



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

Department for Legal Affairs



LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF REPUBLIKA SRPSKA

“Official Gazette of Republika Srpska”, 15/21

**[NOTE: The Criminal Procedure Code of Republika Srpska was published in the
„Official Gazette of Republika Srpska“, 53/12.](#)**

LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE OF REPUBLIKA SRPSKA

Article 1

In the Criminal Procedure Code of Republika Srpska (“Official Gazette of Republika Srpska” nos. 53/12, 91/17 and 66/18), in Article 16, before the wording: “Criminal”, number: “1” in parentheses shall be inserted.

After paragraph 1, new paragraph 2 shall be added to read:

“(2) If the prosecutor, after confirming the indictment, declares that he withdraws from the indictment, the injured party as the prosecutor may take over the criminal prosecution under the conditions prescribed by this Code.”

Article 2

In Article 17, before the wording: “The public prosecutor”, number: “1” in parentheses shall be inserted.

After paragraph 1, new paragraph 2 shall be added to read:

“(2) For certain criminal offenses, when prescribed so by law, the prosecutor may undertake criminal prosecution only based on the motion of the injured party.”.

Article 3

In Article 20, item r), wording: “and” shall be deleted and comma punctuation mark shall be added.

In item s), after wording: “function”, wording: “and” shall be added and new item t) to read:

“(t) injured party as a prosecutor is a person who, under the conditions prescribed by this Code, has taken over the criminal prosecution when the prosecutor, after confirming the indictment, declares that he withdraws from the indictment.”.

Article 4

In Article 24, paragraph 1 shall be amended to read:

“(1) In the first instance, the courts try in panels composed of three judges, and for criminal offenses for which a fine or imprisonment of up to five years is prescribed as the main sentence, a single judge shall try in the first instance.”.

Article 5

In Article 39, paragraph 1, after wording: “he shall inform the President of the court accordingly”, a comma and wording: “who shall appoint his replacement” shall be added.

Article 6

In Article 40, paragraph 1, wording: “court in plenary session” shall be replaced with wording: “President of the court”.

After paragraph 1, new paragraph 2 shall be added to read:

“(2) If only the disqualification of the president of the court is requested, the decision on disqualification shall be made by the president of the immediately higher court, and if the disqualification of the president of the Supreme Court is requested, the decision shall be made at the general session of that court.”.

Current paragraphs 2, 3 and 4 become paragraphs 3, 4 and 5.

Article 7

In Article 42, paragraph 2 shall be amended to read:

“(2) The Chief Prosecutor shall decide on the disqualification of a Prosecutor, the Chief Republic Prosecutor shall decide on the disqualification of a Chief District Prosecutor, and the panel of prosecutors of the Republic Prosecutor's Office shall decide disqualification of the Chief Republic Prosecutor.”.

Article 8

In Article 45, wording: “prosecutors” shall be replaced with wording: “prosecutor’s offices”.

Article 9

After Article 46, new title of the Chapter and new Chapter IV a, new title of sections 1 and 2 and new sections 1 and 2, new titles of articles and new articles 46a, 46b, 46v, 46g, 46d, 46đ, 46e, 46ž, 46z, 46i, 46j and 46k shall be added to read:

“CHAPTER IV a

INJURED PARTY AND INJURED PARTY AS PROSECUTOR

1. Injured Party

Rights of the Injured Party

Article 46a

(1) The injured party shall be entitled to:

- a) submit a proposal and evidence for the realization of the property claim and to propose temporary measures for its securing;
- b) point out the facts and propose evidence that is relevant to the subject of proof;
- v) hire an authorized person from the ranks of lawyers;
- g) examine documents and inspect items that serve as evidence;
- d) be notified of the failure to conduct an investigation, of the initiation of an investigation, of the suspension of the investigation, of the withdrawal of the indictment or of the withdrawal of the prosecutor from the indictment;
- đ) file a complaint when that is required by this Code;
- e) be instructed on the possibility to take over the criminal prosecution and represent the indictment when it is determined by this Code;
- ž) attend the pre-trial hearing;
- z) attend the main trial;
- i) file an appeal against the decision on the costs of the criminal proceedings and the property claim;

