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LAW ON AMENDMENTS TO THE LAW ON THE PROCEDURE BEFORE THE CONSTITUTIONAL COURT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

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LAW ON AMENDMENTS TO THE LAW ON THE PROCEDURE BEFORE THE CONSTITUTIONAL COURT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on the Procedure before the Constitutional Court of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", No. 6/95), in Article 4, paragraph 1, in the first line, the word "and" shall be replaced with a comma punctuation mark, and in the second line, after the word "language", the comma punctuation mark shall be deleted and the words: "and Serbian language" shall be added.

In paragraph 2, in the second line, the word "and" shall be replaced with a comma punctuation mark, after the word "language", the full stop punctuation mark shall be deleted and the words: "and Serbian language" shall be added.

Paragraph 3 shall be amended to read:

"In the Constitutional Court, Latin and Cyrillic alphabets shall be official alphabets".

Article 2

In Article 9, the words: "decision of the highest Cantonal Court on the existence of the vital interest of a constitutional nation in a Canton with a special regime" shall be replaced with words: "final decision of the competent court by which it was decided on the immunity of the person who had invoked the immunity".

Article 3

Title of Chapter V and Article 42 shall be amended to read:

**"V – PROCEDURE FOR DECIDING ON ISSUES OF VITAL INTEREST OF THE
CONSTITUTENT PEOPLES**

Article 42

The Council for the Protection of Vital Interests (hereinafter: Council) shall be established within the Constitutional Court that shall be competent for deciding on issues of vital interest of the constituent peoples pursuant to the procedure specified by this Law.

The Council shall be comprised of seven members, two from each constituent people and one from among the ranks of Others. The House of Representatives and the House of Peoples shall elect the judges."

Article 4

After Article 42, new articles 42a and 42b shall be added to read:

"Article 42a

The procedure for determination of existence of vital interest of one of the constituent peoples pursuant to the Amendment XL to the Constitution shall be initiated on the basis of the notice, i.e. request of the Speaker or of one of Deputy Speakers of the House of Peoples notifying that the Joint Commission formed by the representatives of the House of Representatives and the House of Peoples failed to agree on the text of the law, regulation or act concerning the vital interest of the constituent people.

Article 42b

The procedure for determination of existence of vital interests of one of the constituent peoples represented in cantonal assembly pursuant to Amendment LXXX to the Constitution shall be initiated on the basis of the notice, i.e. request of the Speaker or of one of Deputy Speakers of the cantonal legislative body that agreement reached by majority vote within each caucus of constituent peoples represented in cantonal legislative body was not reached.

In the event referred to in paragraph 1 of this Article, the Council shall act in manner specified in the Amendment XL to the Constitution."

Article 5

In Article 43, in the sixth line, after the word "interests", the full stop punctuation mark shall be inserted, and the remaining part of the text shall be deleted.

Article 6

Article 44 shall be amended to read:

"Term of office of the Council member shall expire with termination of the duty of the Constitutional Court.

The President of the Constitutional Court shall chair the Council, if the President is a Council member, and if not, the judge elected by the Council members from their composition shall be the chair."

Article 7

In Article 45, paragraph 1, in the second line, the words "Vice President" shall be replaced with words: "one of Vice Presidents".

Article 8

In Article 46, u in third and fourth line, the words "Vice President" shall be replaced with words: "one of Vice Presidents".

Article 9

Title of Chapter VII shall be amended to read:

"VII – DECIDING ON APPEAL AGAINST THE DECISION OF A COMPETENT COURT BY WHICH IT WAS DECIDED ON IMMUNITY"

Article 10

Article 48 shall be deleted.

Article 11

Article 49 shall be amended to read:

"In the procedure of deciding on appeal against the decision of a competent court by which it was decided on immunity before the Constitutional Court, parties to the proceeding shall be the court that rendered the decision and all parties to that proceeding.

When deciding in such a proceeding, the Constitutional Court may decide to summon the parties referred to in paragraph 1 of this Article to the session of the Court."

Article 12

Article 50 shall be amended to read:

"The procedure of deciding on appeal against the decision of a competent court by which it was decided on immunity shall be urgent."

Article 13

Article 51 shall be amended to read:

"Further provisions on the procedure before the Council and on the procedure of deciding on appeal against the decision of a competent court by which it was decided on immunity shall be regulated by the Rules of Procedure of the Constitutional Court of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", No. 34/98)."

Article 14

This Law shall become effective on the day after being published in the u Official Gazette of the Federation BiH".

Speaker
House of Peoples
Parliament of the Federation BiH
Slavko Matić

Speaker
House of Representatives
Parliament of the Federation BiH
Muhamed Ibrahimović