and paragraph 1 of Article 11 of this Law shall be performed by the Federal Ministry of Justice.

Announcement of the post of Director under paragraph 1 of Article 11 shall be made within 30 days of this Law coming into force.

The elections and appointments of the first Steering Board members must take place within 30 days of this Law coming into force and the results notified to the Federal Ministry of Justice.

The members of the first Steering Board shall be announced by the Federal Ministry of Justice within 10 days after the Ministry receives the notification referred to in paragraph 2 of this Article.

Article 21 **Convening of Steering Board**

The member of the Steering Board elected from among the judges of the Supreme Court under item 1 of paragraph 2 of Article 5 of this Law shall convene the first meeting of the Steering Board within 30 days of the announcement referred to in paragraph 4 of Article 20 of this Law. At the first meeting of the Steering Board, members shall choose a Chairperson by majority vote of those present.

Article 22 **Trainers**

The Steering Board shall, in agreement with the Director and not later than three months after this Law enters into force, establish a working body of judges and public prosecutors who shall serve as trainers for the Centre in accordance with item 9 of Article 8 of this Law.

Article 23 **Entry into Force**

This law shall enter into force eight days after publication in the Official Gazette of the Federation.