- j) be informed of the outcome of the proceedings and be served with a final judgment; and
 - k) undertakes other actions when it is determined by this Code.
- (2) The injured party may be denied the right to examine the files and inspect the cases in the case of documents and objects whose disclosure could jeopardize the purpose of the investigation.
- (3) The prosecutor and the court shall inform the injured party of the rights referred to in paragraph 1 of this Article.

Complaint of the Injured Party Article 46b

- (1) If the prosecutor issues an order not to conduct an investigation, suspension of the investigation, or withdraws from the criminal prosecution until the confirmation of the indictment, he shall be obliged to inform the injured party within eight days of issuing the order and instruct the injured party to file a complaint with the Chief District Prosecutor.
- (2) The injured party has the right to file a complaint within eight days from the day when he received the notification and instruction referred to in paragraph 1 of this Article. If the injured party has not received the notification and instruction referred to in paragraph 1 of this Article, he may file a complaint within three months from the day when the prosecutor issued an order not to conduct an investigation, suspended the investigation, or withdraw from criminal prosecution.
- (3) The Chief District Prosecutor shall, within 30 days, and in complicated cases up to three months from the day of receipt of the complaint referred to in paragraph 2 of this Article, deny, adopt or reject the complaint by a decision against which an objection to the Chief Republic Prosecutor is allowed within eight days from the day of receipt of the decision.
- (4) The Chief Republic Prosecutor shall, within 30 days, and in complex cases up to three months from the day of receipt of the complaint, decide on the complaint against the decision referred to in paragraph 3 of this Article. By the decision approving the objection, the Chief Republic Prosecutor will issue a binding instruction to the acting prosecutor to undertake, i.e., to continue the criminal prosecution.
- (5) The Chief Republic Prosecutor shall, within 30 days, and in complex cases up to three months from the day of receipt of the complaint, decide on the complaints in the cases of the Special Department for the Suppression of Corruption, Organized and Serious Forms of Economic Crime.
- (6) No objection shall be allowed against the decision of the Chief Republic Prosecutor.
- (7) The injured party has the right to file a complaint to the Chief District Prosecutor due to the duration of the proceedings, when the investigation is not completed within the new deadline set by the Chief District Prosecutor (Article 233, paragraph 4) and if the indictment is not filed even within the additional deadline set by the Chief Prosecutor (Article 241, paragraph 3).

Taking Over the Criminal Prosecution from the Injured Party Article 46v

- (1) If the prosecutor, after confirming the indictment, declares that he withdraws from the indictment, the court shall ask the injured party if he wants to take over the criminal prosecution and represent the indictment. If the injured party is not present, the court

shall notify him within eight days of the prosecutor's withdrawal from the indictment and instruct him that he can declare whether he wants to take over the criminal prosecution and represent the indictment.

(2) The injured party shall be obliged to state immediately or within eight days from the day when he received the notification and instruction referred to in paragraph 1 of this Article whether he wants to take over the criminal prosecution and represent the indictment, and if he has not received the notification and instruction, within three months the day the prosecutor stated that he was withdrawing the indictment.

(3) If the injured party declares that he is taking over the criminal prosecution, the court shall continue, i.e., set the main trial. In the event that the injured party does not declare his position within the period referred to in paragraph 2 of this Article or declares that he does not want to take over the criminal prosecution, the court shall issue a decision to suspend the proceedings, i.e., a verdict rejecting the indictment.

(4) If the injured party is not present at the pre-trial hearing or main trial, but was duly summoned, or the summons could not be served on him due to failure to report to the court the change of permanent or temporary residence, it shall be considered that he shall not continue the criminal prosecution and the court shall issue a decision on suspension of the proceedings, i.e., a verdict rejecting the indictment.

