



Emerika Bluma 1, 71000 Sarajevo  
Tel. 28 35 00 Fax. 28 35 01

## Department for Legal Affairs



# LAW ON THE EXECUTION OF CRIMINAL SANCTIONS AND SANCTIONS PASSED IN MINOR OFFENCES PROCEEDINGS IN REPUBLIKA SRPSKA

“Official Gazette of Republika Srpska”, 63/18

**NOTE:** With the entry into force of this Law, the Law on Execution of Criminal Sanctions of Republika Srpska (“Official Gazette of Republika Srpska”, nos. 12/10, 117/11, 98/13 and 44/16), shall be repealed.

# **LAW ON THE EXECUTION OF CRIMINAL SANCTIONS AND SANCTIONS PASSED IN MINOR OFFENCES PROCEEDINGS IN REPUBLIKA SRPSKA**

## **CHAPTER I**

### **BASIC PROVISIONS**

#### **Article 1**

This Law shall prescribe the method of establishment and organization of the Institutions for execution of criminal and minor offences sanctions, labor relations and rights on the basis of labor, supervision over the work of Institutions, the procedure of execution of a prison sentence, disciplinary and material responsibility of prisoners, measures for maintaining order and security, conditional release and release of prisoners, execution of long-term imprisonment, execution of a prison sentence imposed in minor offences proceedings, execution of a measure of detention, execution of fines, execution of measure of work in the public interest, execution of security measures, execution of house arrest, as well as affairs of international cooperation.

#### **Article 2**

The provisions of this Law shall apply to all persons placed in penal and correctional Institutions of Republika Srpska for the execution of imprisonment sentences imposed in criminal and minor offences proceedings, long-term imprisonment, detention measures, measures of work in the public interest, security measures of compulsory psychiatric treatment and custody in a health care Institution and compulsory treatment for addiction, as well as criminal sanctions imposed by foreign courts, unless prescribed otherwise by another law.

#### **Article 3**

- (1) The purpose of execution of criminal sanctions and minor offences sanctions (hereinafter: sanctions) is to enforce final and executive court decisions, protection of society from committing criminal offenses and separation of perpetrators of criminal offenses from the social environment in order to re-educate, treat and train them for life in freedom, in accordance with law and social norms.
- (2) Persons against whom the sanctions are executed shall retain all rights they were not deprived of by a final judgment or decision sentencing them to imprisonment, and shall be deprived or limited of their rights to the extent appropriate to the nature and content of the sanction and in a manner that ensures the respect for the perpetrator of criminal offence and his personality human dignity, in accordance with the law and international treaties.
- (3) The persons referred to in paragraph 2 of this Article shall not be imposed any restrictions that are not provided by law, and those restrictions that are imposed must be minimally necessary and proportional to the justified purpose for which they are imposed.
- (4) Acts by which persons against whom the sanctions are being executed are subjected to any form of torture, or other forms of cruel, inhuman or degrading treatment or experimentation, shall also be prohibited and punishable.

- (5) The person against whom the sanctions are executed must not be placed in an unequal position because of race, color, gender, language, religion, political or other beliefs, national or social origin, financial status, education, social status or other personal characteristics.
- (6) Persons against whom the sanctions are executed should be treated humanely, with respect of their personal dignity, protect their physical and spiritual integrity, while ensuring access to and confidential communication with domestic and international organizations and other Institutions responsible for monitoring and exercising human rights and fundamental freedoms, in accordance with the law and relevant international instruments.

#### Article 4

- (1) The execution of sanctions shall begin when the decision by which the sanction was imposed becomes final and when there are no legal obstacles to the execution.
- (2) The execution of the sanction may be started even before the decision by which the sanction was imposed became final only when it is specifically provided by law.

#### Article 5

- (1) When requirements for the execution of sanction have been met, the competent authorities shall take necessary steps in order to start executing the sanction without delay, in accordance with the provision of this Law.
- (2) The execution of sanction may be postponed or suspended only in cases and under the terms defined by this Law.

#### Article 6

- (1) The person against whom a sanction is executed shall not pay costs of the execution of the sanction, unless prescribed otherwise by law.
- (2) Submissions, official actions, decisions and other documents related to the implementation of this law shall not be subject to payment of stamp-duty.
- (3) No administrative dispute shall be brought to contest rules and regulations enacted in pursuance of this law to govern in details rights and responsibilities of persons against whom sanctions are executed.

#### Article 7

- (1) In order to monitor, study and improve the system of execution of sanctions, the Minister of Justice (hereinafter: the Minister) may establish an expert council composed of representatives from scientific Institutions, courts, administrative bodies, professional associations, other Institutions and individuals dealing with education and crime.
- (2) Bodies and other legal entities whose scope of work includes the application of social, health, educational and other measures important for the execution of certain sanctions shall cooperate with the Ministry of Justice (hereinafter: the Ministry) and Institutions for the execution of criminal and minor offences sanctions.
- (3) Affairs of the execution of sanctions provided for in this Law shall be considered affairs of special interest for Republika Srpska.

- (4) During the execution of a prison sentence, it shall be ensured that prisoners also participate in their re-education, maintenance of order and discipline, as well as in educational, cultural, sporting, entertainment and other activities.

#### Article 8

- (1) With the aim of mutual cooperation, informing, agreeing and collecting relevant data, Institutions and other bodies for execution of sanctions shall keep the prescribed records on persons against whom sanctions, detention and other measures are executed and shall submit monthly, periodic and annual reports to the Ministry.
- (2) The Minister shall issue the Rulebook on the types and method of keeping records of prisoners, detainees and juveniles.

#### Article 9

- (1) In order to improve communication, data exchange within and outside the system, keeping and monitoring statistical data in the system of execution of sanctions, an integrated information system with a single database may be introduced.
- (2) The Minister shall issue the Rulebook on the functioning of the integrated information system.

#### Article 10

- (1) As a rule, prisoners shall serve their sentences in groups.
- (2) When required by reasons of safety, health, personal characteristics of the prisoner or when so provided by law, it may be determined that the prisoner shall serve the prison sentence separately from other prisoners.
- (3) Male and female persons shall serve their prison terms separately.

#### Article 11

- (1) The terms used in this Law shall have the following meaning:
  - 1) a convicted person shall mean a person for whom has been determined by a final court decision to be criminally liable for a certain criminal offense;
  - 2) a punished person shall mean a person for whom it has been established by a final minor offence order or a final decision on a minor offence that he is liable for a certain minor offence;
  - 3) a prisoner shall mean a person who is serving a prison sentence in a penal and correctional Institution according to a final court decision pronounced in criminal or minor offence proceedings;
  - 4) a detainee shall mean a person who has not been declared criminally liable for a certain criminal offense by a final court decision, and who is in the Department for the Execution of a Detention Measure in an Institution for the Execution of Criminal and Minor Offence Sanctions, in accordance with the provisions of this Law;
  - 5) a recidivist shall mean a convicted person or person punished for minor offence who has been convicted or sentenced to imprisonment two or more times in criminal or minor offence proceedings by a final decision;
  - 6) Institutions for the execution of criminal and minor offence sanctions shall be penitentiaries and correctional facilities penal and correctional Institutions and educational and correctional facilities;

- 7) the competent court is the court that imposed the prison sentence, sent the person to serve the prison sentence or ordered measure of detention;
- 8) an authorized official shall mean a person employed in the Ministry and a penal and correctional Institution, authorized to perform tasks and authorizations in accordance with this Law, such as supervision over the work of the Institution for execution of criminal and minor offence sanctions, application of coercive means, search of premises and the like, which shall in addition perform other tasks in accordance with this Law and bylaws
- 9) a member of the security service – a police officer of a penal and correctional Institution shall mean a person employed in a penal Institution on security affairs, who wears a uniform and is armed;
- 10) a work instructor shall mean a person who, within the economic-instructor service of a penal and correctional Institution, performs vocational training of prisoners for certain occupations such as locksmith, turner, tinsmith, baker and the like;
- 11) a treatment shall mean a process that involves planned, systematic and organized activities implemented on prisoners, objective of which is to enable them to respect social norms and rules so that they no longer come into conflict with the law.
- (2) Certain terms used in this law to denote the masculine or feminine gender imply both genders.

## CHAPTER II

### INSTITUTIONS FOR THE EXECUTION OF CRIMINAL SANCTIONS AND SANCTIONS PASSED IN MINOR OFFENCES PROCEEDINGS

#### **1. Establishment and Organization of the Institutions**

##### Article 12

- (1) Institutions for the execution of criminal and minor offence sanctions shall be separate Institutions within and under immediate supervision of the Ministry.
- (2) Institutions shall be established, their territorial jurisdiction shall be determined and shall be dissolved by the Government of Republika Srpska (hereinafter: the Government), at the proposal of the Minister.
- (3) Institutions shall have the status of legal entities, and the founding act shall determine the kind, type and seat of the Institution.
- (4) Funds for the work of the Institutions shall be provided in the budget of Republika Srpska.

##### Article 13

- (1) According to the level of security, level of restriction of movement of prisoners and measures of treatment applied to them, Institutions may be semi-open or closed type Institutions.
- (2) Semi-open Institutions shall not have material and technical security, and security service of the Institution shall ensure the maintenance of peace and order and the control over movement of inmates.
- (3) Closed type Institutions, in addition to the security service, shall have material and technical security, fence walls and other physical obstacles, as well as technical means that represent an obstacle to escape.

#### Article 14

- (1) Institutions shall be organized as penal and correctional Institutions and educational and correctional facilities.
- (2) There may be special departments within and outside the seat of the Institution for the execution of:
  - 1) prison sentences for male or female persons;
  - 2) juvenile prison sentence for male or female persons;
  - 3) educational measures of sending to an educational and correctional facility for male or female juveniles;
  - 4) measure of detention;
  - 5) ward with a special regime of serving the prison sentence;
  - 6) ward with intensified supervision and intensive treatment program;
  - 7) ward of economics, farms, restaurants, motels and production facilities and work sites.
- (3) Wards referred to in paragraph 2 of this Article may be of semi-open or closed type.
- (4) Wards referred to in paragraph 2 of this Article shall be established and dissolved by the Minister.

#### Article 15

- (1) Internal organization and systematization of jobs, basic and internal organizational units, jobs, required number of executors and general and special conditions for those jobs that are not prescribed by this Law, shall be regulated by the Rulebook on internal organization and systematization of jobs, issued by the Director of the Institution, with the consent of the Minister.
- (2) The Rulebook referred to in paragraph 1 of this Article shall be published in the "Official Gazette of Republika Srpska".

#### Article 16

- (1) Prison sentence against males shall be executed in the Institutions, regardless of the length of the sentence imposed.
- (2) In the special ward of the Institution referred to in Article 14, paragraph 2, item 1) of this Law, imprisonment for female offenders shall be executed, regardless of the length of imprisonment imposed.
- (3) In the special ward of the Institution referred to in Article 14, paragraph 2, item 2) of this Law, juvenile imprisonment for male juvenile offenders shall be executed.
- (4) In the special ward of the Institution referred to in Article 14, paragraph 2, item 2) of this Law, juvenile imprisonment for female juvenile offenders shall be executed.
- (5) In the educational and correctional facility for male juveniles, i.e. in the special ward of the Institution referred to in Article 14, paragraph 2, item 3) of this Law, an educational measure of referral to an educational and correctional facility for male juveniles shall be carried out.
- (6) In the educational and correctional facility for female juveniles, i.e. in the special ward of the Institution referred to in Article 14, paragraph 2, item 3) of this Law, an educational measure of referral to an educational and correctional facility for female juveniles shall be carried out.
- (7) In the ward with a special regime of serving the prison sentence referred to in Article 14, paragraph 2, item 5) of this Law, imprisonment sentence shall be executed against

prisoners who, during the examination of their personality, are found to significantly endanger the safety of other prisoners and property in the Institution, who significantly violate order and discipline while serving their prison sentences, as well as prisoners for whom it is found that the measures taken against them previously have remained unsuccessful.

- (8) In the ward with intensified supervision and intensive treatment program referred to in Article 14, paragraph 2, item 6) of this Law, imprisonment sentence shall be executed against prisoners for whom there is a danger of escape, violent behavior against other prisoners or things, the risk of compromising the discipline and order that cannot be removed otherwise, endangered personal safety and in other justified cases.
- (9) In the ward of economics, farms, restaurants, motels and production facilities and work sites referred to in Article 14, paragraph 2, item 7) of this Law, prisoners who are engaged in the scope of work at jobs outside the Institution, shall be assigned.

#### Article 17

- (1) The way of life and organization of work of prisoners with all specifics shall be determined by the Director of the Institution with the schedule of daily activities, in accordance with the Rulebook on House Rules for Serving a Prison Sentence.
- (2) The Minister shall issue the Rulebook on House Rules for Serving a Prison Sentence referred to in paragraph 1 of this Article.

## 2. Management of Institutions

#### Article 18

- (1) The Institution shall be managed by the Director of the Institution and he shall be accountable to the Minister for his work.
- (2) The Director of the Institution shall organize the work, supervise the regularity and legality of the work, represent the Institution, decide on the rights and obligations of the employees of the Institution and perform other tasks for which he is competent under this Law and other regulations.
- (3) The Director of the Institution shall submit an annual report on the work of the Institution to the Minister.
- (4) Closed Institutions may have a Deputy Director of the Institution.
- (5) The Deputy Director of the Institution shall replace the Director of the Institution in case of his absence or impediment, assist him in performing tasks within his competence and perform other tasks assigned to him by the Director of the Institution.
- (6) In cases of absence, the director of the semi-open Institution shall be replaced by the Assistant Director of the Institution from the security service.

#### Article 19

- (1) The Director of the Institution and the Deputy Director of the Institution shall be appointed by the Minister, on the basis of a public competition for a period of five years, with the possibility of reappointment.
- (2) A person may be appointed as the Director of the Institution and the Deputy Director of the Institution, who has:
  - 1) a university degree in the field prescribed by the Rulebook referred to in Article 15 of this Law;

- 2) at least three years of work experience in managerial positions in that level of education in the jobs of execution of criminal and minor offence sanctions or justice, after completing the first cycle of studies lasting four years with at least 240 ECTS credits or equivalent achieved;
- 3) passed the professional exam in the field of execution of criminal and minor offence sanctions or the field of justice or the professional exam for work in administrative bodies.

#### Article 20

- (1) The service in the Institution shall be managed by the Assistant Director of the Institution, who shall be accountable to the Director of the Institution for his work.
- (2) The Assistant Director of the Institution, on the basis of a public competition, shall be appointed and dismissed by the Director of the Institution, with the consent of the Minister, for a period of five years, with the possibility of reappointment.

#### Article 21

- (1) A person who meets the following criteria may be appointed Assistant Director of the Institution in the security service:
  - 1) University education in the field prescribed by the Rulebook referred to in Article 15 of this Law;
  - 2) at least three years of work experience in the required level of education in the jobs of execution of criminal sanctions after completing the first cycle of studies and achieving at least 240 ECTS credits or equivalent;
  - 3) passed the professional exam in the field of execution of criminal and minor offence sanctions and the title of Chief of Police.
- (2) A person who meets the following criteria may be appointed Assistant Director of the Institution in the service of treatment:
  - 1) University education in the field prescribed by the Rulebook referred to in Article 15 of this Law;
  - 2) at least three years of work experience in the required level of education in the jobs of execution of criminal sanctions after completing the first cycle of studies and achieving at least 240 ECTS credits or equivalent;
  - 3) passed the professional exam in the field of execution of criminal and minor offence sanctions.
- (3) A person who meets the following criteria may be appointed Assistant Director of the Institution in the health service:
  - 1) Completed faculty of Medicine – title of Doctor of Medicine;
  - 2) at least one year of work experience in the required level of education after completing integrated studies and achieving at least 360 ECTS credits or equivalent;
  - 3) passed the professional exam in the field of health and a license to perform health care activities.
- (4) A person who meets the following criteria may be appointed Assistant Director of the Institution in the service for legal, financial and general affairs:
  - 1) University education in the field prescribed by the Rulebook referred to in Article 15 of this Law;
  - 2) at least three years of work experience in the required level of education in the required level of education after completing the first cycle of studies and achieving at least 240 ECTS credits or equivalent;



- 3) passed the professional exam in the field of execution of criminal and minor offence sanctions or field of justice or professional exam for work in administrative bodies.
- (5) A person who meets the following criteria may be appointed Assistant Director of the Institution in the economic-instructor service:
  - 1) University education in the field prescribed by the Rulebook referred to in Article 15 of this Law;
  - 2) at least three years of work experience in the required level of education in the required level of education after completing the first cycle of studies and achieving at least 240 ECTS credits or equivalent;
  - 3) passed the professional exam in the field of execution of criminal and minor offence sanctions or field of justice or professional exam for work in administrative bodies.

#### Article 22

- (1) A ward in the Institution shall be managed by the head of the department who shall be accountable for his work to the Director of the Institution and the Assistant Director of the Institution.
- (2) A person who meets the following criteria may be assigned to the position of the head of the department:
  - 1) University education in the field prescribed by the Rulebook referred to in Article 15 of this Law;
  - 2) at least two years of work experience after acquiring university degree in the jobs of execution of criminal sanctions;
  - 3) passed the appropriate professional exam in the field of execution of criminal and minor offence sanctions.
- (3) The Director of the Institution shall make the decision on assignment to the position of the head of the ward.

### **3. Services in the Institution**

#### Article 23

The following services shall be established in the Institutions:

- 1) Security service;
- 2) Treatment service;
- 3) Health service;
- 4) Economic-instructor service;
- 5) Service for legal, financial and general affairs.

#### Article 24

- (1) The security service shall take care of the security of the Institution, work sites and premises where prisoners stay and work, shall maintain internal order and discipline in the Institutions, conduct prisoners and detainees, unless otherwise prescribed by another law and shall perform other tasks determined by this Law and regulations based on the law.
- (2) The security service shall be performed by members of the security service – the police of penal and correctional institutions.

- (3) The duties of the internal security service shall be performed by the police officers of the Institution, who shall be, as a rule, of the same gender as the prisoners.
- (4) Vehicles used in the performance of security services shall be specially marked and equipped.
- (5) The service shall be armed and dressed in same uniforms.
- (6) The Minister shall issue the Rulebook on the manner of performing the security service in the Institutions.
- (7) The Minister shall issue the Rulebook on the titles of members of the security service, the conditions for their acquisition, uniforms and insignia.

#### Article 25

- (1) The treatment service shall plan, program, organize and implement the process of re-education of prisoners and with that objective; it shall coordinate the work of other participants in that process.
- (2) In order to achieve the purpose of the sanction referred to in Article 3 of this Law, the treatment service shall program and coordinate educational work and examine the personality of prisoners, develop a treatment program for each prisoner, assess the need for vocational education, directly and through other services shall monitor prisoners' work and behavior during the course of serving a prison sentence or educational measure, it shall collect and consolidate data and observations of educators and other persons who work directly with prisoners, analyze and study the achieved results and the impact of educational measures, and based on the achieved results take necessary measures and improve educational work in the Institution, applying modern methods, forms and contents of work.
- (3) An appropriate number of educators shall work on treatment, so that there are up to 40 prisoners per educator, or up to 20 prisoners if there are juveniles, young adults and prisoners in the group assigned to a ward with a special regime of serving a prison sentence.
- (4) Within the treatment service, a team of experts shall be formed in the admission and discharge department to examine the personality and determine the treatment program for prisoners (special/social pedagogue, pedagogue, psychologist, social worker, criminologist, and lawyer).
- (5) All professionals working in the treatment service shall take a professional exam before a commission appointed by the Minister, and members of the commission may be entitled to remuneration for their work.
- (6) The Minister shall determine the amount of remuneration by a decision.
- (7) The Minister shall issue the Rulebook on the conditions and manner of taking the professional examination of workers in the treatment service.

#### Article 26

- (1) The health service shall perform health care for prisoners, detainees and juveniles, control hygiene measures, control the quality and quantity of food, if possible organize the provision of psychiatric, dental and laboratory services and perform other tasks determined by law and regulations enacted on the basis of law.
- (2) The health service shall have at least one doctor of medicine and at least two nurses.
- (3) In the Institutions, i.e. in the special ward in which women prisoners serve their prison sentences, there shall be a room intended for the stay of a mother with a child.

- (4) Institutions must have a special room – an infirmary for the isolation and treatment of sick people.
- (5) A health professional who examines and treats prisoners, detainees and juveniles shall be guaranteed and ensured full professional independence, in accordance with the law and the code of ethics.
- (6) The Institution may also hire health workers from other health care institutions in order to achieve more complete health care.

#### Article 27

- (1) The economic-instructor service shall organize the work and conduct occupational training of prisoners, and perform other tasks determined by law and regulations enacted on the basis of law.
- (2) The Institution shall ensure the work of prisoners, which by its nature shall be beneficial.
- (3) The work of prisoners in the Institutions shall be voluntary and can be organized within the Institution and outside the Institution.
- (4) For the purpose of occupational training of prisoners, the Institutions shall provide the required number of work instructors, who shall organize working and occupational training, and perform other tasks determined by law and general acts of the Institution.
- (5) Work instructors working with prisoners shall take a professional exam before a commission appointed by the Minister, and commission members may be entitled to remuneration for their work.
- (6) The Minister shall determine the amount of remuneration by a decision.
- (7) The Minister shall issue the Rulebook on the conditions and manner of taking the professional examination of work instructors.

#### Article 28

The service for legal, financial and general affairs shall perform legal, professional-administrative, accounting-financial affairs, affairs of prison farm and deposits, keep prescribed records, organize the provision of legal and other assistance to prisoners, detainees and juveniles, and perform other tasks determined by law and regulations adopted on the basis of law, as well as common affairs of general importance for the Institution.

### CHAPTER III

#### LABOR RELATIONS AND RIGHTS BASED ON LABOR

##### **1. Establishing an employment relationship**

#### Article 29

- (1) Employment in the Institutions shall be established for an indefinite period, through a public competition or an agreement on taking over an employee from another Institution, with the consent of the Minister.
- (2) Exceptionally, employment in Institutions, without a public competition, may be established for a certain period in order to replace an absent worker until his return, due to temporarily increased the volume of work that may last intermittently or without interruption for a maximum of 24 months, with the consent of the Minister.

