

# LAW ON COURTS IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

– unofficial consolidated text –

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**L A W**  
**ON COURTS IN THE FEDERATION OF BOSNIA AND HERZEGOVINA**  
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CHAPTER I GENERAL PROVISIONS

Article 1  
**Scope of the law**

The scope of this law is to establish the structure, jurisdiction, finance, judicial administration and other issues of importance for organization and operation of the Municipal Courts, Cantonal Courts and the Supreme Court of the Federation of Bosnia and Herzegovina (hereinafter: the Supreme Court of the Federation).

Article 2  
**Judicial Power**

The courts shall exercise judicial power in the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

Article 3  
**Independence**

The courts shall be autonomous and independent of the legislative and executive branches of government.

No one may interfere with the independence and impartiality of a judge in deciding the cases assigned to him for processing.

Article 4  
**Establishment of Courts**

No court shall be established and dissolved other than by law.

Article 5  
**Protection of Rights**

The courts shall protect the rights and freedoms guaranteed in the Constitutions of Bosnia and Herzegovina, of the Federation and of the cantons and by law, and shall ensure constitutionality and legality.

Courts, in their work, shall proceed in an impartial, timely and efficient manner.

Article 6  
**Review of Court Decisions**

Court decisions may be reviewed by way of legal remedies only by a competent court in a procedure prescribed by the constitution or by law.

Article 7  
**Binding Effect of Court Decisions**

The decisions of all courts in Bosnia and Herzegovina shall be binding in the territory of the Federation.

Article 8

**Publicity and Transparency**

The work of the courts shall be open to the public, except as provided by law.

Transparency of the work of the court shall be achieved by holding public court hearings in the proceedings, disclosing the composition of the court, and providing information about the course of court proceedings to the public as provided by law. Transparency may also be accomplished by publishing court decisions and other information of interest to the public.

Article 9

**Composition of Courts**

Each case shall be decided by an individual judge or panel of judges, or by panel of judges and lay judges, or in certain instances permitted by law, cases may also be processed and decided by a judicial associate.

The composition of panel shall be prescribed by law.

Unless otherwise provided by law, the Supreme Court of the Federation shall adjudicate in a panel of three judges, and when deciding legal remedies from its own decisions in a panel of five judges.

Article 10

**Official Languages**

The official languages of the courts shall be Bosnian, Croatian and Serbian and the official scripts shall be Latin and Cyrillic.

Decisions shall be issued and hearings shall be held in the language of the individual judge in the proceedings or as decided by the president of a panel, and, upon the party's request, he or she shall be provided with the translation of the hearing or decision in the language the party uses in the proceedings at the expense of the court in criminal proceedings and at the expense of the requesting party in all other proceedings. Parties may file documents in any of the official languages.

Article 11

**Identification Cards**

Judges shall be issued official identification cards.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: the High Judicial and Prosecutorial Council) shall regulate the forms and the design and format of the official identification cards and the Federation Ministry of Justice shall issue them.

Article 12

**Judicial Robes**

Judges shall wear robes during trials and when making public announcements of decisions.

The High Judicial and Prosecutorial Council shall prescribe the use and design of the robes to be worn by judges, and the Federation Ministry of Justice shall procure and distribute them.

Article 13

**Affiliation Symbols**

Judges and court staff shall not express any religious, political, ethnic or other affiliation, while performing their official duties.

Symbols of religious, political, ethnic or other affiliation must not be displayed on the court building or in the court premises.

The prohibition set forth in paragraph 1 shall not apply to parties in the proceedings and third parties.

#### Article 14

##### **Seal**

Each court shall have a seal in accordance with law.

#### Article 15

##### **Co-operation and Legal Assistance**

The courts shall co-operate with each other, as well as with governmental bodies and foreign courts.

The courts shall provide legal assistance to other courts within Bosnia and Herzegovina on matters within their jurisdiction and in compliance with the law.