Motion for Criminal Prosecution Article 46g

(1) For criminal offenses prosecuted upon the motion of the injured party, the motion shall be submitted to the competent prosecutor.

(2) The motion for criminal prosecution shall be submitted within three months from the day when the injured party learned about the criminal offense and the perpetrator of the criminal offense.

(3) If the injured party has filed a report or a proposal for the exercise of a property claim in criminal proceedings, it shall be considered that he has also submitted a proposal for criminal prosecution.

(4) If several persons have been harmed by a criminal offense, criminal prosecution shall be undertaken, i.e., continued at the suggestion of any injured party.

Duty of the Injured Party Article 46d

The injured party, as well as his legal representative and attorney, are obliged to inform the prosecutor or the court before which the criminal proceedings are being conducted of any change in the address of temporary or permanent residence.

Legal Representative of the Injured Party Article 46đ

If the injured party is a child or a person who is completely deprived of legal capacity, his legal representative shall be authorized to give all statements and to take all actions for which the injured party is authorized under this Code. A legal representative can exercise his rights through a proxy.

Legal Successor of the Injured Party Article 46e

(1) If the injured party dies within the deadline for giving a statement to the court on taking over the criminal prosecution or for submitting a proposal to the prosecutor for criminal prosecution, i.e., during the proceedings, his legal representative, spouse or extramarital spouse, children, parents, adoptive parent, adoptive child, brother and sister may within three months after his death, give a statement that they are taking over the criminal prosecution or submit a proposal, or give a statement that they remain with the proposal.

(2) The provisions of paragraph 1 of this Article shall accordingly apply to the legal successor of a legal entity that has ceased to exist.

2. Injured Party as Prosecutor

Rights of the Injured Party as Prosecutor

Article 46ž

(1) The injured party as a prosecutor has the right to:

- a) represent the prosecution, in accordance with the provisions of this Code;
- b) submit a proposal and evidence for the realization of the property claim and to propose temporary measures for its securing;
- v) hire an authorized person from the ranks of lawyers; and
- g) undertakes other actions when it is determined by this Code.

(2) In addition to the rights referred to in paragraph 1 of this Article, the injured party as a prosecutor has rights that belong to the prosecutor, except for those rights that the prosecutor has as a state body.

Termination of the Capacity of the Injured Party as Prosecutor

Article 46z

The capacity of the injured party as prosecutor shall cease with:

- a) withdrawal from the indictment;
- b) taking over the criminal prosecution by the prosecutor; and
- v) death, i.e., termination of the legal entity.

Withdrawal from the Indictment

Article 46i

(1) The injured party, as a prosecutor, may give a statement to the court before which the criminal proceedings are being conducted on the withdrawal of the accusation until the end of the main trial or the trial before the second instance court. The statement of withdrawal is irrevocable.

(2) If the injured party, as a prosecutor, does not appear at the pre-trial hearing or main trial, even though he was duly notified, or the notification could not be served on him due to failure to report to the court the change of permanent or temporary residence, it shall be considered that he withdrew from the indictment and the court shall issue a decision on suspension of the proceedings, i.e., a verdict rejecting the indictment.

Taking Over the Criminal Prosecution by the Prosecutor

Article 46j

In the procedure conducted after the indictment of the injured party as a prosecutor, the prosecutor has the right to take over the criminal prosecution and representation of the accusation until the end of the main trial.

Appropriate Application of the Provisions on the Injured Party
Article 46k

The provisions of Article 46g, paragraph 4 and Articles 46d, 46đ and 46e of this Code shall apply accordingly to the injured party as a prosecutor.”.

Article 10

In Article 53, paragraph 1, wording: “long-term imprisonment” shall be replaced with wording: “life imprisonment” as well as in the entire text of the Code in corresponding grammatical case.