- (3) Deciding on the need to hire employees in the Institution falls within the responsibility of the Ministry.
- (4) When establishing employment in the Institution, the proportional representation of the constituent peoples and from the ranks of Others shall be taken into account, if the candidates applied for the vacancy meet the same conditions prescribed by law.

#### Article 30

- (1) A person who meets the following requirements may be admitted to the Institutions:
  - 1) General requirements:
    1. to be a citizen of Republika Srpska or Bosnia and Herzegovina;
    2. that he is older than 18 years of age;
    3. that he has general health capability;
    4. that he has not been convicted of a criminal offense to an unconditional sentence of imprisonment of at least six months or of a criminal offense which renders him unfit to perform work in the Institution;
    5. that he was not dismissed from the administrative body as a result of a disciplinary measure at any level of government in BiH three years before the announcement of the public competition;
    6. that Article IX paragraph 1 of the Constitution of BiH does not apply to him;
    7. that he meets other conditions established by law or other regulations;
  - 2) Special requirements:
    1. appropriate education, work experience in the required level of education, passed the appropriate professional exam and other conditions determined by the Rulebook referred to in Article 15 of this Law;
    2. notwithstanding the item 2), line 1 of this paragraph, persons who employed for a certain period due to the increased volume of work do not have to meet the conditions related to the appropriate professional exam.
- (2) Persons who establish employment in the Institutions on jobs and tasks referred to in Article 24, paragraph 2, Article 25, paragraph 3 and Article 27, paragraph 4 of this Law, in addition to the conditions provided for in paragraph 1 of this Article, should also have the health and psychophysical capabilities required to perform these tasks.
- (3) The health capabilities of the candidates referred to in paragraph 2 of this Article shall be assessed by the health institution authorized to issue medical certificates for employees with special working conditions, and the psychophysical capabilities for members of the security service referred to in Article 24, paragraph 2 of this Law by a special commission appointed by the Director of the Institution.
- (4) The persons employed and appointed in the Institutions must at all times set a good example to prisoners and detainees by their conduct and appearance.

## **2. Rights and Obligations from Labor Relationship**

#### Article 31

- (1) Due to the special working conditions and the nature of work, the jobs on which authorized officials of the Ministry and Institutions work in which there is a direct influence on prisoners and detainees, shall be determined as positions where the length of insurance shall be increased for a maximum of 16 months for 12 months of effective period of service.

- (2) The Ministry shall issue certificates on the time spent on these jobs to the persons referred to in paragraph 1 of this Article.
- (3) An employee during the internship period of service shall not be entitled to an extended period of insurance.
- (4) Jobs where the length of insurance shall be calculated with the increased duration and the degree of increase of the length of service on that basis shall be determined by a decision of the Minister.

#### Article 32

- (1) If necessary, the employed person shall be obliged to work longer than full time, and the use of annual leave may be interrupted or postponed in the interest of the service.
- (2) The Director of the Institution shall make the decision on longer working hours, postponement, or termination of the use of annual leave.

#### Article 33

- (1) The Institution shall insure the lives of employees and conclude a contract with an authorized insurance company.
- (2) In the event of the death of an employee who has lost his life in the course of or in connection with the performance of an official job or task, the costs of purchasing posthumous equipment shall be borne by the Institution.
- (3) The Special Collective Agreement for Employees in the Judiciary of Republika Srpska shall apply to the rights of the family in the event of the death of an employee.

#### Article 34

- (1) Employees in the Institutions shall be constantly engaged in in-service training and professional development in accordance with the framework plan and program of professional development and training.
- (2) The Ministry may independently and through projects of international organizations and professional associations dealing with the human rights of prisoners, detainees and juveniles organize occupational training for employees referred to in paragraph 1 of this Article, through seminars, counseling and other forms of professional development and training.
- (3) In order to improve domestic practice and its harmonization with international standards in the field of execution of sanctions, the Ministry, in accordance with the framework plan and program of professional development and training referred to in paragraph 1 of this Article, shall ensure the application of program frameworks made in cooperation with international organizations the Ministry is partner of.
- (4) The program framework referred to in paragraph 3 of this Article shall be based on international standards, conventions, norms and other acts adopted in this field, as well as on professional areas covered by international community projects contained in written materials (manuals, guidelines, collection of papers and the like).
- (5) The Minister shall enact the Framework plan and program of professional development and training of employees in the Institutions.
- (6) Based on the framework plan and program referred to in paragraph 5 of this Article, the Director of the Institution shall adopt the annual plan and program of professional development and training of employees in the Institution.

## Article 35

- (1) Checking the health and psychophysical capabilities of employees who work in jobs of security shall be performed once in two years, and if necessary, they can be sent to checks in shorter periods, which shall be decided by the Director of the Institution.
- (2) Checking the health capabilities of employees who work in other jobs for which the length of service is calculated in increased duration shall be performed once in three years, and if necessary, they can be sent to checks in shorter periods, which shall be decided by the Director of the Institution.
- (3) Checking the health capabilities of employees referred to in paragraphs 1 and 2 of this Article shall be performed by a health institution authorized to issue medical certificates for employees in jobs with special working conditions.
- (4) If the employees referred to in paragraphs 1 and 2 of this Article experience psychological changes or changes in their general health that make them incapable of performing these tasks, the employees shall be referred to the competent body for assessment of working capacity, in accordance with the law governing pension and disability insurance rights.
- (5) If the competent authority determines the existence of the remaining working capacity, the employee shall be assigned to other jobs in accordance with the capabilities of the Institution or a retraining shall be made possible to him.
- (6) If there is no possibility of assignment to other jobs, the employment referred to in paragraph 5 of this Article shall be terminated.
- (7) The Director of the Institution shall make the decision on termination of employment.

## Article 36

An employee of the Institution whose employment is terminated due to retirement shall be entitled to severance pay in accordance with the Special Collective Agreement for the area of justice for employees in the judicial institutions of Republika Srpska.

### **3. Referral to work in another Institution**

## Article 37

- (1) An authorized official referred to in Article 31, paragraph 1 of this Law, due to work needs or increased workload, may be temporarily sent without his consent to another Institution, for a maximum of six months during one year, and with his consent, for a maximum of 12 months.
- (2) The Minister shall make the decision on referral.
- (3) An objection may be lodged against the decision referred to in paragraph 2 of this Article within eight days from the day of receipt of the decision.

## Article 38

- (1) Employees of the Institution, other than employees referred to in Article 18 of this Law, may be assigned to other jobs in the Institution for which they meet the requirements of the Rulebook referred to in Article 15 of this Law, if that is required by a new organization or rationalization of work or job needs.
- (2) The Director of the Institution shall make the decision on the assignment referred to in paragraph 1 of this Article.

- (3) An objection may be filed against the decision referred to in paragraph 2 of this Article within eight days from the day of receipt of the decision.

#### Article 39

- (1) The employees of the Institution shall be evaluated once a year in order to ensure an efficient way of work evaluation, encouraging employees to show their maximum capability, noticing shortcomings in work and recognizing outstanding work, giving incentives for better work, and setting new work goals.
- (2) The Minister shall issue the Rulebook on the procedure and method of work evaluation.

#### Article 40

- (1) The employees of the Institution shall be evaluated with the following grades:
  - 1) Not satisfactory;
  - 2) Satisfactory;
  - 3) Good;
  - 4) Very good; and
  - 5) Excellent.
- (2) The Minister or a person authorized by him shall evaluate Director of the Institution and the Deputy Director of the Institution, and the Director of the Institution shall evaluate the Assistant Directors of the Institution and the heads of special wards.
- (3) The Assistant Director of the Institution shall evaluate other employees in the Institution.

#### Article 41

- (1) The Director of the Institution, Deputy Director of the Institution and Assistant Director of the Institution may file an objection to the Minister's evaluation within eight days from the day of receipt of the decision on the work evaluation.
- (2) Other employees of the Institution may file an objection to the Director of the Institution for the evaluation within eight days from the day of receipt of the decision on the work evaluation.

### **4. Dismissal Procedure**

#### Article 42

- (1) The Director of the Institution and Deputy Director of the Institution shall be dismissed by a decision of the Minister:
  - 1) after the expiration of the term for which he was appointed;
  - 2) if he resigns;
  - 3) if the annual work report is assessed with a negative grade and under other conditions provided by this Law;
  - 4) in the event that there are omissions in the performance of work that significantly affect the negative work and functioning of the Institution;
  - 5) in case of death.
- (2) Upon dismissal, the Director of the Institution or Deputy Director of the Institution shall be assigned to the Institution for jobs that correspond to their qualifications.

- (3) An appeal against the decision referred to in paragraph 1 of this Article shall not be allowed, but a dispute may be initiated before the competent court.

#### Article 43

- (1) The Assistant Director of the Institution is dismissed by the Director of the Institution:
- 1) after the expiration of the term for which he was appointed;
  - 2) in the event that the Director of the Institution determines that there have been omissions in the performance of work that significantly affect the negative work and functioning of the service, i.e. the Institution;
  - 3) in case of death.
- (2) After dismissal, the Assistant Director of the Institution shall be assigned to jobs for which he meets the conditions provided by the Rulebook referred to in Article 15 of this Law.
- (3) An appeal may be filed with the Minister against the decision referred to in paragraph 1 of this Article within 15 days from the day of receipt of the decision.

#### Article 44

- (1) The employment of an employee of the Institution shall be terminated:
- 1) in case of death;
  - 2) upon expiration of the term, if the employment relationship is for a fixed-term;
  - 3) by consensual termination;
  - 4) when he meets the conditions for entitlement to old-age pension in relation to age and years of insurance or upon reaching age and pensionable service for entitlement to old-age pension under the regulations governing the field of pension and disability insurance, and members of the security services when they turn 40 years of pensionable service, regardless of age;
  - 5) in case of termination or reorganization of the Institution or termination of the job, if he is not reassigned to another job within three months from the day when the reorganization or termination took place;
  - 6) if he is sentenced by a final judgment to an unconditional sentence of imprisonment of at least six months, except for criminal offenses committed against the safety of public traffic;
  - 7) if he refuses the assignment or when, for unjustified reasons, he does not come to the job he has been assigned to;
  - 8) if, during the establishment of the employment relationship, he withheld or gave incorrect information that were of importance for the establishment of the employment relationship;
  - 9) if there is no possibility to be assigned to jobs that correspond to his education within three months after the dismissal;
  - 10) when he receives a grade not satisfactory on two consecutive times.
- (2) The Director of the Institution shall issue a decision on termination of employment.
- (3) An appeal may be filed with the Minister against the decision referred to in paragraph 2 of this Article within 15 days from the day of receipt of the decision.

#### Article 45



In the event of reorganization or abolishment of the Institution, the Minister shall determine, by a special rulebook, the conditions for determining the redundancy of employees, the method of their care, as well as the scope of rights that belong to them on that basis.

#### Article 46

The provisions of the Labor Law, the Law on Salaries of Employees in the Judicial Institutions of Republika Srpska, the General Collective Agreement and the Special Collective Agreement for Employees in the Judicial Institutions of Republika Srpska, shall apply to employment rights not prescribed by this Law.

### **5. Disciplinary Responsibility of the Employees of the Institution**

#### Article 47

The employees of the Institution shall be responsible for the violations of work obligations and duties, which can be minor and serious.

#### Article 48

- (1) A minor violation of work obligations and duties shall be considered to be acting contrary to the rules of work and regulations on the manner of performing work in the Institutions, which has caused or could have caused harmful consequences of minor importance, and in particular:
  - 1) frequent lateness to work, unjustified absence during working hours and leaving work before close of business;
  - 2) untimely, negligent or irresponsible performance of jobs and tasks as a result of which no harmful consequences occurred.
- (2) For violations of work obligations and duties referred to in paragraph 1 of this Article, a reprimand or a fine in the amount of up to 20% of the employee's monthly salary, realized in the month in which the violation was committed, may be imposed for a maximum of three months.

#### Article 49

- (1) A serious violation of work obligations and duties shall be considered to be acting contrary to the rules of work and regulations on the manner of performing work in the Institutions, which has caused or could have caused harmful consequences of greater importance, and in particular:
  - 1) failure to execute, negligent or untimely execution of jobs and work tasks;
  - 2) receiving gifts from prisoners, detainees and members of their families;
  - 3) trade and exchange of goods with imprisoned and detained persons;
  - 4) bringing into the Institution or taking out of the Institution prohibited items for the account of prisoners and detainees, as well as aiding or abetting such actions or mutual borrowing, lending and giving for use of things, objects and means owned or possessed by prisoners and detainees, i.e. employee;
  - 5) any collusion with prisoners and detainees that obstructs the investigation, or to assist in escape;
  - 6) non-reporting of conspiracy of prisoners and detainees concerning rebellion, escape or other forms of violation of house rules;

- 7) disclosure of an official or other secret established by law or general act;
  - 8) refusal to perform the work and tasks to which the employee is assigned or refusal of the order of the immediate supervisor;
  - 9) unjustified absence from work for five working days in six months or unjustified absence from work for three consecutive days;
  - 10) coming to work under the influence of alcohol or other intoxicants, or consuming alcohol or other intoxicants during working hours;
  - 11) theft, intentional destruction, damage or illegal disposal of the Institution's assets, damage to the property entrusted to safekeeping, as well as causing damage to third parties which the Institution is obliged to compensate;
  - 12) engaging in activities that are incompatible with official activity;
  - 13) issuing or executing orders, which obviously jeopardize the safety of prisoners and detainees, as well as property;
  - 14) exceeding the authority in the use of coercive means;
  - 15) issuing an order the execution of which would constitute a criminal offense;
  - 16) avoidance of obligations related to occupational training and development;
  - 17) avoiding medical examinations to determine fitness for work;
  - 18) conduct inside and outside the Institution that damages the reputation of the Institution;
  - 19) untimely conduct in performing work obligations and duties or carrying out actions that are in conflict with the law and regulations adopted on the basis of the law;
  - 20) violation of security regulations and the danger of fire, explosion or other disasters that occurred intentionally or due to gross negligence;
  - 21) unauthorized taking and use of equipment and resources entrusted for the performance of an official task
  - 22) negligent keeping, unauthorized use and taking out of official records or data;
  - 23) violent, inappropriate and abusive behavior against other employees of the Institution and parties;
  - 24) a physical attack on another worker or a fight between them.
- (2) For serious violations of work obligations and duties, a fine in the amount of 20% to 30% of the employee's monthly salary earned in the month in which the measure is imposed, lasting from one to six months, or a measure of termination of employment, may be imposed.

#### Article 50

- (1) Disciplinary proceedings against the Director of the Institution and the Deputy Director of the Institution shall be initiated by a request submitted by the Minister or a person authorized by the Minister.
- (2) Disciplinary proceedings against an employee of the Institution shall be initiated by a request submitted by the Director of the Institution.
- (3) The request for initiating disciplinary proceedings shall be submitted to the employee to whom the proceedings relate, the disciplinary commission and the competent trade union, and no appeal shall be allowed against the request.

#### Article 51

- (1) Disciplinary proceedings initiated against the Director of the Institution and the Deputy Director of the Institution shall be conducted by a disciplinary commission appointed by the Minister.

- (2) Disciplinary proceedings initiated against employees of the Institution shall be conducted by a disciplinary commission, appointed by the Director of the Institution.
- (3) The commission shall consist of a chairperson and two members, who may have deputies.

#### Article 52

- (1) Disciplinary measures for the Director of the Institution and the Deputy Director of the Institution shall be imposed by a decision of the disciplinary commission.
- (2) Disciplinary measures for employees of the Institution shall be imposed by a decision of the Director of the Institution, at the proposal of the disciplinary commission.
- (3) An appeal may be filed with the Minister against the decision referred to in paragraphs 1 and 2 of this Article within 15 days from the day of receipt of the decision.

#### Article 53

An employee of the Institution shall be removed from the Institution in case of:

- 1) if the indictment for a criminal offense committed in the performance of his duties and tasks has been confirmed; or
- 2) if the employee is in detention or is serving a prison sentence for a criminal offence.

#### Article 54

An employee of the Institution shall be removed from the Institution in case of:

- 1) if the indictment for a criminal offense for which a prison sentence can be imposed has been confirmed – for a period of at least three years; or
- 2) if a disciplinary procedure has been initiated due to a serious violation of work duties – until the completion of the disciplinary procedure.

#### Article 55

- (1) The decision on removal of an employee of the Institution shall be made by the Director of the Institution, i.e. the Minister for the Director of the Institution and the Deputy Director of the Institution.
- (2) In the case of removal, an employee shall be entitled to a salary in the amount of 50%, while the removal lasts.
- (3) Against the decision on removal, issued by the director of the Institution, an objection may be filed with the Minister within eight days from the day of receipt of the decision.
- (4) The objection shall not stay the execution of the decision.
- (5) An appeal against the decision on removal, issued by the Minister, shall not be allowed, but a dispute can be initiated before the competent court.

#### Article 56

Provisions on initiating, conducting of and statute of limitations for disciplinary proceedings for determining violations of work obligations and duties and disciplinary responsibility of employees shall be determined by the Rulebook on disciplinary responsibility of employees in Institutions, issued by the Minister.

## **6. Special Provisions on the Security Service**

### Article 57

- (1) Members of the security service shall perform tasks and duties even in the case when the execution of those tasks and duties is dangerous for their lives.
- (2) Members of the security service shall be issued an official identity card and a badge, proving their official function and the right to carry weapons and uniforms.
- (3) The right to official identification card and badge, in addition to members of the security service referred to in paragraph 2 of this Article, shall have the Director of the Institution, Deputy Director of the Institution and inspectors in the Ministry.
- (4) The Minister shall issue the Rulebook on official identification and badges of members of the security service referred to in paragraph 2 of this Article.

### Article 58

- (1) A person admitted to the security service for the first time shall be accepted as an intern on the basis of a public competition.
- (2) During the internship, which lasts six months, the intern shall be trained to perform tasks and duties independently.
- (3) The training referred to in paragraph 2 of this Article shall be performed in the Institution or on a course for interns, in accordance with the program adopted by the Ministry.
- (4) After completing the internship, the intern shall take a professional exam before a commission appointed by the Minister, and the members of the commission may be entitled to remuneration for their work.
- (5) The Minister shall determine the amount of remuneration by a decision.
- (6) An intern in the security service who does not successfully complete the occupational training or does not pass the professional exam, i.e. who terminate the internship on his own volition, his employment relationship in the Institution shall be terminated.
- (7) The Minister shall issue the Rulebook on the conditions and manner of taking the professional exam for security service members.

### Article 59

- (1) A person who, in addition to the legally prescribed conditions for employment in an administrative body, meets the following conditions may also be accepted as an intern in the security service:
  - 1) That he is not older than 27 years of age;
  - 2) to have a secondary education, lasting four years;
  - 3) to meet health and psychophysical requirements.
- (2) For an intern in the security service, a person older than 27 and younger than 30 can be hired for jobs for which a high or university education is requested.
- (3) Prior to employment in the security service, the psychophysical abilities of the candidate shall be verified, in accordance with the Instruction on the method of verifying the psychophysical abilities of candidates for admission to the security service, issued by the Minister.

### Article 60

- (1) Notwithstanding the provisions of Article 58, paragraph 1 of this Law, a person who has worked as a member of the security service in other Institutions, police, judicial police or army may be hired as an employee in the security service without the status of intern, with the obligation to pass the professional exam within six months after starting work in accordance with the Rulebook referred to in Article 58, paragraph 7 of this Law.
- (2) The employment relationship of a person who fails to pass the professional exam within the period referred to in paragraph 1 of this Article shall be terminated.

#### Article 61

- (1) Each Institution shall establish within the Security Service a specially trained and equipped unit in order to maintain order and security of the Institution.
- (2) The Director of the Institution, with the consent of the Minister, shall issue the order on the use of a special unit of the Institution.
- (3) In the event of a major breach of order and security in the Institution, the Minister may engage, by order, one or more special units of the Institution in order to establish the disturbed order and security of the Institution.
- (4) In case of large-scale disturbances in the Institution, when due to the necessity of urgent reaction there are no conditions for engaging special units from other Institutions, the Minister may request the Minister of Interior to engage and use the nearest special unit of the Ministry of Interior, in accordance with the agreement signed between Ministry and Ministry of Interior.
- (5) The Minister shall issue the Rulebook on the organization and use of a special unit of the security service of a penal and correctional institution.

### **7. Keeping Official Secrets and Informing**

#### Article 62

- (1) All employees of the Institutions shall keep official secrets.
- (2) The obligation to keep official secrets shall continue even after the termination of employment in the Institution.
- (3) For the purpose of this Law, the following are considered to be official secret:
  - 1) data and documents obtained by the employee in the course of or in connection with the performance of work tasks, which are prescribed by official law, i.e. by a regulation adopted on the basis of law and general act, as an official secret;
  - 2) data and documents, measures and actions taken by the employee in the performance or in connection with the performance of work tasks, and the communication or disclosure of which to an unauthorized person could frustrate or hinder the work of the Institution, or would be detrimental to the interest of the Institution or another legal entity.
- (4) The Minister shall issue the Rulebook on the method of keeping official secrets.

#### Article 63

- (1) When it is in the public interest, the Minister or a person authorized by him may provide information and statements to the media on issues from the field of execution of sanctions.

- (2) Statements and information may be withheld if they disclose an official secret, seriously endangers the security of the Institution and jeopardize the human rights of prisoners and employees of the Institution.