Governmental bodies and legal entities acting as public authorities shall be obliged to provide the courts at their request, in a timely manner, with files, documents and other information needed for conducting court proceedings.

The courts shall provide international legal assistance in accordance with international documents or based on principles of reciprocity.

## CHAPTER II - STRUCTURE AND JURISDICTION OF COURTS

### **1. Organization and Territory of Operation of the Courts**

#### Article 16

##### **Municipal Courts**

Municipal Courts shall be established for one or more municipalities in a Canton.

#### Article 17

##### **Cantonal Courts**

Cantonal Courts shall be established for the territory of one canton.

#### Article 18

##### **Supreme Court**

The Supreme Court of the Federation shall be the highest appellate court in the Federation.

#### Article 19

##### **Conducting Proceedings in and outside of the Court Seat**

The courts shall conduct their activities at their seats.

Notwithstanding the provision of paragraph 1 of this Article, Municipal Courts may conduct the activities falling under their jurisdiction outside their seats in court branches, in minor offence court branches, and by holding court days elsewhere as provided by law.

The Supreme Court of the Federation and the Cantonal Courts may conduct the activities falling under their jurisdiction outside their seats for reasons of efficiency, cost or other justifiable reason.

## Article 20 Court Branches

Court branches shall be established and dissolved by law.

Court branches shall be permanently located at a place within the territorial jurisdiction of the court, but outside of its seat.

In the court branches, the courts, as a rule, shall perform all the activities falling under their jurisdiction for the territory for which the court branch has been established.

Court branches shall operate under the supervision of the Court President.

The Court President shall determine the location for conducting proceedings and the method for establishing court panels in the cases in which the number of judges assigned to the court branch is not sufficient to conduct proceedings under the procedural laws. The Court President shall be obliged to take into consideration efficiency and cost effectiveness of court proceedings.

Notwithstanding the provisions of paragraphs 3 and 5 of this Article, the Court President may, upon request of the presiding judge in specific cases, for reasons of efficiency, cost or other justifiable reason, decide that the proceedings or particular actions in the proceedings be conducted in the location other than the one in which they would have been conducted under the provisions of this Article.

## Article 21 Court Days

A court may set aside certain court days to conduct judicial proceedings and undertake other tasks at locations within its jurisdiction but outside its seat or branch.

The Court President shall issue a decision on the location, dates and times of court days.

The locations, dates and times of court days shall be posted on the court's notice board and on the notice board in the building in which the court days are held.

## Article 22 Seat and Territory of the Municipal Courts

### **The Municipal Courts in Una Sana Canton shall be:**

- 1) the Municipal Court in Bihać for the territory of the municipalities of Bihać and Bosanski Petrovac;
- 2) the Municipal Court in Bosanska Krupa for the territory of the municipalities of Bosanska Krupa and Bužim; the Municipal Court in Bosanska Krupa shall have a branch in Buzim for the territory of the municipality of Buzim;
- 3) the Municipal Court in Cazin for the territory of the municipality of Cazin;
- 4) The Municipal Court in Sanski Most for the territory of the Municipality of Sanski Most. The Municipal Court shall have the court department outside the seat in Ključ for the territory of Municipality of Ključ;
- 5) the Municipal Court in Velika Kladuša for the territory of the municipality of Velika Kladuša.

### **The Municipal Court in Posavina Canton shall be:**

the Municipal Court in Orašje, for the territory of the municipalities of Orašje, Domaljevac-Šamac and Odžak.