Paragraph 4 shall be amended to read:

“(4) If the suspect, or the accused in the case of a mandatory defense, does not retain a defense attorney himself, or if the persons referred to in Article 47, Paragraph 3, of this Code do not retain a defense attorney, the president of the competent court shall appoint a defense attorney to represent him in the further conduct of the criminal proceedings until the verdict becomes final and binding and, if a life imprisonment is pronounced, in proceedings for extraordinary legal remedy. When an attorney is appointed for the accused after the confirmation of the indictment, the accused shall be notified together with the delivery of the indictment. If the accused in the case of mandatory defense is left without a defense attorney during the proceedings, and he does not take another defense attorney, the president of the court before which the proceedings are conducted shall appoint a defense attorney.”.

Paragraph 6 shall be amended to read:

“(6) The President of the competent court shall appoint a defense attorney referred to in paragraph 4 of this Article in the order of lawyers from the list of lawyers submitted by the Bar Association of Republika Srpska (hereinafter: Bar Association).

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

“(7) When compiling the list, the Bar Association shall be obliged to take into account that the practical or professional work of a lawyer in the field of criminal law provides a basis for the assumption that the defense shall be effective.”.

Article 11

In Article 54, paragraph 2 shall be amended to read:

“(2) The request for appointment of a defense attorney referred to in Paragraph 1 of this Article may be filed at any time during the criminal proceedings.”.

After paragraph 2, new paragraph 3 shall be added to read:

“(3) The president of the competent court shall appoint the defense attorney referred to in Paragraph 1 of this Article.”.

Current paragraph 3 shall become paragraph 4.

Article 12

Article 57 shall be amended to read:

“(1) The suspect or accused may retain another defense attorney on his own instead of the appointed defense attorney. In this case, the appointed defense attorney shall be dismissed.

(2) Appointed defense attorney may seek to withdraw from the case only for justified reasons.

(3) The dismissal of the defense attorney referred to in paragraphs 1 and 2 of this Article shall be decided during investigation by the preliminary proceedings judge; after raising indictment by the preliminary hearing judge; during the main trial by the judge or the panel trying the case, and in the appeals proceedings by the president of the first instance panel, i.e., panel competent to decide on appeals. No appeal shall be allowed against this decision.

(4) The president of the competent court may, at the request of the suspect or accused or with his consent, dismiss appointed defense attorney who is not performing his duties responsibly. Another defense attorney shall be appointed instead of the dismissed defense attorney. The Bar Association shall be informed about the dismissal of the defense attorney.”.

Article 13

In Article 99, paragraph 4, after wording: “judge”, a comma and wording: “i.e., president of panel” shall be inserted.

Article 14

After Article 130, new title of and new Article 130a shall be added to read:

” Voluntary Surrender of Items Article 130a

A person holding items referred to in Article 129, paragraph 1 of this Code may voluntarily hand over items, for which he will be issued a certificate of voluntary surrender, and the items will be deposited in court or the court shall otherwise ensure their safekeeping based on a court decision.”

Article 15

After Article 137, new title of and new Article 137a shall be added to read:

“Order to Create a Forensic Copy Article 137a

(1) If there are sufficient grounds for suspicion that traces of a criminal offense are found on temporarily seized items that represent movable items, i.e., computers, mobile phones, computer system, devices for storing computer and electronic data, the court may issue an order to create a forensic copy.

(2) The order to create a forensic copy may be issued by the court at the proposal of the prosecutor or at the proposal of authorized officials who have received approval from the prosecutor.

(3) The order to create a forensic copy will be executed by specially trained authorized officials or other expert in the presence of an authorized official.

(4) Authorized officials will make a report on the creation of a forensic copy. The report shall include and accurately describe the temporarily seized items to which the order relates, and shall enter a unique identification mark of the forensic copy.

(5) After creating a forensic copy on the basis of the order, the authorized official must, without delay, return the order to the court and hand over the forensic copy together with the temporarily seized items.