#### Article 64

- (1) The Minister shall approve individual and group visits to the Institutions.
- (2) Representatives of domestic and foreign institutions and associations dealing with the protection of human rights shall be enabled to visit the Institutions.
- (3) The provisions referred to in paragraph 1 of this Article shall not apply to members of the competent authorities when performing official activities falling within their competence in the premises of the Institutions.
- (4) Taking out the prisoners from the Institution in order to perform official activities by order of the court or the prosecutor's office shall be performed with prior notification of the Institution.
- (5) Exceptionally, the visit may be denied if required so by security reasons in the Institution and a reasoned response shall be submitted to the institution or association referred to in paragraph 2 of this Article.
- (6) In order to inform the public about the work of the Institution, care will be taken to enable visits to representatives of public information media, scientists involved in the study of crime and the execution of sanctions, as well as students of relevant higher education institutions.
- (7) The Minister or a person authorized by him may authorize an interview with prisoners or a specific prisoner, with or without the presence of an employee of the Institution, to the persons visiting the Institution.

### CHAPTER IV

#### SUPERVISION OVER THE WORK OF INSTITUTIONS

##### **1. Competence of the Ministry in the Supervision Procedure**

#### Article 65

- (1) Supervision over the work of the Institution shall fall within the responsibility of the Ministry.
- (2) Supervision referred to in paragraph 1 of this Article, in the field of execution of sanctions, shall be performed by the Department for Supervision of the Institutions through authorized officials – inspectors, and in exceptional cases, by special authorization of the Minister, and the Head of the Supervision Department.
- (3) Supervision over the work of the Institution related to the control of financial operations, labor relations, safety at work, health and sanitary protection of prisoners and detainees, conditions and manner of food preparation, shall be performed by authorized bodies in accordance with special regulations prescribing their competence and authority.
- (4) Supervision over the work of Institutions related to the control of labor relations, in addition to the authorized bodies for supervision, by special authorization of the Minister, may be performed by the Assistant Minister for Execution of Sanctions, Chief and Senior Expert Associate of the Department for Administrative-Legal and Normative Affairs in the department of execution of sanctions.

- (5) If the supervision referred to in paragraph 4 of this Article determines irregularities or deficiencies, the execution of measures shall be ordered to eliminate the identified deficiencies, and if the director of the Institution does not execute the ordered measures, the Minister shall issue an act revoking or annulling an act of the Institution that is contrary to the law or another act.

#### Article 66

- (1) The Ministry shall supervise the application of regulations and professional work of the Institutions in order to ensure a unified system of execution of sanctions, transfer of experience, analysis and monitoring of the work of individual services and the provision of professional assistance.
- (2) The supervision referred to in paragraph 1 of this Article, which refers to the execution of imprisonment and educational measures, shall include the control of:
- 1) plans and activity programs of the Institution and its individual organizational units;
  - 2) plans and programs for occupational training and education of employees working on the execution of sanctions;
  - 3) organization and operation of security and treatment services;
  - 4) organization and work of registry records, admission and discharge department;
  - 5) ways of determining and implementing the program of action;
  - 6) security conditions;
  - 7) application of disciplinary measures against prisoners;
  - 8) implementation of health and hygiene measures;
  - 9) the state of lawful and proper treatment of prisoners and persons who, in addition to imprisonment, have also been imposed a security measure of compulsory psychiatric treatment and custody in a health institution and compulsory treatment for addiction;
  - 10) application of conditional release;
  - 11) application of this Law and other regulations governing the area of execution of sanctions;
  - 12) organization of prisoners' work;
  - 13) protection of the rights of prisoners;
  - 14) application of criteria when granting privileges;
  - 15) condition of facilities, accommodation conditions of prison, heating, food, provision of clothing and footwear for prisoners etc.
- (3) The Ministry, in cooperation with the Institutions, shall supervise the execution of the measure of work in the public interest.
- (4) In performing inspection supervision, the inspector shall independent in his work and shall undertake actions based on this Law and other regulations.
- (5) The Minister shall issue the Rulebook on the method of performing inspection supervision over the work of the Institutions.

## **2. Method of performing inspection supervision**

#### Article 67

- (1) In performing supervision, the Director of the Institution and the employees of the Institution shall cooperate with the inspectors, make available all the required documentation and necessary data and enable them to work uninterruptedly.

- (2) In performing supervision, inspectors may talk to prisoners without the presence of employees of the Institution, as well as with employees of the Institution, without the presence of their immediate supervisors or the Director of the Institution.
- (3) When he deems it necessary, the inspector may take statements from the person referred to in paragraph 2 of this Article, which shall be put in the record.

#### Article 68

- (1) The inspector shall draft a record on the performed supervision, which shall be submitted to the Minister and the Director of the Institution.
- (2) In order to eliminate the observed irregularities and shortcomings in the work, the inspector, based on the authorization of the Minister, shall issue a decision in which he shall order certain measures and deadlines for their elimination, and for the improvement of work, he shall give certain proposals or recommendations.
- (3) The decision on the ordered measures shall be submitted to the Director of the Institution.
- (4) A copy of the documentation subject to supervision may be submitted as an attachment to the record.
- (5) The Director of the Institution shall act according to the ordered measures and given deadlines and shall notify the Ministry about it in written.
- (6) If there are grounds for suspicion that a criminal offense prescribed by the Criminal Code of Republika Srpska ("Official Gazette of Republika Srpska", No. 64/17) has been committed (hereinafter: the Criminal Code), the inspector shall submit a report to the Minister and the competent prosecutor's office.

#### Article 69

- (1) The Director of the Institution has the right to object to the ordered measures and deadlines given in the decision referred to in Article 68, paragraph 3 of this Law within eight days from the day of receipt of the decision.
- (2) The complaint shall stay the execution of the ordered measures, except in the case when the report assesses that in such way the immediate danger to the life and health of prisoners, detainees and juveniles or property is eliminated and when it is in the interest of the Institution's security.
- (3) The Minister shall decide on the complaint by a decision, which shall be final.
- (4) If, after the final decision of the Minister, the ordered measures have not been implemented within the specified deadline, the inspector who ordered the measures shall open an initiative for determination of the responsibility of the Director of the Institution.

#### Article 70

- (1) If it is determined in the supervision procedure that the Institution does not meet the prescribed health and hygiene requirements or safety is significantly endangered, the Minister shall issue a decision on temporary suspension of the Institution's operation and transfer prisoners, detainees and juveniles to another Institution.
- (2) If security is undermined in the Institution, the Minister may dismiss the Director of the Institution and temporarily appoint another person to perform the duties of the Director of the Institution.



## Article 71

- (1) In order to monitor the protection and condition of human rights and the conditions in which sanctions are executed, the National Assembly of Republika Srpska may appoint an Independent Commission.
- (2) The Commission referred to in paragraph 1 of this Article shall supervise the protection and conditions of human rights and conditions in which sanctions are executed in the Institutions, independently or in cooperation with competent inspectors or international and other institutions responsible for monitoring and exercising human rights and fundamental freedoms, in accordance with the law and relevant international documents.
- (3) The independent commission shall be independent in its work and the competent authorities and institutions shall provide it with information relevant to its work.
- (4) The Independent Commission shall consist of five members – experts from the legal or other related field, who are familiar with the problems of execution of sanctions, and who are not employed in the institutions where sanctions are executed, nor in the Ministry.
- (5) The independent commission shall be appointed for a period of five years, with the possibility of another re-selection for a period of five years.
- (6) The Independent Commission shall adopt its Rules of Procedure.
- (7) The Independent Commission shall submit annual reports on its work and it shall submit it to the National Assembly of Republika Srpska and the Ministry.
- (8) Provisions pertaining to keeping official secrets or other regulations shall also apply to the commission referred to in paragraph 1 of this Article when performing tasks and duties falling within its competence, when it to learns about or comes into possession of data and documents referred to in Article 62 of this Law.

## CHAPTER V

### EXECUTION OF PRISON SENTENCE

#### **1. Sending Convicted Person to Serve the Prison Sentence**

## Article 72

The convicted person shall be sent to serve a prison sentence in the Institution in accordance with the Rulebook on sending convicted and punished persons to serve a prison sentence, which is issued by the Minister.

## Article 73

- (1) Sending a convicted person to serve the prison sentence in the Institution shall be done by the basic court in whose territory the convicted person has a permanent or temporary residence at the time when the decision by which the sentence was imposed became final.
- (2) The court referred to in paragraph 1 of this Article shall retain jurisdiction even if the convict's permanent or temporary residence changes afterwards.
- (3) The convicted person, who is in detention, shall be sent to serve the prison sentence, in accordance with the Rulebook referred to in Article 72 of this Law, by the basic court at the seat of the Institution where the detainee is placed.

- (4) A prisoner serving a prison sentence who has been sentenced to another criminal offense by a final judgment or has been sentenced to a single prison sentence in accordance with the provisions of the Criminal Procedure Code (“Official Gazette of Republika Srpska”, nos. 53/12 and 91/17) shall be sent to serve a prison sentence by the basic court at the seat of the Institution where the prisoner is placed.
- (5) If the place of permanent or temporary residence of the convicted person is unknown, or his permanent or temporary residence is abroad, the competent court shall be the basic court that rendered the first instance verdict, and if the first instance verdict was rendered by the district court, the referring person shall be sent by the basic court.
- (6) If the place of permanent or temporary residence of the convicted person is in the territory of another entity, and the court of the entity declares itself incompetent for execution and sending to serve a prison sentence, the procedure shall be in accordance with paragraph 5 of this Article.
- (7) If the verdict was made by a foreign court, and it was recognized by the verdict of the competent court of Republika Srpska, the decision that is also a referral act for the convicted person on taking over a prisoner who is already serving a prison sentence abroad, shall be made by the Minister.
- (8) The decision to take over the execution of a prison sentence of a convicted person who is not serving a prison sentence abroad shall be made by the Minister, and the sending of that convicted person to serve a prison sentence in the Institution in Republika Srpska, based on the Minister's decision, shall be carried out in accordance with paragraph 1 of this Article.
- (9) A prisoner who is already serving another prison sentence shall not be summoned to be served a referral act, but the referral act will be served on the prisoner through the Institution.

#### Article 74

- (1) The court that rendered the first instance verdict, together with the verdict by which it imposed a prison sentence, shall submit all data on the convicted person's personality obtained during the proceedings to the court in charge of the execution, which may be relevant for the execution of the prison sentence (data on previous committing of criminal offenses, expert witness' report, social history, excerpt from criminal records, etc.), if these data are not contained in the verdict and if requested by the competent court.
- (2) The court that rendered the first instance verdict, but is not competent to send the convicted person to serve the prison sentence, shall act in accordance with the provisions referred to in paragraph 1 of this Article.
- (3) If the president of the court sending the convicted person to serve the prison sentence assesses that the person could frustrate the execution of the prison sentence by going abroad, he may request the competent authority to confiscate convicted person's travel document until he enters the execution of the prison sentence.
- (4) A certificate on the confiscation of the travel document shall be issued.

#### Article 75

- (1) The court shall summon the convicted person who is at liberty and inform him of the day when he should report to serve the prison sentence in a certain Institution.

- (2) The day of reporting to the Institution shall be determined in such a way that the convicted person is left with at least eight and at most 15 days until reporting to serve his prison sentence.
- (3) While informing the convicted person the court shall give him the letter of confinement (uputni akt) and a ticket if he is to take public transport to the institution.
- (4) At the same time or three days after the convicted person was informed at the latest, the court shall inform the institution about the date when the convicted person should report to it to start serving his term.
- (5) Along with the letter of confinement in which the unique identification number of the convicted person must be stated, the court shall submit a transcript of the verdict and an excerpt from the criminal records, which may not be older than six months.
- (6) For persons who are sent to serve a prison sentence before the verdict becomes final, the court shall submit a transcript of the non-final verdict together with the decision on the sending to serve the sentence.
- (7) The costs referred to in paragraph 3 of this Article shall be borne by the court sending the convicted person to serve the prison sentence.

#### Article 76

- (1) If a duly summoned convicted person does not report to the Institution on the specified day, the Institution shall immediately inform the court, which shall issue an order to the judicial police to take forcibly such a person to the Institution.
- (2) For the convicted person, who frustrated the serving of the prison sentence by fleeing, the competent court shall issue an order for issuing an arrest warrant and it shall submit it to the competent body of internal affairs.
- (3) When the convicted person has been apprehended, he shall be brought to the institution.

#### Article 77

- (1) The beginning of serving a prison sentence shall be calculated from the day when the convicted person reports in person to the Institution to serve the prison sentence, i.e. when he is brought in the Institution.
- (2) The Institution shall immediately inform the court that sent the convicted person to serve the prison sentence, the body of internal affairs according to the permanent or temporary residence of the convicted person about the date of starting to serve the sentence, and in case of admission on non-working days, the first following working day.
- (3) If the convict, who is being sent to serve a prison sentence, has minor children or other persons in his care, the court shall inform the competent social protection body about that.
- (4) The Institution shall immediately inform the competent service for affairs with foreigners in the Ministry of Security of Bosnia and Herzegovina about the date of serving the sentence of imprisonment of a foreign citizen, in accordance with the regulation governing the movement and stay of foreigners in BiH.
- (5) The Institution shall immediately inform the representative of the international organization that protects the interests of the stateless person about the date of serving the sentence of imprisonment of the stateless person.

## **2. Postponement of the Execution of a Prison Sentence**

## Article 78

- (1) At the request of a convicted person who is at liberty, the execution of a prison sentence may be postponed at the proposal of the competent social security body and a defense counsel of his choice:
  - 1) if he has suffered from a severe acute or other serious illness, and it is established with check that there are no conditions for treatment in the penal institution - while the illness lasts;
  - 2) due to the death or serious illness of a spouse or common law spouse, child, adoptee, parent and adoptive parent of the convicted person – for a maximum of three months;
  - 3) if the postponement is necessary for the execution or completion of urgent field or seasonal work caused by a natural disaster or other accident, and there are no other members able to work in the convicted person's family, nor can another person be hired to perform these tasks due to poor financial situation and other justified reasons – for a maximum of three months;
  - 4) if the convicted person is obliged to perform a certain job that has already begun, and as a result of not performing that work, significant damage would occur - for a maximum of three months from the day of postponement;
  - 5) if the postponement is necessary to convicted person's due to the completion of schooling – for a maximum of six months;
  - 6) if the postponement is necessary for the convicted person due to taking the already registered exam – two months;
  - 7) if a spouse or other members of the joint household are summoned together with the convicted person to serve a prison sentence, or if one of them is already serving a prison sentence, and the simultaneous serving of the prison sentence of all these persons would jeopardize the maintenance of juveniles, sick or elderly family members – for a maximum of six months;
  - 8) convicted person – pregnant woman, after the completion of six months of pregnancy and convicted female person who has a child under one year of age – no later than the age of child's first year;
  - 9) if the convicted person's wife is due in three months or no more than six months have passed since the birth, and there are no other members of the household who can help her – for a maximum of six months;
  - 10) if the convicted person is the sole breadwinner of the family, and by serving a prison sentence, the support of the family household would be endangered – for a maximum of six months.
- (2) A convicted person whose imprisonment has been postponed due to a serious acute or other serious illness shall every three months, and at the request of the court more often than that, submit a report on his health condition of the health institution where he is being treated.

## Article 79

- (1) The request for a postponement of the execution of sentence of imprisonment shall be filed with the competent court within three days after the date of receipt of the letter of confinement.
- (2) If the convicted person's serious acute illness, i.e. the death or serious illness of his spouse, child, adopted child, parent or adoptive parent followed after the expiry of the

three-day period, the application may be submitted by the day the convicted person is due to serve his prison sentence.

- (3) The reasons for the postponement shall be stated in the request, evidence confirming the stated reasons, and indicate the time for which the postponement is requested shall be attached.
- (4) Evidence of the reasons for requesting a postponement shall be issued by the competent authority.

#### Article 80

- (1) The president of the court competent for sending to the execution of a prison sentence shall decide on the request for postponement of the execution of the prison sentence, who shall issue a decision within three days from the day of receipt of the request.
- (2) Before making a decision, the president of the court may perform the necessary checks to verify the facts stated in the application.
- (3) The president of the court shall reject the application by a decision if it is not submitted within the deadline or if an unauthorized person submitted the application, or shall reject the application if the application does not state the reasons and enclose evidence for postponing the execution of the prison sentence.
- (4) The beginning of the execution of the prison sentence shall be postponed until the decision on the application is made.
- (5) Execution of a prison sentence shall not be postponed if the postponement would lead to a statute of limitations.
- (6) A prisoner serving a prison sentence may not apply for a postponement of the subsequently pronounced prison sentence.

#### Article 81

- (1) A convicted person shall be entitled to file an appeal with the president of the competent district court against the decision rejecting his request within three days after receipt of the first instance decision.
- (2) The appeal shall stay the execution.
- (3) The president of the competent court shall issue a decision on the appeal referred to in paragraph 1 of this Article within three days of the receipt of the appeal and immediately after the issuance of decision, he shall send the file to the court responsible for the execution of the prison sentence.
- (4) The decision of the president of the district court made on appeal shall be final and no administrative dispute against it shall be allowed.
- (5) The court competent for sending to the execution of a prison sentence shall inform the Institution to which the convicted person is being sent about the postponement of the execution of the prison sentence.
- (6) The President of the competent court shall revoke the postponement of the execution of a prison sentence if he subsequently determines that the reasons for which the postponement was granted did not exist or ceased to exist or the convicted person used the postponement contrary to the approved purpose.

### **3. Admission, Distribution and Classification of Convicted Persons to the Institution**

#### Article 82

- (1) The convicted persons shall be admitted in an Institution on the basis of the letter of confinement of the competent court and a decision of the Minister in the case of transfer of prisoners from another state to Bosnia and Herzegovina.
- (2) When a convicted person enters the Institution for the purpose of serving a prison sentence, his identity shall be verified, a complete search of person and effects shall be performed, entry in the admission book shall be made, objects and effects whose possession is not allowed shall be confiscated.
- (3) Upon admission to the Institution, the prisoner may keep orthopedic and other necessary medical aids and the necessary medicines with the approval of the doctor of medicine in the Institution.
- (4) Items suspected of being related to the commission of a criminal offense shall be confiscated from the prisoner and handed over to the competent authority together with the record.
- (5) Items suspected of being intended for the escape of a prisoner, endangering order and discipline, and items suspected of endangering health shall be confiscated, destroyed or handed over to the competent authority, of which a record shall be made and a copy of the record shall be handed to the prisoner.
- (6) If there is a suspicion of identity, the authorized official of the Institution shall detain the person who applied to serve the prison sentence and immediately inform the competent internal affairs body at the seat of the Institution, which shall take measures to establish identity.
- (7) When a prisoner is admitted to the Institution, his health condition shall be determined immediately, and no later than within 24 hours, which shall be entered in the health record, and in cases when this is not objectively possible, the prisoner shall be examined on the first following working day.
- (8) During the prisoner's stay in the admission ward, and according to the assessment of the doctor of medicine in the Institution, with the consent of the prisoner, X-ray of the lungs, basic laboratory testing, testing for HCV, HIV, HBS antigen and other infectious diseases can be performed.

#### Article 83

- (1) After admission to the Institution, the prisoner shall be sent to the admission department where his personality shall be studied from a psychological, pedagogical, social and security aspect and a program of treatment shall be determined.
- (2) In the admission ward, the prisoner shall be recorded in the registry book and a personal sheet for him shall be formed.
- (3) The institution shall enable the prisoner to report to the family or a person designated by him upon admission.
- (4) Regardless of the length of the sentence imposed, the prisoner shall be photographed even without his consent.
- (5) A prisoner serving a prison sentence of up to one year may remain in the admission ward for a maximum of 15 days, and a prisoner serving a prison sentence of more than one year for a maximum of 30 days.

#### Article 84

- (1) During their stay in the admission ward, the employees of the ward shall inform the prisoner in a clear and understandable way with the provisions of this Law and bylaws

in the field of execution of sanctions, and especially with the rights, duties and obligations of prisoners while serving a prison sentence.

- (2) A prisoner – foreign citizen, immediately upon admission to serve a prison sentence, shall be informed of the right to make contact with a diplomatic or consular representative of his country or a representative of the state that protects his interests, on condition of reciprocity.
- (3) The provisions of this Law, the Rulebook on House Rules for Serving a Prison Sentence and other regulations relating to the rights and duties of prisoners shall be made available to prisoners while serving a prison sentence.

#### Article 85

- (1) Based on the results of the study of the personality of prisoners performed by a team of experts of the admission ward, the risk assessment of prisoners shall be performed and a proposal of the treatment program shall be determined, which shall be approved by the director of the Institution on an official schedule.
- (2) The Director of the Institution and his assistants, the professional team of the admission department, educators and the officer for employment of prisoners shall attend the official schedule.
- (3) At the official schedule, the prisoner shall be informed about the educational staff, job position, intensity of educational work, date of acquiring formal conditions for deciding on privileges, as well as other information that is important for his inclusion in the prison collective.
- (4) Changes in the program of treatment of a prisoner shall be approved by the Director of the Institution at the proposal of the treatment service.

### **4. Accommodation Standards and Hygienic Conditions**

#### Article 86

- (1) The prisoner shall be provided with accommodation in common sleeping quarters, except in the cases provided for in Article 10, paragraph 2 of this Law.
- (2) Cohabitation of prisoners can be ensured at the workplace, in the process of educational activities, dining, during free activities in the living room and around the Institution, practicing religious needs and similar occasions, taking care not to derogate the reasons why a convicted person serves a prison sentence separately from others.
- (3) The prisoner shall be provided with a separate bed, bed linen, access to drinking water, as well as other sanitary conditions necessary for maintaining personal and collective hygiene.
- (4) The accommodation of prisoners should meet the hygienic requirements provided by this Law and local climatic conditions, in such a way as to enable the use of suitable premises and devices for regular personal hygiene, regular shaving and haircuts and bathing at temperatures appropriate to climatic conditions and in intervals that allow normal personal care hygiene, and a prisoner with a disability shall be provided with accommodation appropriate to the type and degree of his disability.
- (5) Health and hygiene conditions, a sufficient amount of fresh air, heating and ventilation must be provided in the rooms where the prisoners are staying.
- (6) In rooms for collective imprisonment, each prisoner must be provided with at least 4 m<sup>2</sup>, or not less than 10 m<sup>3</sup>, and in rooms with single accommodation for personal space, each prisoner must be provided with 6 m<sup>2</sup>.