**The Municipal Courts in Tuzla Canton shall be:**

- 1) the Municipal Court in Gračanica for the territory of the municipalities of Gračanica and Dobož-East;
- 2) the Municipal Court in Gradačac for the territory of the municipality of Gradačac;
- 3) the Municipal Court in Srebrenik for the territory of the municipality of Srebrenik;
- 4) the Municipal Court in Kalesija for the territory of the municipalities of Kalesija, Teočak and Sapna;
- 5) the Municipal Court in Tuzla for the territories of the municipalities of Tuzla and Čelić;
- 6) the Municipal Court in Živinice for the territory of the municipalities of Živinice and Kladanj; The Municipal Court in Živinice shall have a branch in Kladanj for the territory of the municipality of Kladanj.
- 7) The Municipal Court in Lukavac for the territory of the municipality Lukavac;
- 8) The Municipal Court in Banovići for the territory of the municipality Banovići;

**The Municipal Courts in Zenica-Dobož Canton shall be:**

- 1) the Municipal Court in Kakanj for the territory of the municipality of Kakanj;
- 2) the Municipal Court in Tešanj for the territory of the municipalities of Tešanj, Usora and Dobož-South;
- 3) the Municipal Court in Visoko for the territory of the municipalities of Visoko, Vareš, Olovo and Breza;
- 4) The Municipal Court in Visoko shall have a branch in Olovo for the territory of the municipality of Olovo;
- 5) the Municipal Court in Zavidovići for the territory of the municipalities of
- 6) Zavidovići and Maglaj;
- 7) The Municipal Court in Zavidovici shall have a branch in Maglaj for the territory of the municipality of Maglaj;
- 8) the Municipal Court in Zenica for the territory of the municipality of Zenica;
- 9) the Municipal Court in Žepče for the territory of the municipality of Žepče.

**The Municipal Court in Bosnian Podrinje Canton - Goražde** shall be the Municipal Court in Goražde, for the territory of the municipalities of Goražde, Pale-Prača, and Foča-Ustikolina.

**The Municipal Courts in Central Bosnia Canton shall be:**

- 1) the Municipal Court in Travnik for the territory of the municipality of Travnik. The Municipal Court in Travnik shall have the court department outside the seat in Vitez for the territory of the municipality of Vitez and for the territory of the municipality of Busovača, and court department outside the seat in Novi Travnik for the territory of the municipality of Novi Travnik;
- 2) the Municipal Court in Bugojno for the territory of the municipalities of Bugojno, Gornji Vakuf-Uskoplje, Donji Vakuf;
- 3) the Municipal Court in Kiseljak for the territory of the municipalities of Kiseljak, Fojnica and Kreševo;
- 4) The Municipal Court in Jajce for the territory of the municipalities Jajce and Dobretići.

**The Municipal Courts in Herzegovina-Neretva Canton shall be:**

- 1) the Municipal Court in Mostar for the territory of the City of Mostar;
- 2) the Municipal Court in Konjic for the territory of the municipalities Konjic and Jablanica. The Municipal Court in Konjic shall have the court department outside the seat in Prozor-Rama for the territory of the municipality of Prozor-Rama;
- 3) the Municipal Court in Čapljina for the territory of the municipalities Čapljina, Stolac, Neum and Ravno;
- 4) The Municipal Court in Čitluk for the territory of the municipality of Čitluk.

**The Municipal Courts in West Herzegovina Canton shall be:**

- 1) the Municipal Court in Široki Brijeg, for the territory of the municipalities Široki Brijeg and Posušje;
- 2) the Municipal Court in Ljubuški for the territory of the municipalities Ljubuški and Grude.

**The Municipal Court in Sarajevo Canton shall be:** the Municipal Court in Sarajevo, for the territory of the municipalities Stari Grad Sarajevo, Centar Sarajevo, Novo Sarajevo, Novi Grad Sarajevo, Ilijaš, Vogošća, Hadžići, Ilidža and Trnovo.

**The Municipal Courts in Canton 10 shall be:**

- 1) the Municipal Court in Livno, for the territory of the municipalities: Livno, Glamoč, Drvar and Bosansko Grahovo. The Municipal Court in Livno shall have a branch outside the seat of the Court in Drvar that covers the territory of the municipalities Drvar and Bosansko Grahovo.
- 2) The Municipal Court in Tomislavgrad for the territory of the municipalities Tomislavgrad and Kupres.