(6) Upon receipt of a forensic copy, the court shall keep that copy under its supervision or otherwise ensure its safekeeping.”.

Article 16

In Article 146, paragraph 6, after wording: “justify his absence”, a comma and wording: “provided that this order must be confirmed by the preliminary proceedings judge within 24 hours following the issuance of the order” shall be deleted.

Article 17

In Article 147, paragraph 1, item g) shall be amended to read:

“g) a child who, in view of his age and mental development, is unable to comprehend the significance of the right not to testify, except for a child who is directly harmed by a criminal offense.”.

Article 18

In Article 148, paragraph 1, item b), after wording: “second degree inclusive”, a comma and wording: “except for a child who is directly harmed by a criminal offense” shall be added.

Article 19

Article 149 shall be amended to read:

“(1) The witness has the right not to answer certain questions when it is likely that the answer to those questions will expose him to criminal prosecution.

(2) A witness who exercises the right referred to in paragraph 1 of this Article shall answer these questions if the competent Chief Prosecutor declares in writing that he will not undertake criminal prosecution of the witness for the actions stated by the witness in his testimony. A copy of the Chief Prosecutor's written statement shall be served on the witness.

(3) The statement referred to in paragraph 2 of this Article may be given by the Chief Prosecutor provided that the testimony of the witness is important for proving that another person has committed the criminal offense referred to in paragraph 4 of this Article.

(4) The statement referred to in paragraph 2 of this Article may be given by the Chief Prosecutor in the proceedings conducted for the following criminal offenses under the Criminal Code of Republika Srpska:

a) criminal offenses against the constitutional order and security of Republika Srpska;

b) criminal offenses of terrorism;

v) criminal offenses of: murder (Article 124), first degree murder (Article 125), abduction (Article 142), unlawful deprivation of freedom (Article 143), human trafficking (Article 145), trafficking in children (Article 146), associating for the

purpose of perpetrating the criminal offenses of trafficking in humans and children (Article 147), prevention of return of refugees and displaced persons (Article 148), rape (Article 165), intercourse with a helpless person (Article 167), sexual intercourse with a child under the age of fifteen (Article 172), sexual abuse of a child over the age of fifteen (Article 173), exploitation of children for pornography (Article 175), exploitation of children for pornographic performances (Article 176), use of a computer network or communications by other technical means for the commission of criminal offenses of sexual abuse or exploitation of children (Article 178), soliciting a child to prostitution (Article 180), domestic violence (violence in a family or household) (Article 190), unauthorized production and sale of narcotics (Article 207), enabling another to use narcotic drugs (Article 208), extortion (Article 232), blackmail (Article 233), money laundering (Article 263), tax and contribution evasion (Article 264), abuse of office or official authority (Article 315), embezzlement in office (Article 316), fraud in office (Article 317), accepting bribe (Article 319), offering bribe (Article 320), trading in influence (Article 321), forcing out statements (Article 328), accessory after the fact (Article 333), publicly inciting and inflaming violence and hatred (Article 359), association for the purpose of committing criminal offenses (Article 365), perpetration of a criminal offense as part of a criminal association (Article 366), environmental pollution (Article 370), causing forest fire (Article 389), causing public danger (Article 394), computer fraud (Article 410) and

g) other criminal offenses for which a sentence of imprisonment of ten years or more may be imposed.

(5) The statement referred to in paragraph 2 of this Article shall indicate that it refers only to the actions of witnesses who commit a criminal offense with a prescribed punishment lesser than the punishment prescribed for the criminal offense in relation to which the testimony is given or on which the proceedings are conducted and that it cannot refer to criminal offenses punishable by imprisonment of at least ten years.

(6) The court shall determine by a decision whether the statement of the chief prosecutor referred to in paragraph 2 of this Article is in accordance with paragraphs 4 and 5 of this Article, and appoint a lawyer as an advisor to the witness during the hearing.