- (7) The rooms in which prisoners are staying must be sufficiently lit by natural and artificial light to allow reading and work without disturbances for eyesight, and artificial lighting must comply with existing standard norms.

#### Article 87

- (1) New mothers and mothers who take care of their children while serving their prison sentences shall be housed separately from other prisoners.
- (2) Prisoners with special needs shall be provided with accommodation appropriate to the type and degree of their special needs.

#### Article 88

- (1) Institutions shall be kept in proper hygienic conditions.
- (2) The Institution shall provide general equipment and cleaning supplies so that prisoners can properly maintain and regularly clean the rooms in which they stay and work.
- (3) The schedule of maintenance of all parts of the Institution and the premises shall be organized and prescribed through the daily schedule of activities of the prisoners.

#### Article 89

In accordance with the provisions of this Law pertaining to prisoners, special attention shall be paid to the needs of female prisoners, in terms of their physical, occupational, social and psychological needs when making decisions concerning any aspect of their stay in the Institution.

#### Article 90

- (1) The placement of prisoners in common rooms and dormitories shall be carried out with a careful assessment of all circumstances, especially taking into account age, personal characteristics and preferences, as well as other characteristics on which the positive mutual influence and the absence of danger of mutual physical and mental endangerment depend.
- (2) The accommodation of all prisoners shall be provided in accordance with the conducted risk assessment.
- (3) Institutions, in accordance with the type and character, shall provide technical supervision of prisoners, detainees and juveniles in common living quarters, respecting their right to privacy.
- (4) In cases of any suspicion that a prisoner is hiding illicit objects or substances on his person or in the room where he is staying, an authorized employee of the Institution may search the prisoner and his belongings.

#### Article 91

The Director of the Institution, at the proposal of the doctor of medicine in the Institution, may approve, for health reasons, the wearing of a beard with regular and orderly maintenance for as long as the health reasons require.

### **5. Food, clothing and footwear**



#### Article 92

- (1) The nutrition of prisoners, detainees and juveniles shall be provided at regular intervals, prepared in meals that meet the nutritional and hygienic standards in terms of quantity and quality, and are appropriate to age, health, religious and cultural requirements.
- (2) The food shall be divided into three meals to provide prisoners with food worth at least 12,500 joules per day, and 14,500 joules for juveniles.
- (3) Prisoners working on difficult jobs shall be provided with enhanced nutrition, and patients, pregnant women and new mothers according to the type and quantity determined by the doctor of medicine in the Institution or another qualified person.
- (4) A health worker shall check the quality and quantity of food every day or other professional and his observation shall be recorded in the control book.
- (5) Institutions shall conduct regular control of food, water, personal hygiene of prisoners, as well as hygiene of accommodation, clothing and bedding, hygiene of the prison compound, workshops and other premises where prisoners live and work.

#### Article 93

- (1) Inmates shall be provided with free underwear, clothes and footwear that are suitable for the climatic conditions and the season.
- (2) To prisoners serving prison sentences in wards with a special regime of serving the prison sentence, the Institution shall provide with special underwear, clothing and footwear, taking into account the conditions referred to in paragraph 1 of this Article.
- (3) If required by the work they perform, prisoners shall be entitled to special working clothes and other appropriate protective equipment.
- (4) At the time of using the privileges outside the Institution, prisoners shall wear their own clothes.
- (5) The Rulebook on House Rules for Serving a Prison Sentence shall prescribe provisions on food, clothing, footwear and underwear.

#### Article 94

- (1) The work of a shop – a canteen can be organized in the Institution, where prisoners, detainees and juveniles can buy food items and other items for personal use.
- (2) If there is no shop in the Institution, the Director shall provide the procurement of the mentioned articles in other appropriate way.

### **6. Right to Contact with the Outside World, Legal Aid, Right to Vote, Satisfaction of Religious Needs and Work of Prisoners and Rights on the Basis of Labor**

#### Article 95

- (1) In the interest of unhindered conduct of treatment, at the proposal of the treatment service and with the approval of the Director of the Institution, the prisoners shall have the right to contact family members and other persons who may positively influence the course of serving the prison sentence.
- (2) Contacts referred to in paragraph 1 of this Article shall be made through visits, letters and telephone calls, in accordance with the Rulebook on House Rules for Serving a Prison Sentence, issued by the Minister.

#### Article 96

- (1) A prisoner, without restrictions, shall have the right to correspond with his family members.
- (2) In closed type Institutions and closed wards of the Institution, if required by security reasons, the Director of the Institution may decide to have letters and telephone conversations supervised, of which he shall inform the prisoner.
- (3) Special record shall be kept on the decisions of the Director of the Institution referred to in paragraph 2 of this Article.
- (4) The Director of the Institution may deny, for security reasons, visits, correspondence and telephone conversations to the persons referred to in paragraph 1 of this Article, for as long as all reasons last, of which he shall inform the prisoner.
- (5) A prisoner shall have the right to be visited by a lawyer who represents him in exercising his rights.

#### Article 97

- (1) Prisoners shall have the right to receive visits from close family members twice a month, and at the suggestion of the treatment service and with the approval of the Director of the Institution, exceptionally, other persons who can positively influence the course of serving a prison sentence.
- (2) A prisoner who is a foreign national or a stateless person shall have the right to be visited by a diplomatic or consular representative of his state, or a state that protects his interests, in accordance with international regulations.
- (3) If security reasons so require, an authorized employee of the Institution may search the visitor during the visit.
- (4) The number of visitors may be limited to a number that ensures the safety and order of the Institution, as well as the safety of visitors.
- (5) A visitor must prove his identity at each visit.
- (6) The Rulebook on House Rules for Serving a Prison Sentence shall determine the time, manner and duration of the visit that prisoners receive.

#### Article 98

- (1) At the proposal of the treatment service, depending on the classification-stimulating group of prisoners, the Director of the Institution may grant prisoners a stay in a special room for intimate visits with a spouse/common law spouse or stay with family members in special rooms purposely equipped for visits of juvenile children once a month for up to five hours.
- (2) While serving a disciplinary measure of solitary confinement and while serving a measure of isolation, a prisoner shall not be entitled to stay with his spouse in a special room for intimate visits.
- (3) The approval, use and appearance of a special room for intimate visits and a special room for the stay of prisoners with members of their immediate family shall be prescribed by the Rulebook on House Rules for Serving a Prison Sentence.

#### Article 99

- (1) The prisoner has the right to receive parcels which, in his obligatory presence, are inspected before delivery, in accordance with the Rulebook on House Rules for Serving a Prison Sentence.
- (2) Items from a parcel shipment, the keeping and possession of is not permitted, shall be seized and deposited, of which a certificate shall be issued to the prisoner.

#### Article 100

- (1) A prisoner shall be entitled to submit complaints and other submissions to the Director of the Institution regarding the exercise of his rights and legally protected interests concerning the execution of the prison sentence, without fear of suffering harmful consequences.
- (2) If the prisoner has not received a response to the complaint or request or is not satisfied with the decision, he may submit a written complaint to the Ministry or the Institution of the Human Rights Ombudsman (hereinafter: the Ombudsman), through the Institution or through a lawyer of his choice.
- (3) The prisoner shall have the right to talk without the presence of the officials of the Institution with the authorized officials - inspectors of the Ministry who perform supervision, the Ombudsman and the defense counsel of his choice.
- (4) Records shall be kept on the submissions referred to in paragraphs 1 and 2 of this Article.
- (5) The Rulebook on the Treatment of Complaints and Other Submissions of Prisoners, issued by the Minister, shall prescribe the method of handling complaints and other submissions.

#### Article 101

When examining prisoners' complaints and other submissions, all circumstances relevant to the proper assessment of their allegations shall be identified, in particular:

- 1) whether the actions of the employees of the Institution violated the rights provided by the Constitution of Republika Srpska, the law or other regulation which regulates the rights and obligations of prisoners;
- 2) whether, according to the complainant and the submissions, the UN Standard Minimum Rules for the Treatment of Prisoners, the CPT Standards, the Recommendations of the Committee of Ministers to member states regarding prison rules, as well as the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have been applied;
- 3) whether the human rights have been respected and whether humane treatment has been taken, while preserving the physical and mental health of this category of persons;
- 4) whether equal treatment and equal conditions of residence and work in the Institution have been applied to these persons;
- 5) whether the provisions on house rules, privileges, annual leave, as well as all other issues related to work, teaching, sports, cultural, informational and other similar circumstances are correctly applied;
- 6) whether all other rights arising from laws or bylaws in the specified area or binding international documents signed by Bosnia and Herzegovina are properly applied.

#### Article 102

The institution shall provide a professional person to provide legal assistance to prisoners in order to take the necessary actions to protect their rights and interests protected by law in relation to serving of a prison sentence.

#### Article 103

- (1) The Director of the Institution shall ensure that prisoners exercise their right to vote in elections for all levels of government, to the extent that the applicable Election Law does not restrict this right.
- (2) In order to exercise the rights referred to in paragraph 1 of this Article, the Director of the Institution or a person authorized by him shall contact the competent Election Commission regarding the method, time or other necessary actions for conducting the voting procedure within the Institution.

#### Article 104

- (1) Every prisoner shall be entitled to satisfy his religious needs, to attend religious rites or gatherings organized within the Institution, to pray according to the regulations of religious communities and to use religious literature.
- (2) Institutions provide appropriate conditions for performing religious rites in agreement with the competent representative of particular religious communities registered as such in the territory of Republika Srpska, i.e. Bosnia and Herzegovina.
- (3) The Rulebook on House Rules for Serving a Prison Sentence shall regulate the time, duration, method of use and other issues of interest for exercising the rights referred to in this Article.

#### Article 105

- (1) Prisoners able to work and who have agreed to work, in accordance with their health and work abilities, acquired knowledge, capabilities of the Institution, the economic-instructor service shall provide and organize work engagement and occupational training in workshops and facilities of the Institution, economies, farms and the like and work sites inside and outside the circle of the Institution.
- (2) The work of prisoners in Institutions must be useful and shall not be used as punishment, and it shall be approached as a positive element of treatment that encourages the prisoner to maintain and acquire professional knowledge and work experience, occupational training and satisfying his physical and mental needs.
- (3) Based on the opinion of the doctor of medicine in the Institution and the individual treatment program, the prisoner who agreed to work shall be assigned to a job organization of which and manner of work should be as similar as possible to the organization and manner of work at liberty.

#### Article 106

- (1) The employment of prisoners shall be realized within the economic unit in the Institution and outside the Institution, as well as in jobs of common interest for the life and work of prisoners and the planned action program.
- (2) With the consent of the Minister or a person authorized by him, the Institution may organize facilities and workplaces for prisoners outside the seat of the Institution, if the conditions for the execution of a prison sentence prescribed by this Law are provided.

- (3) For the employment of prisoners outside the Institution, the Director of the Institution shall issue the work permit.

## **7. Economic Units**

### Article 107

- (1) Within the economic-instructor service in the Institution, economic units shall be established for achieving the goals referred to in articles 105 and 106 of this Law.
- (2) The purpose of establishing economic units is that prisoners who want to work while serving a prison sentence to acquire, i.e. maintain and increase their working abilities, work habits and professional knowledge, in order to facilitate their inclusion in life and work after release from serving a prison sentence.
- (3) Training for the work and employment of prisoners shall be conducted within registered activities in accordance with the general regulations for each individual activity.
- (4) Products and services from the operation of the economic unit can be used for the own needs of the Institution, as well as for the needs of other Institutions.
- (5) An economic unit can sell products and services on the market.

### Article 108

- (1) The economic unit shall be established and abolished by the Institution, with the prior consent of the Minister.
- (2) An economic unit may be established if the funds for the establishment and commencement of operations are provided.
- (3) The Minister shall approve the proposal of the list of activities that the economic unit will deal with.

### Article 109

The economic unit shall be organized in such a way that the achievement of economic benefits from the work of prisoners does not harm the achievement of the purpose of the execution of the sanction.

### Article 110

- (1) The act on the establishment of a economic unit must contain:
  - 1) title and seat of the founder;
  - 2) business title under which the economic unit shall operate;
  - 3) the seat of the economic unit;
  - 4) activity that the economic unit will be engaged in;
  - 5) the amount of funds provided for the establishment of an economic unit and the commencement of operation and the method of their insurance, i.e. the monetary value and description of non-monetary deposits of the economic unit;
  - 6) authorizations of the economic unit in legal transactions;
  - 7) liability of the economic unit in legal transactions;
  - 8) limits of authority of the person representing the economic unit.
- (2) The founder shall decide on the change of the activity of the economic unit, with the prior consent of the Ministry, in accordance with the general regulations.

#### Article 111

- (1) The economic unit shall be registered in the court register.
- (2) An economic unit shall use a business title in its business.
- (3) The work of the economic unit shall be performed within the registered activities, in accordance with the general regulations for each individual activity.

#### Article 112

- (1) The Assistant Director for Economic-Instructor Service (hereinafter: Assistant Director), shall manage the work of the economic unit.
- (2) The Assistant Director shall directly organize the work of the economic unit, represent the economic unit and shall be responsible for his work to the Director of the Institution.
- (3) The financial operations of the economic unit shall be performed through a special purpose account within the system of the Single Account of the Treasury of Republika Srpska.
- (4) The economic unit shall establish a system of accounting and financial reporting, in accordance with the regulations governing accounting and financial reporting of budget users.

#### Article 113

Prisoners working within the economic unit shall be entitled to remuneration for their work, in accordance with the Rulebook on House Rules for Serving a Prison Sentence.

#### Article 114

Funds generated within the economic unit shall be used for:

- 1) providing funds to economic units for work and business;
- 2) financing a part of serving prison sentences of prisoners;
- 3) participation in financing the necessary activities for the functioning of the Institution;
- 4) participation in the construction and equipping of facilities for the execution of sanctions, construction and adaptation of existing facilities;
- 5) investments in economic units.

#### Article 115

- (1) Due to the expansion of activities or reconstruction, an economic unit may use loans and credits with a bank and other financial organizations only if the founder, with the prior consent of the Ministry, approves the program.
- (2) An economic unit may conclude a loan agreement or investment loan, with the prior consent of the Ministry and the Ministry of Finance.

#### Article 116

- (1) In exceptional cases, a prisoner serving a prison sentence of up to six months may be allowed to continue to work in the legal entity in which he was doing those jobs at the time of call to serve his sentence, provided that the offense was not committed in connection with those jobs and that he had not been previously convicted.

- (2) At the request of the legal entity in which the prisoner was employed, with the consent of the prisoner and after obtaining the opinion of the Institution, the approval referred to in paragraph 1 of this Article shall be issued by the Minister or a person authorized by him.
- (3) Mutual rights and obligations of the Institution with a legal entity that hires a prison workforce shall be regulated by a contract.

#### Article 117

- (1) Working hours of prisoners shall be up to 40 hours a week.
- (2) Exceptionally, working hours, with the consent or at the request of prisoners may last longer, only in cases and under conditions determined by law, which shall be decided by the Director of the Institution.
- (3) For prisoners attending general or vocational education classes, working hours may not exceed 30 hours per week.
- (4) Outside working hours, prisoners may be employed for two hours a day on the tasks of maintaining the cleanliness of the premises and other current activities in the Institution and they shall not receive remuneration for that work.
- (5) The work of a prisoner while serving a prison sentence is not included in the years of service.
- (6) Working prisoners shall have daily, weekly and annual leave, as well as the right to remuneration for their work.
- (7) For inventions, technical improvements and intellectual property acts accomplished while serving a prison sentence, the prisoner shall be entitled to rights under general regulations.
- (8) The manner of use, duration and other issues related to vacation, as well as the manner of determining the remuneration for work shall be prescribed by the Rulebook on House Rules for Serving a Prison Sentence.

#### Article 118

- (1) The Institution shall provide funds for personal hygiene to prisoners who do not work due to their incapacity and socially vulnerable persons.
- (2) Prisoners who fall ill at work or in connection with work while serving a prison sentence in the Institution shall be entitled to remuneration during the period of incapacity for work according to the regulations on health insurance, except in the case of self-harm.

#### Article 119

- (1) Of the prisoner's remuneration, 5% shall be set aside as mandatory savings and shall be deposited and kept on the prisoner's deposit.
- (2) The prisoner shall dispose of the rest of the remuneration for work in accordance with the Rulebook on House Rules.
- (3) Notwithstanding the provision from paragraph 1 of this Article, the subject of execution may be half of the monthly remuneration for work based on the executive decision of the competent court, according to which the prisoner has the obligation to provide support, i.e. compensate the damage caused by the crime or settle other obligations.
- (4) Taxes and contributions shall not be paid on the compensation for the work of prisoners.

## Article 120

- (1) Prisoners shall be entitled to insurance against accidents at work and occupational diseases under the same conditions as workers employed by other legal entities or other organizations.
- (2) Measures for the protection of prisoners at work shall be applied in accordance with general regulations.

## 8. Health Care

### Article 121

- (1) Prisoners shall be provided with health care while serving their prison sentences and the treatment of prisoners shall be carried out with their consent.
- (2) The costs of treatment shall be borne by the Institution, unless the damage to health occurred through self-harm or in the case of prisoners whose health care funds are already provided by paying contributions to the Health Insurance Fund of Republika Srpska or from other sources determined by special laws, and through the status of compulsory insured persons in accordance with the Law on Health Insurance which did not cease by commencing to serve a prison sentence.
- (3) Prisoners shall be entitled to treatment, repair and tooth extraction.
- (4) Dental prosthetics, orthopedic aids, prescription glasses, hearing aids or other aids shall be provided at the expense of the prisoner, in accordance with the regulations in the field of health care and health insurance.
- (5) If the prisoner does not have the funds for the procurement of aids referred to in paragraph 4 of this Article, and according to the opinion of the doctor of medicine in the Institution the procurement cannot be postponed without danger to health, the procurement costs shall be borne by the Institution.

### Article 122

- (1) When there is no possibility of treatment in the Institution or possibility of performing the necessary specialist examination, the prisoner shall be referred to an appropriate medical institution.
- (2) The final decision on sending a prisoner to a medical institution for treatment shall be made by a doctor of medicine in the Institution.
- (3) In the case referred to in paragraph 1 of this Article, at the proposal of the security service, the director of the Institution shall order actions, measures and procedures for safe escort of prisoners to the health institution, security during specialist examination, treatment and hospitalization, and security during escort of prisoners to the Institution.
- (4) When security reasons so require, at the request of the Director of the Institution, assistance to members of the security service of the Institution may be provided by members of the Ministry of the Interior or the Judicial Police.
- (5) The doctor of medicine in the Institution shall decide on the placement of prisoners in the infirmary of the Institution.
- (6) Time spent on treatment in a medical institution shall be included in serving a prison sentence.

### Article 123



- (1) A prisoner shall be entitled to ask for a specialist doctor's examination at his expense if the doctor of medicine in the Institution has not ordered such examination.
- (2) The Director of the Institution shall approve the specialist examination referred to in paragraph 1 of this Article.
- (3) Approved specialist examination shall be performed in the presence of a health worker of the Institution.

#### Article 124

- (1) Female prisoners shall be provided with professional health care during pregnancy, childbirth and maternity.
- (2) If a child was born in the Institution, that fact shall not be stated in the birth certificate.
- (3) A prisoner-mother may keep the child until the child reaches the age of two, after which the child, in agreement with the mother, shall be handed over to the family or to the social welfare body competent for the mother's place of permanent or temporary residence.
- (4) The Director of the Institution, at the recommendation of the doctor of medicine in the Institution, may approve the stay of a prisoner-mother in the case of treatment of a newborn child in a health institution.
- (5) The Institution shall provide the costs of treatment of a child staying with a prisoner-mother in the Institution until the age of two, if the other parent cannot provide the costs.

#### Article 125

- (1) A prisoner who, while serving a prison sentence, becomes mentally ill or shows severe mental disorders, shall be placed in a specialized health institution – the Institute for Forensic Psychiatry Sokolac, based on the decision of the Director of the Institution.
- (2) The Director of the Institution shall issue the decision referred to in paragraph 1 of this Article at the proposal of the doctor of medicine in the Institution or a psychiatry specialist hired by the Institution.
- (3) The prisoner shall remain in the Institute for Forensic Psychiatry Sokolac for the reasons for which he was placed in this institution, and if the treatment is completed before the expiration of the prison sentence, the execution of the prison sentence in the Institution shall continue.
- (4) The costs of treating prisoners at the Institute for Forensic Psychiatry Sokolac shall be borne by the Institution.
- (5) If, after the expiration of the prison sentence, there are still health reasons for the prisoner to remain in treatment at the Institute for Forensic Psychiatry Sokolac, the Institution will release that person, and the release documentation together with the prisoner's personal belongings shall be submitted with the record and handed to the Institute for Forensic Psychiatry Sokolac.

#### Article 126

- (1) When it is in the interest of the health of the prisoner, the doctor of medicine in the Institution may order that the prisoner be physically restricted in movement by using appropriate clothing or belts used for that purpose in health care institutions.
- (2) Means of restraint referred to in paragraph 1 of this Article may be used only as a measure for health reasons, by order and under the control of a doctor of medicine in

the Institution, to prevent self-harm or attack on other persons or destruction of property of prisoners.

- (3) Means of restraint may be used for a maximum of 12 consecutive hours.
- (4) A report shall be made on each use of means of restraint and kept in the prisoner's medical record, and a copy shall be submitted to the Ministry.
- (5) Means of restraint may not be used as punishment.

#### Article 127

- (1) The prisoner has the right to be informed about the findings about his health condition and the content of the health card.
- (2) If, due to a serious threat to health or life, the prisoner is not able to inform his spouse or another family member, or another person designated by him, the Institution shall inform those persons without delay.