Newly established Municipal Court in Srebrenik and newly established court department of the Municipal Court in Sanski Most, department of the Municipal Court in Travnik, department of the Municipal Court in Konjic and the Municipal Court in Tomislavgrad shall commence the operation when necessary conditions for the operation of courts are met.

Article 23

**Municipal Courts with Commercial Departments**

Municipal Courts in which commercial departments are established shall have territorial jurisdiction in commercial matters over the territory of entire canton.

The following Municipal Courts shall have commercial departments: the Municipal Courts in Bihać, Orašje, Tuzla, Zenica, Goražde, Travnik, Mostar, Široki Brijeg, Sarajevo and Livno.

Article 23a

**Municipal courts deciding in minor offence cases in the area of tax and customs duties**

The following Municipal Courts shall decide in minor offence cases in the area of tax and customs duties: Bihać, Orašje, Tuzla, Zenica, Goražde, Travnik, Mostar, Široki Brijeg, Sarajevo and Livno.

Article 24

**Municipal Courts Performing Tasks of Registering Legal Entities**

Tasks related to registering legal entities are to be performed by the Municipal Courts in Bihać, Orašje, Tuzla, Zenica, Goražde, Travnik, Mostar, Široki Brijeg, Sarajevo and Livno for the territory of the entire canton.

Article 25

**Seat and Territory of the Cantonal Courts**

The Cantonal Courts shall be:

- 1) The Cantonal Court in Bihać for the territory of Una Sana Canton;
- 2) The Cantonal Court in Odžak for the territory of Posavina Canton;
- 3) The Cantonal Court in Tuzla for the territory of Tuzla Canton;
- 4) The Cantonal Court in Zenica for the territory of Zenica-Doboj Canton;
- 5) The Cantonal Court in Goražde for the territory of Bosnian Podrinje Canton- Goražde;

- 6) The Cantonal Court in Novi Travnik for the territory of Central Bosnia Canton;
- 7) The Cantonal Court in Mostar for the territory of Herzegovina-Neretva Canton;
- 8) The Cantonal Court in Široki Brijeg for the territory of West-Herzegovina Canton;
- 9) The Cantonal Court in Sarajevo for the territory of Sarajevo Canton; and
- 10) The Cantonal Court in Livno for the territory of Canton 10.

#### Article 26

### **Seat and Territory of the Supreme Court of the Federation**

The seat of the Supreme Court of the Federation shall be in Sarajevo and shall cover the territory of the entire Federation.

## **2. Subject matter jurisdiction**

#### Article 27

### **Subject Matter Jurisdiction of Municipal Courts**

The Municipal Courts shall have jurisdiction over the following matters:

- 1) Criminal matters:
  - a) first instance jurisdiction over:
    - criminal offences for which the law prescribes as main punishment a fine or sentence of imprisonment up to 10 years, unless the jurisdiction of another court is prescribed by a separate law;
    - criminal offences for which the jurisdiction of the municipal court is prescribed by a separate law;
    - criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to the municipal court;
    - all criminal proceedings against juveniles;
  - b) proceedings during the investigation and after the bringing of the indictment in accordance with law;
  - c) decisions on extraordinary legal remedies when provided by law;
  - d) decisions to expunge a conviction from the record, or to terminate a security measure or the legal effect of a conviction, based on a decision of the court; and
  - e) to proceed upon requests for pardon in accordance with law.
- 2) Civil matters first instance jurisdiction over:
  - a) all civil disputes; and
  - b) non-contentious proceedings.
- 3) Minor offence matters first instance jurisdiction over:
  - a) all minor offence cases and
  - b) petitions for reopening the minor offence proceedings.
- 4) Commercial matters in municipal courts with a commercial department first instance jurisdiction over:
  - a) disputes related to the rights and obligations arising from legal transactions involving goods, services, securities, ownership or other property rights in real estate, or the rights and obligations arising from securities, in which both parties in the proceedings are either a legal entity or a physical person who, in the capacity of an independent entrepreneur or in another capacity, performs business or other registered activity as his main or additional profession;