(7) After the court makes the decision referred to in paragraph 6 of this Article, the Chief Prosecutor shall call the witness to testify. Prior to the hearing, the witness shall give a written statement that he shall, as a witness in the criminal proceedings, give a true testimony and that he shall not withhold anything he knows about the criminal offense about which he is testifying and about its perpetrator.

(8) After the witness has testified, the Chief Prosecutor shall issue a decision on the immunity of the witness for the criminal offense arising from the testimony of the witness given in accordance with paragraph 2 of this Article. The decision will state the factual description and legal qualification of the criminal offense for which no criminal prosecution of witnesses will be undertaken.

(9) If the witness does not act in accordance with paragraph 7 of this Article during the criminal proceedings, the Chief Prosecutor shall issue a reasoned decision denying the witness immunity from the criminal offense referred to in the witness statement referred to in paragraph 2 of this Article. The Prosecutor shall also deny immunity in the event that the actions stated by the witness in his testimony relate to criminal offenses for which immunity cannot be granted within the meaning of paragraphs 4 and 5 of this Article. In such cases, the testimony of the witness with the answers to the questions referred to in paragraph 1 of this Article shall be separated from the case file and kept separately, and may not be used in criminal proceedings against the witness.

(10) In case the Chief Prosecutor does not issue the decision referred to in paragraph 8 of this Article, the testimony of the witness with answers to the questions referred to in paragraph 1 of this Article shall be separated from the case file and kept separately, and may not be used in criminal proceedings against the witness.

(11) The witness referred to in paragraph 2 of this Article may be prosecuted for the criminal offense of giving false testimony.”.

Article 20

In Article 151, paragraph 5, after wording: “prior”, wording: “and after” shall be added.

Article 21

In Article 200, paragraph 4 shall be deleted.

Current paragraphs 5 and 6 shall become paragraphs 4 and 5.

In current paragraph 5 that becomes paragraph 4, wording: “paragraphs 3 and 4” shall be replaced with wording: “paragraph 3”.

In current paragraph 6 that becomes paragraph 5, wording: “paragraph 1 through 4” shall be replaced with wording: “paragraph 1 through 3.”.

Article 22

In Article 203, paragraph 3 shall be amended to read:

“(3) Custody ordered or extended in accordance with the provisions of paragraphs 1 and 2 of this Article may last until the judgment becomes final, and at the latest until the expiration of the sentence pronounced in the first instance judgment.”.

Article 23

In Article 204, paragraph 2 shall be amended to read:

“(2) Notwithstanding paragraph 1 of this Article, in the case of criminal offenses punishable by life imprisonment, the person must be brought before the prosecutor within 48 hours at the latest, and in the case of criminal offenses of terrorism, within 72 hours.”.

Article 24

Article 212 shall be amended to read:

“The house rules in the institutions for serving custody shall be regulated in accordance with the provisions of this Code and the law regulating the execution of criminal and misdemeanor sanctions of Republika Srpska.”.

Article 25

The title of, and Article 213 shall be amended to read:

“Approval to prosecute perpetrators of crimes
Article 213

When this Code, i.e., another general act enacted on the basis of the Constitution or the law stipulates that the prosecution of certain criminal offenses requires the prior approval of the competent state body, the prosecutor may not initiate or continue the investigation or file an indictment unless he submits proof that the approval was given.”.

Article 26

In Article 224, after paragraph 2, new paragraph 3 shall be added to read:

“(3) Simultaneously with the issuance of the order referred to in paragraph 2 of this Article, the prosecutor shall notify the injured party of the initiation of the investigation and instruct him on the rights referred to in Article 46a paragraph 1, items a), b), v) and g) of this Code.”.

Current paragraphs 3 and 4 shall become paragraphs 4 and 5.

In current paragraph 4 that becomes paragraph 5, wording: “public prosecutor’s office” shall be replaced with wording: “Chief District Prosecutor”.