#### Article 128

- (1) Upon the release of a prisoner from serving a prison sentence, the prisoner's medical record with all attachments shall be permanently kept within the archived personal record of the prisoner.
- (2) Original medical findings and opinions from medical institutions brought by the prisoner upon admission to the Institution or brought them during the serving of the prison sentence shall be returned to the prisoner upon release from serving the prison sentence, after being previously copied and certified for deposit in the prisoner's medical record.
- (3) Upon the expiration of the prison sentence, at the request of the prisoner, the prisoner shall be provided with copied medical documentation.
- (4) In the event of the death of a prisoner, the family of the prisoner shall have the right to the documentation referred to in paragraphs 2 and 3 of this Article.

#### Article 129

- (1) In case of death of a prisoner, the Institution shall without delay inform the competent prosecutor's office, spouse or other family member, the court that sent the prisoner to serve the prison sentence and the registrar competent according to the seat of the Institution or at the place where the death occurred.
- (2) The mortal remains shall be handed over to the family.
- (3) If the family members do not accept the mortal remains, the deceased shall be buried in the local cemetery at the expense of the Institution.

#### Article 130

- (1) The health service of the Institution submits appropriate shall report to the competent authorities and institutions, in accordance with the regulations in the field of health care.
- (2) The Health Service shall submit to the Director of the Institution:
  - 1) periodic reports on the health condition of prisoners, detainees and juveniles;
  - 2) report that the physical or mental condition of the prisoner has been disturbed or endangered due to the length or manner of serving the sentence and to recommend measures for the treatment of that person;

- 3) findings and recommendations on the quantity and quality of food for prisoners, detainees and juveniles;
  - 4) findings and recommendations on improving the hygiene of prisoners, detainees and juveniles in the Institution, the condition of sanitary facilities and devices, heating, lighting and ventilation of the premises in which these persons reside.
- (3) The Director of the Institution shall without delay take the measures recommended to him by the health service.

#### Article 131

Doctor of Medicine in the Institution shall:

- 1) examine every prisoner, detainee and juvenile immediately upon admission to the Institution and before release from the Institution;
- 2) upon admission to the Institution and when necessary, determines whether the prisoner, detainee and juvenile is physically or mentally ill and assesses his ability to work;
- 3) immediately examine prisoners, detainees and juveniles who complain that they are ill or that there are indications of illness;
- 4) examine prisoners, detainees and juveniles who are ill or refuse food or water on a daily basis;
- 5) control the accommodation, nutrition, hygiene, sanitation and other conditions on which the health of prisoners depends;
- 6) keep special records on injuries of prisoners, detainees and juveniles and inform the Director of the Institution of any sign or indication that violence has been used against a prisoner, detainee and juvenile;
- 7) in the report on established violations, state the allegations of prisoners, detainees and juveniles about the manner in which the injury occurred, as well as to express its opinion on the connection between the allegations of prisoners, detainees and juveniles and the resulting injuries;
- 8) supervise the work of the handy pharmacy – warehouse for medicines and of health workers, which he records, issues and gives the prescribed therapy to prisoners.

#### Article 132

- (1) If a prisoner or detainee goes on a hunger strike, the Director of the Institution shall be notified immediately, and the court conducting the proceedings and the Ministry shall be notified within 72 hours.
- (2) A prisoner who refuses to take food shall be placed in the infirmary or other separate room.
- (3) A doctor of medicine in the Institution shall check the person referred to in paragraph 2 of this Article daily and all significant changes in his health condition shall be recorder in the health record, about which he shall regularly report to the Director of the Institution.

#### Article 133

- (1) If the vital functions of a hunger striker are endangered due to food refusal, the decision to take the necessary medical measures shall be made without his consent by a doctor of medicine in the Institution or an expert team of doctors of medicine, when it is so stipulated by a special law or other regulation.

- (2) The expert team referred to in paragraph 1 of this Article shall be formed by a doctor of medicine in the Institution in cooperation and consultation with the Director of the Institution and the court conducting criminal proceedings, unless otherwise provided by law or other regulations.
- (3) The court conducting the procedure and the Ministry shall be notified about the need to take the necessary medical measures.
- (4) The doctor of medicine in the Institution, when dealing with prisoners on hunger strike, in addition to regulations in the field of execution of sanctions, shall take into account the regulations in the field of health in Republika Srpska, international standards, regulations and basic principles of ethical treatment of persons on hunger strike.
- (5) Respecting the basic ethical principles in the treatment of people on hunger strike, the doctor of medicine at the Institution shall explain to each striker the consequences of starvation for their health, explaining their health condition and diseases that can seriously endanger their health.

#### Article 134

- (1) In case of reasonable suspicion of the existence of infectious diseases, consumption of alcohol and psychoactive substances, samples of blood, spit and urine may be taken from prisoners, to the extent necessary for examination according to the rules of the health profession, i.e. the use of appropriate tests.
- (2) In case of reasonable suspicion of alcohol consumption, testing can be performed with a device for measuring the amount of alcohol in the blood – a breathalyzer.
- (3) Accommodation in a special room or infirmary room due to suspicion of medical conditions referred to in paragraph 1 of this Article, as well as testing for infectious diseases or psychoactive substances shall be applied under the supervision of a doctor of medicine in the Institution.

### **9. Prisoner education and leisure**

#### Article 135

- (1) For minors and young adults who have the right to primary and secondary education up to the fourth level, the Institution shall organize classes in accordance with the regulations on primary and secondary education.
- (2) Classes referred to in paragraph 1 of this Article may also be organized for other prisoners for whom it is useful and necessary in accordance with the established program of treatment.
- (3) The regulations on primary and secondary education in Republika Srpska shall apply to the work of schools established in the Institution.
- (4) Prisoners, who complete a certain school or gain a qualification in the Institution, shall receive a certificate, from which it must not be seen that they have acquired primary and secondary vocational education in the Institution.

#### Article 136

- (1) The institution may also organize special forms of professional training of prisoners (courses, seminars, and the like).
- (2) If reasons of security permit and if the treatment program deems it useful for achieving the purpose of execution of sentence, prisoners can and study at the university.

- (3) The costs of education referred to in paragraph 2 of this Article shall be borne by the prisoner.

#### Article 137

- (1) In order to acquire and meet the cultural, artistic and spiritual needs of prisoners, as well as the need for sports and other recreational activities, in accordance with their capabilities, the Institutions shall provide conditions for the use of leisure time.
- (2) Within the leisure time, free activities can be organized in the Institution as a supplementary form of general and secondary vocational education, in order to acquire positive habits for the rational use of free time.
- (3) Prisoners shall be allowed, according to the possibilities of the Institution, to self-organize their leisure time – hobbies at their own expense, if this does not disturb the safety and order of the Institution and does not disturb other prisoners.
- (4) In order to carry out the activities referred to in paragraph 2 of this Article, sports, drama, literary, music and other sections and events and competitions, may be organized.
- (5) Prisoners staying or working indoors shall be allowed to stay outdoors for at least two hours a day.

#### Article 138

- (1) Objects made, paintings or other works of art of prisoners created in the leisure time and at the expense of the prisoners, shall be the property of the prisoners.
- (2) The items referred to in paragraph 1 of this Article may remain, with the written consent of the prisoner, the property of the Institution.
- (3) Items referred to in paragraph 1 of this Article, made in leisure time and at the expense of the Institution, shall remain the property of the Institution.
- (4) In the Institution and outside the seat of the Institution, an exhibition and sales exhibition of objects, paintings and other works of art of prisoners created in leisure time may be organized, with the consent of the prisoners as authors.
- (5) The funds collected from the sale of items referred to in paragraph 1 of this Article shall belong to the prisoner, and the funds collected from the sale of items referred to in paragraph 3 of this Article shall belong to the Institution and may be used exclusively for procurement of materials and other equipment for free activities.

#### Article 139

- (1) The institution has a library, which shall be available to all prisoners, detainees and juveniles.
- (2) The library should be provided with a wide range of books for leisure, as well as professional literature, which shall be constantly updated in accordance with the possibilities of the Institution.
- (3) Prisoners may use the daily and periodical press, their books and magazines to read, and other public information media.

### **10. Privileges and conditions for granting privileges used outside the Institution**

#### Article 140

- (1) Guided by the principle of individualization of the execution of a prison sentence, for good behavior and commitment at work, as well as active participation in the implementation of the treatment program, prisoners can be granted privileges.
- (2) Privileges are a set of incentive measures aimed at giving trust to the prisoner in order to maintain and promote relationships with the family, as well as to encourage personal participation in the implementation of treatment programs, to strengthen responsibility and self-confidence, to enable independent living in accordance with legal order and norms of society.
- (3) The privileges referred to in paragraph 1 of this Article may be:
  - 1) privileges used within the Institution;
  - 2) privileges used outside the Institution.
- (4) The Director of the Institution or a person authorized by him shall approve the privileges.
- (5) Prisoners serving a prison sentence by a non-final judgment may not be granted privileges that are used outside the Institution, until the judgment becomes final.
- (6) A prisoner who is serving a prison sentence, and another criminal procedure against him is pending, cannot be granted a privilege that is used outside the Institution until the end of the pending criminal procedure, i.e. until a final decision is made.
- (7) Foreign citizens, stateless persons and persons with dual citizenship residing in a foreign state may not be granted privileges used outside the Institution, if an agreement on international legal assistance and cooperation in criminal matters in the field of execution of criminal sanctions has not been ratified with the state whose citizen or dual citizen is prisoner.
- (8) Persons who were deprived of the citizenship of Republika Srpska and Bosnia and Herzegovina, or who have the status of persons dangerous for the security of Republika Srpska and Bosnia and Herzegovina, while serving a prison sentence shall not be granted privileges outside the Institution for the duration of this status determined on the basis of special law or other appropriate regulation.
- (9) Prisoners whose fine, imposed as a principal or ancillary sentence, has been replaced by prison sentence, may not be granted privileges outside the Institution.

#### Article 141

- (1) Prisoners serving a prison sentence may be granted the following privileges used outside the Institution's compound during one calendar year:
  - 1) free exit from the Institution's compound for up to 24 hours after every seven days spent serving a prison sentence (four times during the month, which are usually used on non-working days, with the possibility of joining a weekend leave of up to four days);
  - 2) free access to the city in which the Institution is based, for up to five hours once a month;
  - 3) leave of up to six days in one year which is granted solely as a reward for good conduct and behavior;
  - 4) extraordinary leave of up to seven days during one year of serving the prison sentence in case of serious illness or death of a family member, natural disasters or severe social cases;
  - 5) free exit from the Institution's compound for up to two days during one year of serving a prison sentence for religious holidays;

- 6) free exit from the Institution' compound one day during one year of serving a prison sentence for holidays in Republika Srpska, and holidays in Bosnia and Herzegovina;
  - 7) annual holiday with family members.
- (2) Privileges referred to in paragraph 1, item 1), 2), 3), 5), 6) and 7) of this Article shall be considered regular privileges, and the privilege referred to in paragraph 1, item 4) of this Article shall be an extraordinary privilege approved only in exceptional cases.
  - (3) The number and intensity of use of privileges outside the Institution, except for the privileges referred to in paragraph 1, item 4) of this Article, shall be assigned in accordance with the classification-stimulation group to which the prisoner is classified and assigned.
  - (4) The Minister shall issue the Rulebook on the Classification and Reclassification of Prisoners.

#### Article 142

- (1) After serving one half of the final sentence of imprisonment, privileges used outside the circle of the Institution may be granted to prisoners:
  - 1) who were sentenced to imprisonment for a term of ten years or more, regardless of the type of criminal offense;
  - 2) sentenced to imprisonment of up to ten years for crimes of genocide, war crimes, crimes against humanity, crimes against civilians, murder, aggravated murder, robbery, burglary, trafficking in human beings, trafficking in children, crimes against sexual integrity , criminal offenses of sexual abuse and exploitation of children, violence in the family and family union, incest, unauthorized production and trafficking of narcotics, enabling the use of narcotics, criminal offenses against the constitutional order and security of Republika Srpska, criminal offenses of terrorism and all criminal offenses with elements of organized crime;
  - 3) recidivists in committing criminal offenses, alcoholics and drug addicts, regardless of the length of prison sentence imposed.
- (2) After serving one third of the final sentence of imprisonment, except for the person referred to in paragraph 1, item 2) and 3) of this Article, privileges used outside the Institution may be granted to persons who have been sentenced to imprisonment for a term of five to ten years.
- (3) Other prisoners who have been sentenced to imprisonment for up to five years, except for the persons referred to in paragraph 1, item 2) and 3) of this Article, a privilege used outside the Institution's compound may be granted after serving one quarter of the final sentence of imprisonment.
- (4) For prisoners referred to in paragraph 1 of this Article, as well as for prisoners for whom has been assessed that their stay outside the Institution could cause negative reactions from the social environment, before approving privileges used outside the Institution, it shall be necessary to obtain the opinion of the competent police administration and competent center for social work in the place of permanent or temporary residence.
- (5) The criteria referred to in paragraphs 1, 2, 3 and 4 of this Article shall not apply to extraordinary privileges, when granted in exceptional cases.
- (6) Along with the application for granting extraordinary leave, the prisoner shall enclose the original documentation, or a copy of the original documentation certified by the competent body of the local self-government unit, in relation with the reason for requesting leave.

- (7) At the proposal of the treatment service and the security service, extraordinary leave may also be granted under the supervision of authorized officials.
- (8) Any unjustified delay from the approved privilege for more than 24 hours, as well as any arbitrary departure from the Institution, shall be considered an escape.
- (9) Privileges used outside the Institution's compound cannot be used outside the territory of Republika Srpska, i.e. Bosnia and Herzegovina.
- (10) The Rulebook on House Rules for Serving a Prison Sentence shall prescribe privileges used within the Institution.

## **11. Risk assessment, mandatory supervision and supervision outside mandatory supervision**

### Article 143

- (1) In admission procedure, as well as when deciding on privileges outside the Institution, an assessment shall be made for each prisoner:
  - 1) the level of risk to the community in the event of escape of prisoner;
  - 2) the degree of probability that such a person will try to escape on his own or with outside help.
- (2) The security classification should be continuously reviewed throughout the time of serving the prison sentence and an appropriate decision on whether or not to grant privileges should be made in accordance with the assessed level of risk to the security conditions.
- (3) Escape risk assessment – security conditions, must include:
  - 1) threat to the public – community in case the convicted person escapes;
  - 2) previous behavior, attempted escape, previous deprivation of liberty based on a warrant;
  - 3) access to external assistance;
  - 4) previous convictions;
  - 5) personal and family circumstances;
  - 6) previous stay outside the territory of Republika Srpska, i.e. Bosnia and Herzegovina, tendency to constant travel from place to place or frequent change of place of permanent or temporary residence;
  - 7) personal participation in the implementation of the treatment program;
  - 8) the nature of the criminal offense for which he was convicted;
  - 9) the manner, motives and consequences of the committed criminal offense;
  - 10) attitude towards the victim;
  - 11) the length of the pronounced prison sentence;
  - 12) possible threat to other persons;
  - 13) possible threat from other prisoners;
  - 14) other circumstances that may be relevant to the security risk assessment.

### Article 144

- (1) When approving regular and extraordinary privileges, the Director of the Institution shall decide on the need for supervision.
- (2) Supervision must be ordered if the privilege used outside the Institution is approved:
  - 1) against a person sentenced to imprisonment of ten years or more, regardless of the type of criminal offense;



- 2) against a person sentenced to imprisonment for a term not exceeding ten years for the criminal offense of genocide, crime against humanity, war crime, terrorism, unauthorized production and distribution of narcotics, robbery, rape, sexual intercourse with a helpless person, sexual violence against a child, trafficking in human beings for the purpose of prostitution and organized crime;
- 3) against a recidivists in committing criminal offenses, alcoholics and drug addicts, regardless of the length of prison sentence imposed;
- 4) against a foreign citizen and a person with dual citizenship.

#### Article 145

- (1) The need to order supervision measures, except for the supervision referred to in Article 144, paragraph 2 of this Law, shall be assessed and ordered during each approval of privileges outside the Institution.
- (2) In addition to risk assessment and other circumstances when approving privileges outside the Institution, the competent service in the Institution shall monitor the behavior and implementation of the program of treatment of prisoners on a regular basis, organized with systematic observation and monitoring, using modern penological methods.
- (3) Supervision measures may last as long as the need lasts.

### **12. Measures of prohibition, restriction and enforcement of measures of prohibition**

#### Article 146

- (1) In order to assess the danger that may come from any prisoner and ensure the safety of prisoners, in order to prevent escape and protect the public, i.e. public order, the Institution shall apply surveillance.
- (2) Surveillance implies insight into the activities and behavior of prisoners, which shall be carried out regularly, in organized manner and systematically, by applying measures of prohibition, notifications, seizure of illicit objects, temporary retention of documents, monitoring of persons, objects or events, visually or through technical methods and means.
- (3) Measures of prohibition that may be imposed on a prisoner who uses privileges outside the Institution shall be:
  - 1) ban on leaving the place of permanent or temporary residence;
  - 2) ban on travel.
- (4) Other measures of prohibition shall include:
  - 1) ban on visiting certain places or areas;
  - 2) ban on staying near certain facilities or institutions;
  - 3) ban on meeting with certain persons;
  - 4) ban on visiting a specific address or addresses;
  - 5) ban on changing the place of use of privileges;
  - 6) temporary retention of documents and driver's licenses that can be used to cross the state border;
  - 7) a demand for periodical reporting to the police administration or other designated authority;
  - 8) a demand that the period of privileges outside the Institution be subject to close supervision against the prisoner;
  - 9) a demand for a stay at a specific address;

- 10) a demand to be at a specific address at a specific time;
  - 11) restriction of the distance of movement outside the seat of the Institution.
- (5) In addition to the use of privileges, the Director of the Institution may impose measures of prohibition and other measures of prohibition, separately or jointly, request from the competent police administration or other body periodical or permanent information or reporting on the conduct and use of privileges, determine for visits of the city or other place which is more than five kilometers away from the seat of the Institution so that prisoners can visit such a place only with the prior written consent of the Director of the Institution.
- (6) During the serving of a prison sentence, the Director of the Institution shall order and revoke the measure of prohibition or supervision by a decision.
- (7) Against the decision referred to in paragraph 6 of this Article, the prisoner may file a complaint to the Minister within three days and a complaint to the Ombudsman.

#### Article 147

- (1) Measures of prohibition and other measures of prohibition ordered with the approval of the use of privileges outside the Institution shall be implemented by the competent body of internal affairs or another designated body.
- (2) The Director of the Institution shall submit to the internal affairs bodies in the place of the Institution's seat and place of use of privileges, as well as to the BiH Border Police, along with notification of all prisoners who use privileges in its area, all written decisions on all measures of prohibition, requests and all important information which may be relevant to issues of security and protection of public order.
- (3) The Director of the Institution shall submit all written decisions and information referred to in paragraph 2 of this Article to the bodies designated for the implementation of measures of prohibition, certain requests or supervision.

### **13. Transfer of prisoners**

#### Article 148

- (1) After serving one half of the pronounced prison sentence, at the request of the prisoner, the transfer from one Institution to another may be approved, which shall be decided by a decision of the Minister or a person authorized by him.
- (2) An appeal against the decision referred to in paragraph 1 of this Article shall not be allowed.
- (3) If the prisoner's request for transfer is rejected, a new request may be submitted after the expiration of six months from the date of the making decision on the previous request, if it is a prison sentence of more than one year, i.e. after three months, if it is a prison sentence of up to one year.

#### Article 149

- (1) When required so by security reasons or the organization of the execution of a prison sentence, the Director of the Institution may submit a proposal for the transfer of a prisoner to another Institution, which shall be decided by a decision of the Minister or a person authorized by him.
- (2) An appeal against the decision referred to in paragraph 1 of this Article shall not be allowed.

- (3) If the proposal of the Director of the Institution is rejected, a new proposal may be submitted after six months from the date of receipt of the decision.
- (4) If a prisoner is sentenced to more than two years of imprisonment by a new final judgment while serving a prison sentence, the Director of a semi-open Institution may submit a proposal for the transfer of a prisoner to a closed institution.
- (5) The Minister or a person authorized by him may transfer a prisoner to another Institution for security reasons even without the proposal of the Director of the Institution.
- (6) The costs of the transfer shall be borne by the Institution from which the transfer is made.
- (7) The institution to which the prisoner has been transferred shall immediately, and no later than within 24 hours, allow the prisoner to contact the family or counsel of his choice at the expense of the Institution.

#### Article 150

- (1) In case of illness for the treatment of which there are no conditions in the Institution and the seat of the Institution where he is serving a prison sentence, the prisoner may be, at the proposal of the Director of the Institution, with the previously obtained opinion of a doctor in the Institution, as long as the treatment lasts, temporarily transferred to an Institution where there are conditions for such treatment.
- (2) For the purpose of conducting more expedient new criminal proceedings and in cases of extraordinary events and circumstances in the Institution, at the proposal of the court, prosecutor's office and the Director of the Institution, a prisoner may be temporarily transferred to another Institution.
- (3) The decision on the temporary transfer of a prisoner shall be made by the Minister or a person authorized by him.
- (4) An appeal against the decision referred to in paragraph 3 of this Article shall not be allowed.

#### Article 151

- (1) For security or organization of the execution of a prison sentence, the Director of the Institution, with the written consent of the prisoner, may submit to the Minister a proposal for transfer to serve the prison sentence to another entity in which the prisoner has permanent or temporary residence.
- (2) Security reasons or reasons for organizing the execution of the prison sentence referred to in paragraph 1 of this Article must be clearly explained and proven.
- (3) The Minister shall make the decision on transfer after obtaining the consent of the Minister of Justice of the entity to which the prisoner is transferred.
- (4) An appeal against the decision referred to in paragraph 3 of this Article shall not be allowed.
- (5) If the proposal of the Director of the Institution is rejected, a new proposal may be submitted after six months from the date of receipt of the decision.
- (6) The costs of the transfer referred to in paragraph 1 of this Article shall be borne by the Institution from which the transfer is made.