- b) disputes related to ships or navigation on the sea or inland waters, and disputes to which maritime law applies, with the exception of disputes related to the transport of passengers;
  - c) disputes related to airplanes or disputes to which aviation law applies, with the exception of disputes related to the transport of passengers;
  - d) disputes related to copyrights, related rights and other rights relating to intellectual property;
  - e) disputes arising from acts alleged to constitute unfair competition or monopolistic agreements and
  - f) bankruptcy and liquidation proceedings, as prescribed by law, and all disputes arising during and related to bankruptcy and liquidation proceedings.
- 5) Other matters:
- a) enforcement procedure, unless otherwise provided by law;
  - b) security measures, unless otherwise provided by law;
  - c) special proceedings, unless otherwise provided by law;
  - d) the Land Registry activities, in accordance with law;
  - e) legal assistance to courts throughout Bosnia and Herzegovina;
  - f) tasks related to international legal assistance, except for those tasks that have been assigned by law to the cantonal court;
  - g) performing tasks related to registering legal entities; and
  - h) other activities as prescribed by law.

## Article 28

### **Subject Matter Jurisdiction of Cantonal Courts**

Cantonal Courts shall have jurisdiction over the following matters:

- 1) First instance jurisdiction
  - a) criminal offences for which more than 10 years of imprisonment or a long-term imprisonment is prescribed, unless the competence of another court is prescribed by law;
  - b) proceedings during the investigation and after the bringing of the indictment in accordance with law;
  - c) criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to a cantonal court; and
  - d) to decide in administrative disputes, as well as on requests for protection of freedoms and rights guaranteed by the Constitution, if such freedoms and rights have been violated by a final individual act or activity of an authorized person in an administrative body, or of an authorized person in a company, institution or another legal entity, in cases in which other court protection of these rights has not been provided.
- 2) Second instance jurisdiction
  - a) to decide on appeals against decisions of Municipal Courts;
  - b) to decide on appeals against minor offence decisions;
  - c) to decide on other ordinary and extraordinary legal remedies, if so stipulated by law.
- 3) Other:
  - a) to decide on conflicts of territorial jurisdiction among the Municipal Courts within the territory of the Canton;
  - b) to decide on the transfer of territorial jurisdiction from one Municipal Court to another within the territory of the Canton;

- c) to decide to expunge a conviction or to terminate a security measure or the legal effects of a conviction, based on a decision of the court;
- d) proceed upon requests for pardon in accordance with law;
- e) to decide on the recognition of decisions of foreign courts, foreign commercial courts and foreign arbitration;
- f) to provide international legal assistance in criminal matters; and
- g) to perform other activities as prescribed by law.

#### Article 29

### **Subject Matter Jurisdiction of the Supreme Court of the Federation**

The Supreme Court of the Federation shall have jurisdiction over the following matters:

- 1) to decide on regular legal remedies from decisions of the Cantonal Courts, if so prescribed by law;
- 2) to decide on extraordinary legal remedies from valid rulings of courts, if so provided by law;
- 3) to decide on legal remedies from decisions of its panels unless otherwise provided by law;
- 4) to resolve conflicts of jurisdiction between Cantonal Courts and Municipal Courts from the territory of different cantons, unless otherwise regulated by law;
- 5) to decide on transfer of territorial jurisdiction from one court to another when so prescribed by law; and
- 6) to perform other activities determined by law, except those falling under the jurisdiction of the Constitutional Court.

The Supreme Court may also have original jurisdictions, if determined by the Federation laws.