Article 27

Article 233 shall be amended to read:

“(1) The prosecutor shall terminate the investigation when he finds that the state of affairs has been clarified enough that an indictment can be filed. The completion of the investigation shall be noted in the file.

(2) If the investigation is not completed within six months from the date of the order to conduct the investigation, the prosecutor shall notify the Chief Prosecutor of the reasons for not completing the investigation. The Chief Prosecutor shall set a new deadline for the completion of the investigation, which may not exceed six months, or which may not exceed one year for criminal offenses punishable by imprisonment for a term of ten years or more, and order the necessary a measure to complete the investigation.

(3) If the investigation could not be completed within the period referred to in paragraph 2 of this Article, the prosecutor shall, within eight days, notify the Chief Prosecutor, the suspect and the injured party of the reasons for which the investigation has not been completed.

(4) Suspects and injured parties may, within 15 days from the day of delivery of the notification referred to in paragraph 3 of this Article, file a complaint to the Chief Prosecutor due to the duration of the proceedings. If the Chief Prosecutor determines that the complaint is well-founded, he will set a new deadline within which, if there are procedural preconditions, the investigation must be completed, of which he will inform the complainant.

(5) The indictment shall not be raised if the suspect was not questioned.”.

Article 28

In Article 234, paragraph 6 shall be amended to read:

“(6) An undercover investigator is a specially trained authorized official who investigates under a changed identity, which has appropriate powers within the police authorities of Republika Srpska, the police authorities of Bosnia and Herzegovina and the police authorities of other states. An undercover investigator may participate in legal transactions under his or her changed identity. If it is necessary for the formation

and maintenance of that identity, appropriate documents may be created, modified or used.”.

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

“(7) An informant is a person from the ranks of citizens, who can also be a foreign citizen, and during the engagement acts according to the instructions of an authorized official and can, with his consent, be equipped with technical equipment for audio and video recording to document the actions.”.

Article 29

In Article 236, paragraph 3 shall be amended to read:

“(3) Investigative actions referred to in Article 234, paragraph 2, items a), b), v), g) and e) of this Code may last for a maximum of one month, and if they give results and there is a reason to continue their implementation in order to collect evidence, they may, at the reasoned proposal of the prosecutor, be extended for another month, provided that the measures referred to in Article 234, paragraph 2, items a), b), v), g) and e) of this Code may last for a maximum of six months in total. The request for action referred to in Article 234, paragraph 2, item đ) of this Code may refer only to a one-time act, and the request for each subsequent action against the same person must contain reasons that justify its use.”.

Article 30

In Article 237, after paragraph 3, new paragraph 4 shall be added to read:

“(4) The prosecutor may request the court not to inform the person against whom the action referred to in Article 234, paragraph 2 of this Code has been taken, if this notification would jeopardize the investigation against that person or other suspects. The person against whom action was taken shall be notified no later than the indictment against that person or other persons is filed, or after the suspension of the investigation.”.

Current paragraph 4 shall become paragraph 5.

Article 31

In Article 239, number: “235” shall be replaced with number: “234”.

Article 32

Article 241 shall be amended to read:

“(1) If, during the course of investigation, the prosecutor finds that there is sufficient evidence from which a reasonable suspicion arises that the suspect has committed a criminal offense, he shall prepare and send the indictment to the preliminary hearing judge within 30 days from the day when the completion of the investigation was recorded in the file.

(2) If the prosecutor does not file an indictment within the deadline referred to in paragraph 1 of this Article, he shall be obliged to inform the Chief Prosecutor within eight days of the reasons for not filing the indictment, who shall take measures that the prosecutor files an indictment within 30 days. The suspects and the injured party will be notified of the setting of the additional deadline.