### **14. Interruption of serving the prison sentence**

#### Article 152

- (1) At the request of a prisoner, the Minister or a person authorized by him may, by a decision, approve the interruption of the serving the prison sentence in the Institution, if the following reasons have arisen:
  - 1) if he has suffered from a severe acute illness or his existing chronic illness has significantly worsened, and there are no conditions for treatment in the Institution – while the illness lasts, provided that the decision is reviewed every 90 days;
  - 2) due to death or serious illness in the family – for a maximum of six months;
  - 3) if it is necessary to perform field or seasonal work or work caused by natural disasters, and there are no family members able to work – for a maximum of six months;
  - 4) for the purpose of taking the exam for which he was preparing or for completing his education – for a maximum of six months;
  - 5) if the Institution does not have adequate premises for the stay of female prisoners during pregnancy, childbirth and maternity or a serious or incurable disease of a newborn – up to reaching the age of two.
- (2) The request for interruption of serving a prison sentence shall state the reasons and enclose the original documents issued by the competent authority, or copies of the original documents certified by the competent authority of the local self-government unit.
- (3) The Institution shall submit the request of the prisoner for interruption of serving the prison sentence with the accompanying documentation and opinion to the Ministry within three days from the day of receipt of the request.
- (4) An appeal may be filed with the Minister against the decision rejecting the request for termination of serving the prison sentence within 15 days from the day of receipt of the decision.
- (5) The decision made on the appeal shall be final and no administrative dispute can be initiated against it.
- (6) Time spent on the interruption of serving a prison sentence shall not be included in the served prison sentence.
- (7) The Institution shall inform the bodies referred to in Article 187, paragraph 2 of this Law about a prisoner who has been granted the interruption of serving a prison sentence.
- (8) During the interruption of serving a prison sentence, the prisoner shall not have the rights provided by this Law.
- (9) In cases of severe acute illness, at the initiative of the health service, with the written consent of the prisoner, the Director of the Institution may propose interruption of serving the prison sentence for the patient – while the illness lasts, with a review of the decision every 90 days.
- (10) The procedure for issuing a decision granting the interruption of serving the prison sentence referred to in paragraph 9 of this Article is the same as the procedure for issuing a decision at the request of a prisoner prescribed by paragraphs 2, 3, 4, 5, 6 and 7 of this Article.

#### Article 153

- (1) If it is determined during the interruption of serving the prison sentence that the interruption was approved on the basis of false documents or other evidence, i.e. that the interruption is not used for the purpose for which it was approved, the decision referred to in Article 152, paragraph 1 of this Law shall be revoked at the proposal of

the Director of the Institution, and the prisoner shall be ordered to report for further serving of the prison sentence immediately, and no later than within three days from the day of receipt of the decision on revocation.

- (2) The decision on revocation of the interruption of serving the prison sentence shall be issued by the Minister or a person authorized by him, and it shall be delivered to the Institution and to the person who is on the interruption of serving the prison sentence.
- (3) If the prisoner does not report for further serving the prison sentence, it shall be acted in accordance with the provisions of Article 184 of this Law.

#### Article 154

- (1) In the case of ordering detention for another criminal offense, the court that ordered detention shall issue a decision on interruption of serving the prison sentence.
- (2) The interruption of serving the sentence referred to in paragraph 1 of this Article shall last until the termination of detention.
- (3) If the detention for another criminal offense has been ordered by a court based outside the territory of Republika Srpska, but has not issued a decision on interruption of serving the prison sentence, the decision on interruption of serving the prison sentence during detention shall be issued by the Minister or a person authorized by him.

### CHAPTER VI

#### DISCIPLINARY AND MATERIAL RESPONSIBILITY OF PRISONERS

##### **1. Disciplinary responsibility of prisoners**

#### Article 155

- (1) Prisoners shall abide by the provisions of this Law, house rules and other regulations in the field of execution of prison sentence and shall act in accordance with the lawful orders of officials.
- (2) Behavior that is contrary to the provisions of paragraph 1 of this Article shall constitute a disciplinary offense, for which the prisoner may be disciplined.
- (3) Disciplinary offenses can be both minor and serious.
- (4) The Minister shall issue the Rulebook on the Disciplinary Responsibility of Prisoners.

#### Article 156

Minor disciplinary offenses are:

- 1) giving things for use to another person for which he has no approval;
- 2) possession and taking of medicines without approval;
- 3) unauthorized taking or use of other people's property;
- 4) inciting others to commit offenses;
- 5) intentionally soiling the premises of the Institution;
- 6) unauthorized contact with other persons;
- 7) neglect of personal hygiene;
- 8) providing inaccurate information on facts relevant to the exercise of rights in the Institution;

- 9) preparing and keeping beverages, meals or food outside the space intended for these purposes;
- 10) tattooing and piercing in the Institution;
- 11) taking tools and other material resources out of the workplace;
- 12) possession of items that the prisoner must not have with him;
- 13) undisciplined, indecent and aggressive behavior that disrupts life and work in the Institution;
- 14) disturbing the peace by shouting, clamoring, listening to the radio or TV too loudly, banging or throwing things.

#### Article 157

- (1) Serious disciplinary offenses are:
  - 1) refusal to execute a lawful order of an official;
  - 2) incitement to rebellion or flight;
  - 3) preparing the escape, attempt of escape and escape;
  - 4) assisting other prisoners in preparing for an escape or escape;
  - 5) organizing of and participating in a rebellion;
  - 6) violent behavior against other prisoners, physical and psychological abuse, as well as any inappropriate behavior towards other prisoners;
  - 7) intentional destruction of someone else's property and the property of the Institution;
  - 8) taking compensation from other prisoners in cash or in kind;
  - 9) unauthorized leaving of the Institution, ward of the Institution, hospital treatment in a health institution or from a work site, without the approval of an official;
  - 10) production, import, possession, resale and consumption of alcohol, narcotics and psychoactive substances in the Institution and outside the Institution, during the use of privileges, during work engagement outside the Institution and in hospital treatment;
  - 11) making, possessing and bringing into the Institution or on work sites outside the Institution illicit objects, including money, dangerous objects or means of distance communication;
  - 12) unjustified delay with privileges outside the Institution' compound and non-compliance and non-execution of measures of prohibition during the use of privileges outside the Institution;
  - 13) insults, threats and indecent behavior, quarrels and fights with each other;
  - 14) making any items and conducting private affairs for oneself or another without the order of an official person;
  - 15) disrupting the implementation of the daily schedule of activities;
  - 16) unauthorized entry and use of the official premises and stay in places where it is prohibited;
  - 17) preventing access to any premises of the Institution to the officials and persons authorized to enter the Institution;
  - 18) mutual resale or barter of any items;
  - 19) stealing, gambling and playing illicit games;
  - 20) resisting medical examination and testing for infectious diseases, alcohol and narcotics;
  - 21) inciting other prisoners to behavior that represent a criminal offense, minor offence or serious disciplinary offence;
  - 22) inappropriate behavior towards officials;

- 23) resisting or physically assaulting an official;
  - 24) neglect of work obligation that caused or could have caused harmful consequences on a larger scale;
  - 25) providing false information which has caused or may have caused large-scale damage;
  - 26) endangering someone else's health that was done intentionally or by gross negligence;
  - 27) training other prisoners on how to commit a crime based on personal or other people's experience;
  - 28) intentionally impairing own health to incapacitate him for the performance of his duties;
  - 29) inappropriate conduct while using privileges outside the Institution.
- (2) A serious disciplinary offense is also any behavior that constitutes a criminal offense for which a prisoner shall be prosecuted *ex officio*, a minor offence committed by a prisoner while serving a prison sentence, conduct by which a prisoner violates imposed measures of supervision, prohibition or restriction, as well as any other conduct detrimental to reputation of the Institution.

#### Article 158

- (1) Disciplinary sanctions shall be imposed for perpetrated disciplinary offenses.
- (2) Disciplinary sanctions shall be:
  - 1) admonition;
  - 2) written reprimand;
  - 3) revocation of privileges in and outside the Institution;
  - 4) solitary confinement for up to 20 days.
- (3) If a prisoner commits a criminal offense while serving a prison sentence, the Institution shall submit a report to the competent authority.
- (4) A disciplinary sanction shall also be applied against a prisoner if he commits a criminal offense while serving his sentence.
- (5) Admonition and written reprimand shall be issued for minor disciplinary offenses.
- (6) In the case of the imposition of a disciplinary sanction of revocation of privileges, the duration of the disciplinary sanction shall depend on the gravity of the disciplinary offense perpetrated, but may not be shorter than one month or longer than six months.
- (7) The disciplinary sanction of solitary confinement may be imposed only for serious disciplinary offenses.
- (8) In the case of a disciplinary sanction of solitary confinement, the prisoner shall lose the opportunity of awarding and using privileges used outside the Institution' compound, for a period defined by the disciplinary commission, which may not be shorter than three months or longer than six months, except in cases of imposing disciplinary sanction for committed escape or abuse of privileges, when it cannot be shorter than one year, and it shall be calculated from the day of served disciplinary sanction or disciplinary sanction for which the statute of limitations came into effect.
- (9) For a prisoner against whom a special measure of assignment to a ward with intensified supervision is determined, the term imposed by the disciplinary sanction in connection with the revocation of privileges shall not run during his stay in the ward.

## 2. Initiation of disciplinary proceedings

#### Article 159

- (1) A proposal for initiating disciplinary proceedings to determine the disciplinary responsibility of a prisoner shall be submitted by the head of the service in whose jurisdiction the violation was committed within 30 days from the day of learning of the violation and the perpetrator.
- (2) The decision to initiate disciplinary proceedings shall be made by the Director of the Institution.
- (3) The commission appointed by the Director of the Institution shall conduct disciplinary proceedings and impose disciplinary sanctions.
- (4) An appeal against the decision of the commission may be filed with the Director of the Institution within three days from the day of receipt.
- (5) The appeal shall not stay the execution of the decision.
- (6) The decision of the Director of the Institution shall be final and no administrative dispute can be initiated against it.

#### Article 160

- (1) The disciplinary procedure shall be urgent and it shall be conducted pursuant to the provisions of this Law, the Rulebook on disciplinary responsibility of prisoners and Criminal Procedure Code of Republika Srpska.
- (2) In disciplinary proceedings, the prisoner and witnesses must be heard, and confrontation may be carried out, as well as to obtain the opinion of officials involved in the implementation of the treatment program.
- (3) A record shall be taken during the disciplinary proceedings.

### **3. Disciplinary sanctions**

#### Article 161

- (1) Prisoners who commit serious disciplinary offenses may be separated from other prisoners in a special room without dangerous objects even before initiating or ending disciplinary proceedings, if there is a danger of violent acts against persons and objects, danger of murder and self-harm or endangering security in the Institution, which cannot be removed in any other way, which shall be decided by the Director of the Institution.
- (2) The separation time shall last as long as the reasons why the person was separated exist, and it cannot last longer than 72 hours.
- (3) Time spent in a room without dangerous items shall be included in the disciplinary sanction of solitary confinement.

#### Article 162

- (1) The disciplinary sanction of solitary confinement implies the exclusion of prisoner from joint activities with other prisoners throughout the day and night.
- (2) Prior to the execution of a disciplinary sanction of solitary confinement, the examination by a doctor of medicine at the Institution shall be mandatory.

#### Article 163

- (1) The execution of disciplinary sanctions, except for an admonition and written reprimand, may be postponed for up to six months, if it can be reasonably expected that



the purpose of disciplinary sanction will be achieved even without the execution of the imposed disciplinary sanction.

- (2) If a prisoner commits a disciplinary offense within the period for which the execution of the disciplinary sanction has been postponed, the conditionally imposed disciplinary sanction shall be revoked.
- (3) When a suspended disciplinary sentence of solitary confinement is revoked, the total disciplinary sanction may not exceed 20 days.

#### Article 164

- (1) During the execution of the disciplinary sanction of solitary confinement, the prisoner shall be provided with the necessary hygienic and health conditions, and if possible, books, textbooks and newspapers.
- (2) During the execution of the disciplinary sanction of solitary confinement, the prisoner shall be provided with a stay in the fresh air outside the closed premises, for a period of at least two hours a day.
- (3) During the execution of the disciplinary sanction of solitary confinement, a health worker shall visit the prisoner every day, an educator and a doctor of medicine in the Institution twice a week, and once in seven days by the Director of the Institution.
- (4) Multiple separately imposed disciplinary sanctions of solitary confinement cannot be carried out consecutively.

### **4. Material responsibility of prisoners**

#### Article 165

- (1) Upon a written proposal of the treatment service, the Director of the Institution may suspend the execution of the disciplinary sanction of solitary confinement even before its expiration, when he determines that the purpose of the disciplinary sanction has been achieved.
- (2) The Director of the Institution shall obligatorily suspend the execution of the disciplinary sanction of solitary confinement by a decision, if, in the written opinion of the doctor of medicine in the Institution, further stay in solitary confinement endangers the health of the prisoner.

#### Article 166

- (1) The prisoner shall be liable for the damage he caused intentionally or through gross negligence and shall be obliged to compensate the damage.
- (2) The Director of the Institution shall decide on the compensation of damage by a decision.
- (3) An objection to the decision on compensation of damage may be filed with the Minister within eight days from the day of receipt of the decision.
- (4) If the prisoner refuses to pay damages, the Institution may realize its claims by filing a lawsuit with the competent court.

## CHAPTER VII

### MEASURES TO MAINTAIN ORDER AND SECURITY

## **1. Special measures to maintain order and security**

### Article 167

- (1) In order to maintain order and security in the Institution, the measures prescribed by this Law and regulations adopted on the basis of this Law may be applied against the prisoner, only to the extent necessary.
- (2) Measures to maintain order and security shall be special measures and coercive measures.

### Article 168

- (1) In order to maintain order and discipline and preserve the general security of the Institution, special measures determined by this Law may be imposed on prisoners who constantly endanger order and security, as follows:
  - 1) intensified supervision;
  - 2) seizure and temporary withholding of items keeping of which is permitted;
  - 3) testing for infectious diseases, alcohol and narcotics;
  - 4) separation into a special room without dangerous items;
  - 5) placement in a medical room with intensive supervision;
  - 6) placement in the ward with intensified supervision and intensive treatment program;
  - 7) isolation.
- (2) Several special measures can be used at the same time against the prisoner.
- (3) The application of special measures and coercive measures shall not be treated as disciplinary sanctions.

### Article 169

- (1) At the proposal of the treatment service and the security service, special measures referred to in Article 168, paragraph 1 of this Law, except for items 5) and 7), shall be determined by an order of the Director of the Institution.
- (2) The special measure of isolation referred to in Article 168, paragraph 1, item 7) of this Law, upon the proposal of the treatment service and the security service, shall be determined by a decision of the Director of the Institution.
- (3) The measure of placement in a medical room with intensive supervision referred to in Article 168, paragraph 1, item 5) of this Law, upon the proposal of the doctor of medicine in the Institution, shall be issued by an order of the Director of the Institution.
- (4) In cases that do not accept delay, the application of special measures, except for the measures referred to in Article 168, items 5) and 7) of this Law, may be determined by another employee authorized by the Director of the Institution.
- (5) The employee who ordered the special measure shall immediately inform the Director of the Institution, who shall immediately confirm or revoke the measure.
- (6) The Director of the Institution shall immediately, and no later than within 24 hours, notify the Ministry in writing on the application of measures referred to in Article 168, item 5), 6) and 7) of this Law.
- (7) Special measures may not be applied for longer than the reasons for which they were imposed exist, unless otherwise provided by this Law.

### Article 170

- (1) Increased supervision is a frequent observation and control of prisoners day and night, and it shall be carried out in a way that does not disturb daily activity of other prisoners.
- (2) Seizure and temporary withholding of items keeping of which is permitted shall be carried out temporarily while the reasons for the application of the measure last.
- (3) In case of suspicion of infectious diseases, consumption of alcohol and narcotics, testing of prisoners shall allowed in accordance with Article 134 of this Law.
- (4) For testing for HIV and hepatitis C virus, the consent of the prisoner shall be required.
- (5) Separation into a special room without dangerous items, as a special measure for maintaining order and discipline, shall be performed in the manner provided for in Article 161 of this Law.
- (6) When separating prisoners into a room without dangerous items, it shall be obligatory to perform an examination by a doctor of medicine in the Institution.

#### Article 171

- (1) Prisoners for whom it is estimated that they shall commit or have already committed any act of self-harm, assault on another prisoner or official shall be placed for medical reasons in a medical room with intensive supervision.
- (2) The opinion of the doctor of medicine in the Institution shall be obtained immediately, and no later than within 24 hours from the moment of placement, on the health condition of the prisoner who is placed in the medical room with intensive supervision.
- (3) The Director of the Institution shall issue the order on the placement of prisoners in the medical room, upon the proposal of the doctor of medicine in the Institution.
- (4) Intensive supervision in the medical room is reflected in the organized supervision of security and health service workers, as well as supervision through technical and electronic devices.
- (5) When the doctor of medicine in the Institution gives an opinion on the use of means for restriction of movement, the prisoner shall be examined, and the decision shall be reviewed every six hours, and if necessary even earlier.
- (6) Any review of the opinion referred to in paragraph 5 of this Article shall be recorded in the prisoner's medical record and a daily report shall be made, which shall be submitted to the Director of the Institution.
- (7) The application of this measure shall last as long as the reasons for which it is ordered last.

#### Article 172

- (1) If there is a danger of escape, violent behavior towards other prisoners or things, danger of endangering discipline and order that cannot be eliminated in any other way, endangering personal safety and in other justified cases, prisoners can be placed in the ward with intensified supervision and intensive treatment program.
- (2) A prisoner may be placed in the ward referred to in paragraph 1 of this Article even after the execution of the measure of isolation, if the reasons for which the measure of isolation has been imposed have not ceased.
- (3) At the proposal of the security service and the treatment service, the Director of the Institution shall issue the order on placement.
- (4) The review of the justification of the placement in the ward shall be carried out every three months of the stay in the ward, and in exceptional cases it can be carried out earlier.

### Article 173

- (1) With the obtained opinion of the doctor of medicine in the Institution, against a prisoner whose behavior persistently disturbs order and discipline, endangers the safety of the Institution and poses a serious danger to persons and property in the Institution, the Director of the Institution may order by decision a measure of isolation for up to 60 days.
- (2) Against the decision referred to in paragraph 1 of this Article, the prisoner has the right to appeal to the Minister within three days from the day of receipt of the decision, however, the appeal shall not stay the execution of the decision.
- (3) The decision made on the appeal shall be final and no administrative dispute against it shall be allowed.

### Article 174

- (1) In special cases where the reasons for the application of the measure of isolation have not ceased, the measure of isolation may be extended, provided that the total period of isolation may not exceed 120 consecutive days.
- (2) A prisoner against whom a measure of isolation has been imposed shall be kept separate from other prisoners and the common manner of execution of a prison sentence and joint activities for the duration of the measure of isolation.
- (3) The measure of isolation may be suspended even before the expiration of the time for which it was determined, if during its execution it is determined that the reasons for which it was determined ceased or when the finding of a doctor of medicine in the Institution determines that further isolation is harmful to prisoners' health.
- (4) The decision to suspend the execution of the solitary confinement measure shall be made by the Director of the Institution.
- (5) During the measure of isolation, the prisoner shall be visited every day by a health worker and educator, and by the doctor of medicine in the Institution and the Director of the Institution once a week.
- (6) The Rulebook on House Rules for Serving a Prison Sentence shall regulate the execution of a special measure of isolation and the execution of a disciplinary sentence of solitary confinement.

## **2. Coercive measures and application of coercive measures**

### Article 175

Coercive measures against prisoners are:

- 1) use of physical force;
- 2) tying;
- 3) use of a rubber stick;
- 4) use of service dogs;
- 5) use of water hoses;
- 6) use of chemical agents;
- 7) use of electromagnetic/electronic non-lethal weapons – Taser;
- 8) use of a kinetic non-lethal weapon – rubber bullet;
- 9) use of fire arms.

#### Article 176

- (1) In order to maintain order and security in the Institution, coercive measures established by law and regulations adopted on the basis of law, may be applied against a prisoner.
- (2) When applying a coercive measure, a measure shall be used that least endangers the life and health of the person against who it is applied, which successfully overcomes resistance, and which is proportionate to the threatening danger.

#### Article 177

- (1) Coercive measures against the prisoner can be used only when necessary to prevent:
  - 1) escape;
  - 2) physical assault on another person;
  - 3) self-harm or attempted suicide of a prisoner;
  - 4) intentional causing of fire, flood and material damage;
  - 5) active and passive resistance;
  - 6) rebellion.
- (2) Active resistance implies any opposition of a prisoner to lawful official measures, actions and orders of an official, which is done by hiding behind or holding a person or object, seizing, or assuming that the person will be attacked or taking similar action.
- (3) Passive resistance implies any opposition of prisoners to lawful official measures, actions and orders of an official, which is done by ignoring or taking a kneeling, sitting, lying or similar position.
- (4) Coercive measures may also be applied against a person who unlawfully releases a prisoner outside the Institution or illegally enters the compound and premises of the Institution.
- (5) In the case referred to in paragraph 4 of this Article, the said person shall be detained until the arrival of authorized officials of the internal affairs body.

#### Article 178

- (1) The person against whom the measure is intended to be used shall be verbally and clearly warned about the application of the coercive measure, unless it is a simultaneous or imminent unlawful attack.
- (2) The use of service dogs, water hoses, chemical agents, electromagnetic and kinetic non-lethal weapons can only be ordered by the Director of the Institution.
- (3) After the application of coercive measures, it shall be obligatory to perform a medical examination of prisoners.
- (4) The report on the application of coercive measures referred to in Article 175, items 3), 4), 5), 6), 7), 8) and 9) of this Law and the obligatory medical examination referred to in paragraph 3 of this Article shall be immediately submitted to the Director of the Institution, who shall submit the report to the Ministry within 24 hours, which shall make a decision on the justification of the application of coercive measures.
- (5) If coercive measures and firearms were used within the limits of their authority, the disciplinary liability of members of the security service shall be excluded.
- (6) If criminal proceedings are conducted against the employees of the Institution due to the use of coercive means, firearms or other actions in the performance of official duties, the Institution shall provide legal assistance in connection with the conduct of the proceedings.

#### Article 179

- (1) In case that the violation of order of a larger order is being prepared or carried out in the Institution, the Director of the Institution shall immediately inform the Minister about that, who, after reviewing the situation, shall decide to engagement of all or individual special units of the Institutions in accordance with the Rulebook on the organization and use of a special unit of the security service of a penal and correctional institution.
- (2) In the event that members of the special unit cannot prevent the violation of a larger order, the Minister may request, in accordance with the agreement referred to in Article 61, paragraph 4 of this Law, the engagement of the nearest special unit of the Ministry of Interior.

### **3. Use of firearms**

#### Article 180

- (1) Members of the security service and other authorized officials of the Institution may be armed when performing their duties outside the Institution's compound.
- (2) Members of the security service shall be prohibited from carrying weapons within the Institution's compound, except in cases when the violation of order and discipline is of such intensity that the use of firearms is necessary to establish order and discipline and protect the lives of prisoners, employees or other persons in the Institution.
- (3) Interns in the security service cannot carry weapons.

#### Article 181

- (1) When performing official duties, a member of the security service is allowed to use firearms only if it is not possible with other measures to:
  - 1) protect people's lives;
  - 2) repel an imminent attack that endangers his life or the lives of officials;
  - 3) repel an attack on the facility he secures;
  - 4) prevent the escape of prisoners from a closed type Institution;
  - 5) prevent the escape of a prisoner from a closed type institution, i.e. from a closed ward of the Institution he escorts or secures, if his escape would directly endanger the lives of others, only if it is explicitly stated in the order for escort, i.e. securing.
- (2) A member of the security service who performs his service in the presence of a superior manager may use a firearm only on the order of the superior manager.
- (3) The superior manager may issue an order for the use of firearms only in the cases referred to in paragraph 1 of this Article.
- (4) A member of the security service shall not use a firearm if it would endanger the lives of others.

#### Article 182

- (1) In order to exercise the competencies prescribed by law, a member of the security service shall have the right and duty to apply the powers provided by this Law.
- (2) A member of the security service shall exercise powers according to his decision, in accordance with the law, bylaws, as well as on the basis of a lawful order of a superior.

- (3) In order to perform the prescribed duties, a member of the security service may exercise the following powers:
- 1) verification and identification of persons and items;
  - 2) issuing warnings and orders;
  - 3) temporary restriction of freedom of movement;
  - 4) temporary seizure of items;
  - 5) use of other people's vehicles and means of communication;
  - 6) inspection of persons, items, premises and means of transport;
  - 7) use of coercive means.

#### **4. Actions during an escape**

##### Article 183

- (1) A member of the security service shall take action, without delay, to prevent the prisoner from escaping.
- (2) For the purpose of direct apprehension of a fugitive, a member of the security service may enter another people's apartment and other premises without a search warrant and, if necessary, search it to the extent necessary to find and deprive a fugitive prisoner.
- (3) In the case when the apartment or premises are searched, a record shall be made.
- (4) A member of the security service has the right to use the means of transport and means of communication available to him for the purpose of apprehending the person referred to in paragraph 1 of this Article, as well as for transporting and assisting a person injured on that occasion.
- (5) A member of the security service shall issue a certificate of entry into the apartment or other premises to their holder, and the use of means referred to in paragraph 4 of this Article for the purpose of reimbursement of costs and other damages.

##### Article 184

- (1) In case of escape of a prisoner, the Institution shall immediately inform the body of internal affairs at the seat of the Institution, the body of internal affairs in the place of residence or stay of the prisoner and the Border Police of BiH in order to take measures to find, capture and apprehend the fugitive.
- (2) In case of escape of a foreign citizen, in addition to bodies referred to in paragraph 1 of this Article, the competent service for affairs with foreigners in the Ministry of Security of BiH shall be notified.
- (3) An escape shall be deemed to be any arbitrary departure from the Institution or ward of the Institution, non-arrival on time from the approved use of privileges outside the Institution, non-arrival on time from the approved interruption of serving the prison sentence, arbitrary departure from treatment in a health institution or workplace outside the Institution and non-appearance in the Institution after revocation of the conditional release and revocation of the interruption of serving the prison sentence.
- (4) The Director of the Institution shall immediately inform the Minister about the escape of prisoners.
- (5) Time spent on the run shall not be counted in served prison sentence.
- (6) In case of escape of a prisoner, the Director of the Institution shall submit to the competent body of internal affairs an order for issuing a warrant for finding and escorting the fugitive to the Institution.
- (7) The costs of escort from the escape shall be borne by the prisoner.

## CHAPTER VIII

### CONDITIONAL RELEASE AND RELEASE OF PRISONERS

#### 1. Conditional release

##### Article 185

- (1) In order to encourage the personal efforts of prisoners to engage in life at liberty, which can reasonably be expected to no longer commit criminal offenses and that the prison sentence has served the purpose of punishment, the prisoner may be released on parole in accordance with the Criminal Code and this Law.
- (2) The Commission on Conditional Release (hereinafter: the Commission), appointed by the Minister, shall decide on the conditional release of prisoners serving a prison sentence in the Institutions of Republika Srpska.
- (3) Until the final resolution of the issue of conditional release of prisoners serving a prison sentence in the Institutions of the Federation of Bosnia and Herzegovina after the final judgments of the courts in Republika Srpska, the Commission referred to in paragraph 2 of this Article shall decide on the conditional release of those persons.
- (4) The Commission shall consist of five members, consisting of a representative of the Ministry, a judge of the Supreme Court of Republika Srpska and three independent members from the relevant professional field.
- (5) One of the members of the Commission shall be the President.
- (6) The Commission shall be appointed for a term of four years.
- (7) The Commission shall adopt the Rules of Procedure.

##### Article 186

- (1) Conditional release shall be decided at the request of the prisoner or at the proposal of the Director of the Institution.
- (2) An initiative for submitting a proposal for conditional release may also be submitted by a doctor of medicine in the Institution after reviewing the health condition of the prisoner, if the severe or acute health condition of the prisoner indicates that or if the medical assessment indicates inability to heal, or poor health prognosis of the prisoner.
- (3) The Institution, at the proposal of the Director of the Institution or the doctor of medicine in the Institution or at the request of the prisoner, shall submit to the Commission data on the achieved level of re-education and other data on the prisoner that may be relevant for the Commission's decision, as well as an opinion on the justification of the request.
- (4) The provisions of this article on conditional release shall not apply to prisoners whose fine has been replaced by prison sentence.
- (5) In reaching a decision on conditional release, the Commission shall in particular assess:
  - 1) previous convictions;
  - 2) conduct while serving a prison sentence;
  - 3) personal participation in the process of re-education;
  - 4) attitude concerning the committed criminal offense;
  - 5) assessment of repeated perpetration criminal offenses;
  - 6) the remainder of the unserved part of the prison sentence;
  - 7) opinion on the merits of the application, i.e. proposal for conditional release;



8) measures as part of post-penal protection.

#### Article 187

- (1) The Commission shall issue a decision on conditional release.
- (2) The decision on conditional release shall be delivered to the Institution, which shall be obliged to deliver one copy to the prisoner upon release from serving a prison sentence, to the court – which sent the conditionally released person to serve a prison sentence, to the court – which pronounced the first instance verdict, to the internal affairs authority in the place of permanent or temporary residence, to the BiH Border Police and the competent service for affairs with foreigners in the Ministry of Security of BiH in case he is a foreign citizen.
- (3) If the request or proposal is rejected, the decision is delivered to the person who submitted the request, i.e. proposal.

#### Article 188

- (1) An appeal against the decision of the Commission referred to in Article 187 of this Law shall not be allowed.
- (2) In the case of rejection of a proposal or request for conditional release, a new proposal or request may not be filed before the expiration of four months, in the case of a prison sentence of up to two years, or six months in the case of a prison sentence of two years or more, from the day of the finality of the decision.

#### Article 189

- (1) A prisoner who has been granted conditional release shall be obliged to report every 15 days during the conditional release to the body of internal affairs competent for the place of permanent or temporary residence of the prisoner, and which shall inform the Institution in case of non-appearance at a certain time.
- (2) During the conditional release, a prisoner shall not be allowed to leave the territory of Republika Srpska or Bosnia and Herzegovina, except in the case of foreign citizens or stateless persons who do not have a permanent place of residence in Republika Srpska or Bosnia and Herzegovina.
- (3) The Institution in which the prisoner served the prison sentence until the day of his conditional release shall be obliged to monitor the implementation and realization of the purpose of conditional release in cooperation with the body referred to in paragraph 1 of this Article.
- (4) Prisoners shall not be entitled to the rights under this Law during the period of conditional release.
- (5) Notwithstanding paragraph 2 of this Article, at the request of the prisoner, and with a reasoned opinion of the Institution and the doctor of medicine in the Institution, the Commission may by decision authorize leaving of the territory of Republika Srpska or Bosnia and Herzegovina in cases of medical treatment of prisoners, spouses or common law spouses, child, parent, adoptee and adoptive parent, which cannot be carry out in health care institutions of Republika Srpska, i.e. Bosnia and Herzegovina.
- (6) The request referred to in paragraph 5 of this Article, which the prisoner sends to the Commission through the Institution, shall be accompanied by a written statement from the competent university clinical center in Republika Srpska or Bosnia and Herzegovina and original health documentation or certified copies confirming that the treatment of

prisoner or members of his family referred to in paragraph 5 of this Article is necessary, and that treatment cannot be carried out on the territory of Republika Srpska, i.e. Bosnia and Herzegovina.

- (7) In cases referred to in paragraph 5 of this Article, the decision of the Commission shall be submitted to the Institution in accordance with Article 187 of this Law.
- (8) After the expiration of the approved period referred to in paragraph 5 of this Article, which is stated in the decision of the Commission, the prisoner shall be obliged to report to the internal affairs authority competent in the place of residence and comply with the obligations prescribed in paragraphs 1 and 2 of this Article.

#### Article 190

- (1) If a prisoner commits a serious disciplinary offense from the day of the decision of the Commission granting his conditional release until the day of his conditional release, the Director of the Institution shall immediately submit a proposal for revocation of the decision on his conditional release.
- (2) The Commission shall decide on the proposal referred to in paragraph 1 of this Article by a decision.
- (3) If a prisoner does not comply with the obligations prescribed in Article 189 of this Law during the period of conditional release, commits an offense with elements of violence for which the principal or ancillary prison sentence is envisaged or a prison sentence is imposed, commits a criminal offense for which the indictment is confirmed, in cases of harassment of public and attempts to cross the state border, the Commission, at the proposal of the Director of the Institution, may revoke the decision on conditional release.
- (4) The decision on revocation of conditional release referred to in paragraph 3 of this Article shall be delivered to the Institution which shall deliver one copy to the prisoner, to the court that sent the conditionally released person to serve the prison sentence, to the court that pronounced the first instance verdict, to the internal affairs body and the social security body in charge in the place of permanent or temporary residence and the BiH Border Police.
- (5) The prisoner may appeal the decision on revocation of the conditional release referred to in paragraph 3 of this Article to the Minister within three days from the day of receipt of the decision.
- (6) An appeal against the decision on revocation of conditional release shall not stay the execution of the decision.
- (7) Upon receipt of the decision on revocation of conditional release, the prisoner shall immediately report to the Institution to serve the remaining part of the unserved prison sentence.
- (8) The time from the day of release on parole until the day of the regular expiration of the prison sentence shall be counted as the remaining part of the unserved prison sentence.
- (9) In case the prisoner fails to report to the Institution, the Director of the Institution shall issue an order on issuing the arrest warrant.
- (10) If the prisoner refuses or avoids receiving the decision on revocation of the conditional release, the Institution shall act in accordance with paragraph 9 of this Article.

#### Article 191

- (1) A prisoner who actively participated in the re-education process while serving a prison sentence, showed exemplary behavior and conduct, committed himself at work and who was not disciplined for serious disciplinary offenses while serving a prison sentence, and served at least 4/5 of his prison sentence, on a combined proposal of treatment, security and economic-instructive services or at the request of a prisoner for early release, he may be released early from serving a prison sentence for a maximum of three months before the expiration of the sentence.
- (2) The Director of the Institution shall decide on the early release referred to in paragraph 1 of this Article, assessing the elements referred to in Article 186, paragraph 5 of this Law.
- (3) The decision on early release of prisoners shall be submitted in accordance with Article 187, paragraph 2 of this Law.
- (4) The provisions of this Article on the early release of prisoners shall not apply to prisoners whose conditional release has been granted by the Commission and prisoners whose fines have been replaced by prison sentence.
- (5) If the combined proposal of the treatment, security and economic-instructional services is rejected or if the prisoner's request is rejected, the reasoned decision shall be delivered to the submitter of the proposal, i.e. the request.
- (6) In case of rejection of the proposal or request for early release referred to in paragraph 1 of this Article, a new proposal or request may not be submitted.
- (7) An appeal against the decision of the Director of the Institution for early release shall not be allowed.
- (8) If the prisoner commits a serious disciplinary offense from the day of issuing the decision referred to in paragraph 2 of this Article until the day of release for early release, the Director of the Institution shall revoke the decision on early release of the prisoner.

## **2. Release of prisoners**

### Article 192

- (1) A prisoner shall be released from the Institution:
  - 1) on the day his imprisonment regularly expires;
  - 2) when his conditional release begins to run;
  - 3) based on the decision of the Director of the Institution by which he was released early;
  - 4) based on the decision on amnesty;
  - 5) based on the decision on pardon;
  - 6) when he makes the payment of the fine;
  - 7) based on a court decision suspending further execution of the prison sentence.
- (2) If the last day of serving the prison sentence falls on a Saturday, Sunday or public holiday, the prisoner shall be released on the last working day preceding that day.
- (3) The provision referred to in paragraph 2 of this Article shall not apply to a prisoner whose fine has been replaced by prison sentence.
- (4) In order to prepare for leaving the Institution, the prisoner shall be relieved from work at least three days before his release.
- (5) Before release from serving a prison sentence, a doctor of medicine in the Institution shall examine the prisoner and the findings shall be recorded in the medical record, which shall be signed by the prisoner being released.

- (6) A prisoner who is released from serving a prison sentence and who does not have sufficient funds on his cash deposit, shall be entitled to a paid transport to the place of permanent or temporary residence, and if he is a foreigner, shall be entitled to a paid transport to the border crossing, unless otherwise provided by special regulations.
- (7) If a prisoner is seriously ill at the time of his release from serving a prison sentence or is unable to travel due to illness, the Institution shall place him in the nearest medical institution for treatment.
- (8) If the prisoner does not have the funds to pay the costs of treatment, and the illness occurred while serving a prison sentence, the costs of treatment for the first month shall be borne by the Institution from which the prisoner was released, after which general health care regulations shall apply.
- (9) Upon the release of a prisoner from serving a prison sentence, the personal file shall be archived and kept in accordance with the general regulations on the protection of archival material.

#### Article 193

- (1) Upon release from the Institution, a release form shall be issued to a prisoner who has served a prison sentence, in which, in addition to basic information about the prisoner, the time and grounds for release from serving a prison sentence shall be stated, as well as the obligation to report to the internal affairs body competent for the place of his permanent or temporary residence.
- (2) A conditionally released prisoner shall be issued a release form in which, in addition to his basic data and data on the time and basis of release, the obligations prescribed in Article 189 paragraphs 1 and 2 of this Law shall be stated.
- (3) The institution shall inform the court that sent the prisoner to serve the prison sentence, the court that pronounced the first instance verdict, the body of internal affairs and the social protection body competent for the place of his permanent or temporary residence, about the release of the prisoner from serving the prison sentence.
- (4) The Institution shall inform, within 30 days before the expiration of the sentence, the competent service for affairs with foreigners in the Ministry of Security of Bosnia and Herzegovina about the date of release from serving a prison sentence of a foreign citizen, in accordance with the regulation governing the movement and stay of foreigners in Bosnia and Herzegovina.
- (5) The Institution shall inform, within 30 days before the expiration of the sentence, the representative of the international organization protecting the interests of the stateless person about the date of release from serving the sentence of imprisonment of the stateless person.

#### Article 194

- (1) Upon release, the prisoner shall be given all things, items and money that were kept in the Institution.
- (2) If a prisoner does not have underwear, clothes and shoes, nor the funds to procure them, the Institution shall provide them free of charge.

#### Article 195

- (1) Upon release from the Institution, a conditionally released prisoner shall indicate in a written statement the place where he will stay during the period of conditional release.

- (2) In the event of a change of place of permanent or temporary residence, the conditionally released prisoner shall inform the competent body of internal affairs, the body responsible for social protection affairs in the place of permanent or temporary residence, and the Institution.
- (3) In cases where a prisoner is released from the Institution on the basis of the Law on Amnesty, the Institution shall release him no later than 24 hours after receiving the final decision on amnesty, unless otherwise provided by the Law on Amnesty.
- (4) In the event that a prisoner is released from the Institution on the basis of a decision on pardon, the Institution shall release him on the same day after receiving the decision on pardon.
- (5) A prisoner shall be considered released when he leaves the premises of the Institution.
- (6) If a prisoner needs the assistance of the community after his release from serving a prison sentence, the Institution shall in timely fashion inform the body in charge of social protection in the place of permanent or temporary residence of the prisoner.

## CHAPTER IX

### EXECUTION OF LONG-TERM PRISON SENTENCE

#### Article 196

The provisions of Articles 72 to 196 of this Law shall also apply to the execution of a long-term prison sentence, unless otherwise prescribed by this Law.

#### Article 197

- (1) The long-term prison sentence shall be executed in a closed type institution.
- (2) Persons serving a long-term prison sentence shall be classified into special educational collectives, with up to 20 prisoners per educator.

#### Article 198

- (1) Prisoners serving a long-term prison sentence shall not be employed in activities performed outside the compound of the Institution until they begin to use privileges used outside the Institution.
- (2) Prisoners serving a long-term prison sentence may be subject to control of letters and telephone conversations, which the prisoner must be made aware of.

## CHAPTER X

### EXECUTION OF PRISON SENTENCE IMPOSED IN MINOR OFFENSE PROCEEDINGS

#### Article 199

- (1) Prison sentence imposed in minor offense proceedings shall be executed in accordance with the provisions of this Law, unless otherwise provided by a special law.
- (2) The prison sentence referred to in paragraph 1 of this Article, as a rule, shall be executed in a special ward of the Institution according to the place of permanent or temporary residence of the person against whom this sentence was imposed.

- (3) Women who have been sentenced to prison sentence in minor offense proceedings shall be referred to the Institution for women to serve their sentences.

#### Article 200

- (1) The court competent for the place of permanent or temporary residence of the convicted person shall be competent for sending the person convicted in minor offense proceedings to serve the prison sentence.
- (2) If the convicted person referred to in paragraph 1 of this Article does not have a permanent or temporary residence in the area of the court that made the first instance decision, the court shall submit the final and enforceable decision to the court referred to in paragraph 1 of this Article.
- (3) If the person fined in the minor offense procedure is a foreign citizen or is a person who does not have a permanent residence on the territory of Republika Srpska, the court that made the decision in the first instance is competent to send him to serve a prison sentence.

#### Article 201

- (1) The execution of a prison sentence pronounced in minor offense proceedings may be postponed for the same reasons as the execution of a prison sentence pronounced in criminal proceedings.
- (2) For a convicted woman over three months of pregnancy and a convicted mother who has a child under the age of one, serving the prison sentence shall be suspended until the child is one year old.
- (3) In other cases, the postponement of the execution of a prison sentence may last for a maximum of 60 days.

#### Article 202

- (1) The execution of a prison sentence imposed in a minor offense procedure may exceptionally be suspended for up to ten days, in the manner and according to the procedure established by this Law.
- (2) During the interruption, the convicted person does not have the rights provided by this Law.

#### Article 203

- (1) If the last day of serving the prison sentence falls on a Saturday, Sunday or public holiday, the prisoner shall be released on the last working day preceding that day.
- (2) The provision referred to in paragraph 1 of this Article shall not apply to a prisoner in a minor offense proceedings whose fine has been replaced by prison sentence.
- (3) The provisions on conditional release referred to in Article 186 of this Law shall not apply to a prisoner who has been sentenced to prison sentence in minor offense proceedings.
- (4) The provisions of this Law regarding privileges, conditional release and termination of prison sentence shall not apply to a prisoner whose fine has been replaced by prison sentence in minor offense proceedings.

### CHAPTER XI

## EXECUTION OF A DETENTION MEASURE

### **1. Ward for the execution of detention measure**

#### Article 204

- (1) Pursuant to the decisions of the competent courts, detention measure shall be executed in a special ward of the Institution for Execution of Custody (hereinafter: the Ward), in accordance with the provisions of this Law relating to the execution of prison sentence, unless otherwise provided by Articles 204 to 217 of this Law.
- (2) The Ward referred to in paragraph 1 of this Article shall be of a closed type.

#### Article 205

- (1) The relevant provisions of the Criminal Procedure Code of Republika Srpska and the provisions of this Law shall apply to the treatment of detainees.
- (2) At the request of the prosecutor and if it is in the interests of justice, the court may order that certain rights of detainees be restricted.

#### Article 206

- (1) A person against whom the competent court has issued a decision ordering detention may be admitted to the Ward.
- (2) Along with the decision on ordering detention, a written order for the admission of detainees shall be submitted to the Institution.
- (3) The Institution shall issue a written confirmation of the admission of the detainee in which, among other things, the day and hour of the reception and the name and surname of the person who brought the detainee shall be recorded.

### **2. Procedure upon admission**

#### Article 207

- (1) Immediately upon admission to the Institution, a doctor of medicine in the Institution shall perform a medical examination, and the finding and opinion shall be recorded in the detainee's medical record.
- (2) Upon admission to the Institution, the detainee shall be acquainted with the Rulebook on House Rules for the Execution of the Detention Measure and other rights and duties during the application of the detention measure.
- (3) Detainees who participated together in the commission of a criminal offense shall be placed in separate rooms.