(3) If the prosecutor does not file an indictment within the deadline referred to in paragraph 2 of this Article, he shall notify the Chief Prosecutor, and the suspect and injured party, who shall have the right to file a complaint to the Chief Prosecutor within eight days from the expiration of that deadline. The Chief Prosecutor will issue instructions to the prosecutor to file an indictment within a certain deadline, which may not be longer than 30 days.

(4) After the indictment has been filed, the suspect, i.e., the accused and the defense attorney, shall have the right to inspect all files and evidence.

(5) After the indictment has been filed, the parties or the defense attorney may propose to the preliminary hearing judge to take action in accordance with Article 231 of this Law.”.

Article 33

In Article 244, paragraph 1, number: “46” shall be replaced with number: “54”.

Article 34

In Article 249, after wording: “relevant to the main trial”, a comma and wording: “and the injured party shall be notified about the hearing” shall be added.

Article 35

After Article 249, new title of and new Article 249a shall be added to read:

“Suspension of Criminal Proceedings Article 249a

If the injured party does not file a complaint to the Chief District Prosecutor within the time limit referred to in Article 46b paragraph 1 of this Code against the prosecutor's decision to drop the criminal prosecution before confirming the indictment, or if the Chief Republic Prosecutor rejects the objection referred to in Article 46b paragraph 3 of this Code as unfounded, the judge, i.e., the president of the panel shall suspend the criminal proceedings by a decision and deliver the decision to the parties and the injured party.”.

Article 36

In Article 279, paragraph 1, after wording: “prior”, wording: “and after” shall be added, and after wording: “previous”, wording: “or later” shall be added.

Article 37

In Article 288, paragraph 2, after wording: “important reasons”, a comma and wording: “or if, for no legal reason, they do not want to testify at the main trial” shall be added. In paragraph 3, wording: “or the presiding” shall be replaced with wording: “i.e.”.

Article 38

In Article 297, item d), wording: “or pardon” shall be deleted.

Article 39

In Article 307, paragraph 4, after wording: “property claim”, a comma and wording: “and if the prosecutor has taken over the criminal prosecution from the injured party as the prosecutor (Article 46j), the injured party may file an appeal on all grounds of appeal on which the verdict can be challenged (Article 310)” shall be added.

Article 40

In Article 311, paragraph 1, item k), after wording: “relevant facts”, a comma and wording: “or these reasons are completely vague or substantially contradictory” shall be added.

Article 41

In Article 333, paragraph 1, item a), after wording: “long term imprisonment”, a comma and wording: “life imprisonment” shall be added.

Article 42

In Article 351, paragraph 1, after wording: “filed by a”, wording: “Republic” shall be added.

In paragraph 2, wording: “public prosecutor” shall be replaced with wording: “Republic prosecutor”.

Article 43

In Article 353, paragraph 1, wording: “public prosecutor” shall be replaced with wording: “Republic prosecutor”.

Article 44

In Article 360, paragraph 3, item g), wording: “guilty or not guilty” shall be replaced with wording: “guilty or not guilty”. **[Translator’s remark: N/A to English translation.]**

Article 45

The Chapter “XXV - SPECIFIC PROVISIONS GOVERNING JUDICIAL ADMONITION”, titles of articles and articles 377 through 381 shall be deleted.

Article 46

In Article 384, paragraph 2, after wording: “suspended sentence”, wording: “or” shall be inserted.

Article 47

In Article 405, wording: “white slaves” shall be replaced with wording: “humans”.
[Translator’s remark: N/A to English translation.]

Article 48

In Article 423, after paragraph 5, new paragraph 6 shall be added to read:
“(6) Final decisions of the Supreme Court of Republika Srpska issued on the basis of Article 200, paragraph 4 of this Code shall remain in force.”.

Article 49

In Article 427, paragraph 2, item v) shall be deleted.
Current item g) shall become item v).

Article 50

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

No.: 02/1-021-120/21
11 February 2021
Assembly
Banja Luka

Speaker of
National
Nedeljko Čubrilović