#### Article 208

- (1) Detainees stay in the Institution under the same conditions as prisoners when it comes to accommodation, food, health care, application of coercive measures, special measures for maintaining order and security and compensation for damage caused during the application of the detention measure.

- (2) In case of the need to keep detainees during their stay outside the Institution on any grounds, the judicial police shall provide security.

### **3. Transfer of detainees**

#### Article 209

- (1) A detainee may be temporarily removed from the detention unit only in cases and in the manner prescribed by law.
- (2) For reasons of security or if it is in the interest of conducting criminal proceedings, a detainee may be transferred from a detention unit of one Institution to a detention unit of another Institution.
- (3) At the proposal of the Director of the Institution, the competent court shall make the decision on the transfer of detainees, with the consent of the Minister who shall propose to which detention unit to transfer the detainee.
- (4) The detainee may file an appeal against the decision of the competent court referred to in paragraph 3 of this Article to the president of the competent court within three days of receiving the decision.
- (5) The appeal against the decision shall not stay the execution of the decision.
- (6) The decision on the appeal shall be final and no administrative dispute can be initiated against it.
- (7) The judicial police shall conduct the escort of the detainees.

#### Article 210

- (1) With the obtained consent of the competent court, the detainee may be employed in the facilities and workshops of the economy unit located within the Institution's compound.
- (2) A working detainee shall be entitled to remuneration and other rights based on work that belong to prisoners in accordance with this Law.

#### Article 211

In the event of a detainee's death, the Institution shall immediately notify the competent prosecutor's office, family members, the competent court, the Ministry and the registry office and shall proceed under the instructions of the competent court.

#### Article 212

- (1) If, during the execution of the detention measure, the detainee commits a disciplinary or any other violation, the Institution shall inform the competent court that conducts the proceedings.
- (2) In the event of the escape of a detainee, the competent court shall be notified.
- (3) The competent court referred to in paragraph 2 of this Article shall issue an order for issuing an arrest warrant for the purpose of finding and apprehending the detainee.

#### Article 213

The release of a detainee from the Institution shall be conducted on the basis of a decision on the termination of the detention of the competent court or upon the expiration of the time for which the detention was ordered.



#### Article 214

The president of the competent court shall supervise the execution of the detention measure, in compliance with the relevant provisions of the Criminal Procedure Code of Republika Srpska.

#### Article 215

A detainee who is sent, on the basis of the provisions of the Criminal Procedure Code of Republika Srpska, at his request, to serve a prison sentence before the verdict becomes final, shall be equal in rights and duties with other prisoners.

#### Article 216

- (1) The Rulebook on House Rules in the Department for Execution of Detention Measure shall determine in particular: admission and distribution of detainees, health and hygiene measures and nutrition, receiving visits, correspondence, receiving parcels and press, work and conduct of detainees and maintaining order and discipline, procedure in the case of escape or death of a detainee, the escort of a detainee and his release and other matters relevant to the execution of detention measure.
- (2) The Minister shall issue the Rulebook on house rules referred to in paragraph 1 of this Article.
- (3) The Director of the Institution shall regulate the schedule of daily activities of detainees, in accordance with the specifics of each Institution, in accordance with the Rulebook referred to in paragraph 1 of this Article.

### CHAPTER XII

#### EXECUTION OF FINES

#### Article 217

If the convicted person fails to pay the fine within the time limit determined by the verdict, the court that rendered the verdict in the first instance shall *ex officio* initiate the procedure for replacing the fine with prison sentence.

#### Article 218

- (1) The procedure of replacing a fine with prison sentence shall be conducted by the court in accordance with the provisions of the Criminal Code of Republika Srpska and the Law on Minor Offenses of Republika Srpska.
- (2) If the convicted person pays only one part of the fine, the rest of the fine shall be proportionally converted into prison sentence.
- (3) In the event that a prisoner pays the remainder of the fine while serving the prison sentence, the execution of the prison sentence shall be suspended.
- (4) The decision on the suspension of the prison sentence referred to in paragraph 3 of this Article shall be issued by the competent court.

#### Article 219

- (1) A prisoner whose fine has been replaced by a prison sentence in the Institution shall have the same position in rights and duties as other persons serving a prison sentence, unless otherwise prescribed by this Law.
- (2) The provisions of this Law regarding privileges, conditional release and interruption of serving a sentence shall not apply to a person to whom a fine has been imposed as a principal or ancillary sentence replaced by prison sentence.
- (3) The person referred to in paragraph 2 of this Article shall be released on the last day of the expiration of the prison sentence.
- (4) A fine replaced by prison sentence shall be executed in accordance with the provisions of this Law, unless otherwise provided by a special law.

## CHAPTER XIII

### EXECUTION OF MEASURE OF WORK IN THE PUBLIC INTEREST

#### Article 220

- (1) After the competent court submits the decision to replace the prison sentence with a measure of work in the public interest, the Minister shall issue a decision directing the convicted person to work for a legal entity where work in the public interest can be executed.
- (2) When determining the legal entity with which the measure of work in the public interest shall be executed, it shall be taken into account that the activities that the convicted person can perform with the legal entity are activities of public interest within the scope of which the purpose of the sanction can be achieved.
- (3) Institutions, organizations, establishments and other legal entities shall cooperate with the Ministry in the execution of measures of work in the public interest at the request of the Ministry.
- (4) Before designating a legal entity, the Minister shall publish a public call for applications for the participation of legal entities in the implementation of the measure of work in the public interest.
- (5) After the legal entities submit their applications, the Minister shall compile a list of legal entities that meet the conditions under which the measure of work in the public interest can be executed.
- (6) The Ministry shall conclude a contract with the legal entity to which the convict is sent to execute the measure of work in the public interest, which shall define mutual rights and obligations, place of work, type of work, working hours and other issues important for achieving the purpose of work in the public interest.
- (7) Supervision over the execution of the measure of work in the public interest shall be performed by the Ministry in accordance with Articles 65 to 71 of this Law in cooperation with the Institutions.
- (8) Determining the conditions for the selection of legal entities, compiling a list of interested legal entities, as well as other issues, shall be prescribed by a Rulebook issued by the Minister.

#### Article 221

- (1) The measure of work in the public interest shall be executed in the place of permanent or temporary residence of the convicted person.

- (2) Depending on the available options, the convicted person shall be assigned to work according to his psychophysical abilities, acquired professional qualification, as well as the convicted person's desire to do a certain job.

## CHAPTER XIV

### EXECUTION OF SECURITY MEASURES

#### **1. Security measure of compulsory psychiatric treatment and custody in a health institution**

##### Article 222

- (1) Security measure of compulsory psychiatric treatment and custody in a health institution pronounced along with the prison sentence shall be executed in a specialized health institution – the Institute for Forensic Psychiatry Sokolac.
- (2) Persons serving the measure of compulsory psychiatric treatment and custody in a health institution may be subject to only those restrictions that are necessary for the purpose of their treatment or for the purpose of maintaining order and discipline.

##### Article 223

- (1) The sending of a person to the execution of this security measure shall be performed by the court in compliance with Article 73 of this Law.
- (2) When a security measure of compulsory psychiatric treatment and custody in a health institution is pronounced along with a prison sentence, the convict shall be first sent to the execution of a security measure.
- (3) After the completed treatment of a convicted person whose prison sentence has not yet expired, the competent court shall decide whether the person will be sent to serve the remaining part of the unserved prison sentence in accordance with the provisions of the Rulebook on sending prisoners to serve a prison sentence, or be conditionally released.
- (4) Time spent in a specialized health institution for the execution of a security measure shall be counted as time spent serving a prison sentence.
- (5) The security measure of compulsory psychiatric treatment and custody in a health institution may last longer than the pronounced prison sentence.

##### Article 224

- (1) The specialized health institution referred to in Article 222, paragraph 1 of this Law in which the security measure of compulsory psychiatric treatment and custody in a health institution is executed shall inform the Institution and the court that pronounced the measure on the health condition of the person against whom this measure is executed.
- (2) Each year, the court shall decide again whether treatment and custody in a health institution is still necessary.
- (3) The security measure of compulsory psychiatric treatment and custody in a health institution shall last until the reasons for which it was imposed cease to exist.
- (4) When the treatment is completed, the health institution referred to in paragraph 1 of this Article shall notify on that the competent court that imposed the measure, the body of internal affairs and the social welfare body competent for the place of permanent or temporary residence of the person.

#### Article 225

The costs of implementing the security measure of compulsory psychiatric treatment and custody in a health institution shall be provided in the budget of Republika Srpska.

### **2. Measure of compulsory treatment for addiction**

#### Article 226

- (1) The security measure of compulsory treatment for addiction pronounced along with prison sentence shall be executed in the Specialized Health Institution referred to in Article 222, paragraph 1 of this Law.
- (2) When the security measure of compulsory treatment for addiction is pronounced along with prison sentence, the convicted person shall be first sent to the execution of this security measure.
- (3) Sending of a person to the execution of the measure referred to in paragraph 1 of this Article shall be conducted by the competent court according to the place of permanent or temporary residence of the convicted person, and if the convicted person is in detention, the court at the seat of the Institution where the detention is held shall be competent.
- (4) If the measure referred to in paragraph 1 of this Article is pronounced along with a prison sentence, the time spent in the institution for the execution of this measure shall be included in the prison sentence.
- (5) This measure may last longer than the imposed prison sentence, but not longer than three years, and after the expiration of the prison sentence – it shall be executed at liberty.

#### Article 227

- (1) After the completion of treatment, the convicted person whose prison sentence has not yet expired, the competent court shall send to serve the remaining part of the unserved prison sentence, in accordance with the provisions of the Rulebook on sending prisoners to serve a prison sentence.
- (2) The provisions of Article 226, paragraph 2 of this Law shall accordingly apply to the costs of executing the security measure of compulsory treatment for addiction.

#### Article 228

The Ministry shall supervise the legality of the execution of security measures referred to in Article 222, paragraph 1 and Article 226, paragraph 1 of this Law.

## CHAPTER XV

### EXECUTION OF HOSE ARREST

#### Article 229

- (1) The procedure of execution of house arrest shall be carried out in accordance with the provisions of the Criminal Code of Republika Srpska.

- (2) A perpetrator who is old or exhausted, seriously ill, a disabled person, a pregnant woman, a single parent of juvenile children, the court may order that imprisonment for up to one year may be executed exceptionally in the premises where the convicted person lives in the place of permanent or temporary residence (house arrest).
- (3) A convicted person who has been sentenced to serve a prison sentence in accordance with paragraph 2 of this Article must not leave the premises in which he resides.

#### Article 230

- (1) If the convicted person violates the prohibition to leave the place of residence referred to in Article 229 of this Law, the court may order that he serve the remainder of the prison sentence in the Institution for the Execution of Prison Sentences.
- (2) The provisions of Articles 72 to 196 of this Law shall not apply to persons who have been sentenced by a court to serve a prison sentence of up to one year in house arrest.
- (3) Provisions on the execution of house arrest shall be prescribed by the Rulebook on method of execution of house arrest, which shall issued by the Minister.

### CHAPTER XVI

#### INTERNATIONAL COOPERATION

#### Article 231

- (1) A citizen of Bosnia and Herzegovina i.e. Republika Srpska may, under the conditions provided for by an international agreement and laws, i.e. under the condition of reciprocity, serve a prison sentence imposed by a court of another state in Bosnia and Herzegovina i.e. Republika Srpska.
- (2) According to the provisions of international agreements or subject to reciprocity, Bosnia and Herzegovina, i.e. Republika Srpska, shall allow foreign nationals sentenced to prison sentence to serve that sentence in their own country.

#### Article 232

- (1) Taking over or relinquishing the execution of a prison sentence and transferring a prisoner shall be conducted in accordance with the Law on International Legal Assistance in Criminal Matters.
- (2) Taking over or relinquishing referred to in paragraph 1 of this Article shall be conducted in cooperation with the Ministry of Justice of Bosnia and Herzegovina, within whose jurisdiction falls the international cooperation on legal assistance.
- (3) The Minister shall issue the decision on taking over the execution of a prison sentence and sending to a certain Institution, as well as the decision on relinquishing the execution of a prison sentence.

### CHAPTER XVII

#### PENAL PROVISIONS

#### Article 233

A fine of KM 300 to KM 500 shall be imposed for a violation against:

- 1) a convicted person who has been imposed a security measure of compulsory psychiatric treatment and custody in a health institution who fails to report for the execution of this measure within a specified deadline;
- 2) a convicted person who has been imposed a security measure of compulsory psychiatric treatment for addiction who fails to report to the execution of this measure within a specified deadline;
- 3) a convicted person who, after being conditionally released, fails to report to the competent authorities within a specified deadline.

#### Article 234

A fine of KM 500 to KM 1,000 shall be imposed for a violation against:

- 1) the responsible person in the health institution if he does not submit appropriate data to the Ministry within a specified deadline or submits incomplete or inaccurate data, as well as when he does not keep the prescribed records up-to-date and orderly;
- 2) responsible person from the competent specialized health institution referred to in Article 224 of this Law.

#### Article 235

A fine of KM 3,000 to KM 5,000 shall be imposed on the competent specialized health institution that acts contrary to the provisions of Article 222 of this Law.

### CHAPTER XVIII

#### TRANSITIONAL AND FINAL PROVISIONS

##### **1. Adoption of bylaws**

#### Article 236

Within twelve months from the date of entry into force of this Law, the Minister shall, issue the following regulations:

- 1) Rulebook on the types and method of keeping records of prisoners, detainees and juveniles (Article 8, paragraph 2);
- 2) Rulebook on the functioning of the integrated information system (Article 9, paragraph 2);
- 3) Rulebook on House Rules for Serving a Prison Sentence (Article 17, paragraph 2);
- 4) Rulebook on the manner of performing the security service in the Institutions (Article 24, paragraph 6);
- 5) Rulebook on the titles of members of the security service, the conditions for their acquisition, uniforms and insignia (Article 24, paragraph 7);
- 6) Rulebook on the conditions and manner of taking the professional examination of workers in the treatment service (Article 25, paragraph 7);
- 7) Rulebook on the conditions and manner of taking the professional examination of work instructors (Article 27, paragraph 7);
- 8) Framework plan and program of professional development and training of employees in the Institutions (Article 34, paragraph 5);
- 9) Rulebook on the procedure and method of work evaluation (Article 39, paragraph 2);

- 10) Rulebook on the conditions for determining the redundancy of employees, the method of their care, as well as the scope of rights that belong to them on that basis (Article 45);
- 11) Rulebook on disciplinary responsibility of employees in Institutions (Article 56);
- 12) Rulebook on official identification and badges of members of the security service (Article 57, paragraph 4);
- 13) Rulebook on the conditions and manner of taking the professional exam for security service members (Article 58, paragraph 7);
- 14) Instruction on the method of verifying the psychophysical abilities of candidates for admission to the security service (Article 59, paragraph 3);
- 15) Agreement on engaging special unit of the Ministry of Interior and special units from other Institutions (Article 61, paragraph 4);
- 16) Rulebook on the organization and use of a special unit of the security service (Article 61, paragraph 5);
- 17) Rulebook on the method of keeping official secrets (Article 62, paragraph 4);
- 18) Rulebook on the method of performing inspection supervision over the work of the Institutions (Article 66, paragraph 5);
- 19) Rulebook on sending convicted and punished persons to serve a prison sentence (Article 72);
- 20) Rulebook on the Treatment of Complaints and Other Submissions of Prisoners (Article 100, paragraph 5);
- 21) Rulebook on the Classification and Reclassification of Prisoners (Article 141, paragraph 4);
- 22) Rulebook on the Disciplinary Responsibility of Prisoners (Article 155, paragraph 4);
- 23) Rulebook on House Rules in the Department for Execution of Detention Measure (Article 216);
- 24) Rulebook on determining the conditions for the selection of legal entities, method of achieving mutual cooperation, compiling a list of interested legal entities (Article 220, paragraph 8);
- 25) Rulebook on method of execution of house arrest Article 230, paragraph 3).

#### Article 237

Disciplinary proceedings against employees initiated under the regulations in force at the time of their initiation shall be terminated under those regulations.

#### Article 238

Passed professional exam in the field of execution of criminal sanctions shall be equated with professional exam in the field of execution of criminal and minor offense sanctions prescribed by this Law.

## **2. Continuation of the work of the Institutions**

#### Article 239

Upon the entry into force of this law, the Institutions in Republika Srpska shall continue to operate, as follows:

- 1) Penal and correctional institution in Foča, as a penal and correctional institution of closed type;

- 2) Penal and correctional institution in Banja Luka, as a penal and correctional institution of closed type;
- 3) Penal and correctional institution in Bijeljina, as a penal and correctional institution of closed type;
- 4) Penal and correctional institution in East Sarajevo, as penal and correctional institution of semi-open type;
- 5) Penal and correctional institution in Doboj, as a penal and correctional institution of semi-open type;
- 6) Penal and correctional institution in Trebinje, as a penal and correctional institution of semi-open type.

#### Article 240

- (1) In penitentiary institutions in Banja Luka, East Sarajevo, Bijeljina, Doboj and Trebinje, there shall be closed wards for the execution of detention measures.
- (2) The territorial jurisdiction for the execution of the detention measure, i.e. the Institution referred to in paragraph 1 of this Article, shall correspond to the territorial jurisdiction of the district court in whose territory the Institution is located.

#### Article 241

Until the establishment and start of work of penal and correctional institutions for the execution of juvenile prison sentence for male convicts, juvenile prison sentence for female convicts, penal and correctional institutions for serving prison sentences for female convicts, correctional facilities for the execution of educational measures of referral to educational and correctional facility for male juveniles and educational and correctional facility for female juveniles, these sanctions shall be executed in special wards of penal and correctional institutions, as follows:

- 1) sentence of juvenile prison sentence for male convicted persons in the Penal and correctional institution in East Sarajevo;
- 2) sentence of juvenile prison sentence for female convicted persons in the Penal and correctional institution in East Sarajevo;
- 3) prison sentence for female convicted persons in the Penal and correctional institution in East Sarajevo;
- 4) educational measure of sending to the educational and correctional facility for female juveniles in the Penal and correctional institution in East Sarajevo;
- 5) educational measure of sending to the educational and correctional facility for male juveniles in the Penal and correctional institution in Banja Luka.

#### Article 242

- (1) The following are referred to the specialized health institution – Institute for Forensic Psychiatry Sokolac:
  - 1) persons against whom, along with a prison sentence, a security measure of compulsory psychiatric treatment and custody in a health institution has been pronounced;
  - 2) persons against whom, along with a prison sentence, a security measure of compulsory treatment for addiction has been pronounced;
  - 3) persons against whom the competent court has ordered temporary placement in a health institution until the end of the procedure for the application of the security measure;



- 4) persons who have been pronounced a security measure of compulsory psychiatric treatment and custody in a health institution due to a perpetrated criminal offense in a state of significantly diminished mental capacity in accordance with Article 43 of the Law on Protection of Persons with Mental Disorders (“Official Gazette of Republika Srpska”, No. 46/04);
  - 5) prisoners sent for treatment in accordance with the provisions of Article 125, paragraph 1 of this Law.
- (2) The Ministry and the Institute for Forensic Psychiatry Sokolac shall regulate their mutual rights and obligations by a special agreement.

#### Article 243

- (1) Prisons and detention measures imposed by the Court of Bosnia and Herzegovina shall be executed in the Institutions, in accordance with the provisions of the Rulebook on Criteria for Sending Convicted Persons to Serve Prison Sentences in Republika Srpska, pursuant to a letter of confinement of the Court of Bosnia and Herzegovina.
- (2) The Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures – Consolidated Text (“Official Gazette of BiH”, No. 22/16) shall apply to the execution of prison sentence and detention measures imposed by the Court of Bosnia and Herzegovina.
- (3) Prisons sentences and detention measures imposed by the Court of Brčko District of Bosnia and Herzegovina shall be executed in the Institutions, in accordance with the provisions of the Rulebook on Criteria for Sending Convicted Persons to Serve Prison Sentences in Republika Srpska, pursuant to a letter of confinement of the Brčko District Court of Bosnia and Herzegovina.
- (4) The Law on Execution of Criminal Sanctions, Detention and Other Measures of the Brčko District of Bosnia and Herzegovina (“Official Gazette of the Brčko District of BiH”, No. 31/11) shall apply to the execution of prison sentence and detention measures imposed by the Court of the Brčko District of Bosnia and Herzegovina.
- (5) The funds necessary for the execution of the prison sentence and detention measures referred to in paragraphs 1 and 3 of this Article shall be provided in accordance with the agreements with the Ministry of Justice of Bosnia and Herzegovina and with the Judicial Commission of the Government of Brčko District of Bosnia and Herzegovina.

#### Article 244

Prisoners who have acquired formal conditions for granting privileges outside the Institution before the entry into force of this Law shall continue to use the privileges, if there are no security obstacles and new circumstances that would influence the decision on granting to continue their further use.

#### Article 245

Within six months from the day this Law enters into force, the directors of the Institutions shall adopt the Rulebook referred to in Article 15 of this Law.

#### Article 256

Until the enactment of bylaws specified in this Law, the regulations adopted pursuant to the provisions of the Law on Execution of Criminal Sanctions of Republika Srpska (“Official

Gazette of Republika Srpska”, nos. 12/10, 117/11, 98/13 and 44/16) shall apply, if they are not contrary to this Law.

#### Article 247

With the entry into force of this Law, the Law on Execution of Criminal Sanctions of Republika Srpska (“Official Gazette of Republika Srpska”, nos. 12/10, 117/11, 98/13 and 44/16), shall be repealed.

#### Article 248

This Law shall enter into force on the eighth day from the day of its publication in the “Official Gazette of Republika Srpska”.

Number: 02/1-021-676/18  
June 21, 2018  
Banja Luka  
*propria*

President  
of the National Assembly,  
**Nedeljko Čubrilo**vić, *manu*