#### Article 30

### **Proceedings Before the Constitutional Courts**

The Supreme Court of the Federation and the cantonal courts may initiate proceedings before the Constitutional Court of the Federation or the Constitutional Court of Bosnia and Herzegovina, in accordance with Constitution and relevant regulations dealing with procedures before the Constitutional Courts.

## CHAPTER III - INTERNAL ORGANIZATION OF THE COURTS

#### Article 31

### **Duties of the Court President**

Court Presidents shall be responsible for the overall management of the court and court administration.

Presidents shall represent the court in relations with other bodies and organizations.

Court Presidents may delegate particular duties of their office to judges or other court staff.

Each Court President shall appoint a judge to act as Court President in his absence.

#### Article 32

### **Court Secretary**

Courts with more than seven judges may have a Court Secretary.

A Court Secretary shall have a university degree and at least five years of work experience, including appropriate managerial experience for at least three years.

#### Article 33

### **Duties of the Court Secretary**

The Court Secretary shall be responsible for the carrying out of the administrative, technical and financial affairs of the court in a proper and timely manner.

The Court Secretary shall be responsible for his work to the Court President.

#### Article 34

### **Courts without a Court Secretary**

In courts without a Court Secretary, the Court President shall perform the Secretary's tasks, or shall ensure that they are performed by another judge or by court staff.

#### Article 35

### **General Session and Extended General Session**

A general session consists of all the judges in a court.

The Court President shall convene and preside over general sessions.

General sessions shall be convened as prescribed by procedural laws.

The quorum for a general session shall be two-thirds of the judges and decisions shall be by a majority of the judges present.

The Supreme Court of the Federation of Bosnia and Herzegovina shall have the extended general session at which stands on matter of principle about issues of the interest for the application of the Federation laws shall be taken.

The extended general session shall be composed of the President of the Court and judges of the Supreme Court of the Federation of Bosnia and Herzegovina and defined number of judges as delegates of the cantonal courts.

The quorum of an extended general session shall be two-thirds of the judges constituting the extended general session.

Further provisions regulating the operation and manner of operation of the general session and extended general session shall be regulated by the court enactment.

#### Article 36

### **Court Departments**

Court departments may be established in courts to deal with the matters in the same legal field, with the exception of minor offence departments, which are established in all municipal courts.

Court departments under paragraph 1 of this Article shall have heads of departments, who are responsible to the court president for managing departments.

Minor offence departments may perform duties under its authority outside the seat of the Municipal Courts.

Court departments outside the seat of the courts established in accordance with Article 22 of the Law shall decide in minor offence cases within the territorial jurisdiction of the respective department.

The Decision on the seat of the minor offences departments outside the seat of the municipal courts shall be passed by the Federal Ministry of Justice.

Article 37

**Regulations on Internal Court Organization and Operation**

High Judicial and Prosecutorial Council shall issue the Book of Rules on Internal Court Operation, which it prepared beforehand in cooperation with the Federation Minister of Justice.

The Court President shall, with the consent of the Federation Minister of Justice, issue a Book of Rules on the Internal Organization of the Court and Systematization of Posts in accordance with the criteria set forth in Article 41 of this Law.

The Court President shall deliver the Book of Rules on the Internal Organization of the Court and Systematization of Posts to the High Judicial and Prosecutorial Council.

CHAPTER IV - JUDGES

Article 38

**Reserve Judges**

If a Court President considers that reserve judges are needed for the purpose of addressing backlogs or replacing one or more judges in his court due to the prolonged absence, he shall submit a request to the High Judicial and Prosecutorial Council for the appointment of reserve judges.

Article 39

**Lay Judges**

The President of each Municipal Court shall determine the necessary number of lay judges for his court, after obtaining the opinion of the High Judicial and Prosecutorial Council.

The President of each Municipal Court shall advertise any vacant positions for a lay judge by posting an announcement on the court notice board and at least in one local daily newspaper. The Court President shall select from the applicants the candidates who meet the requirements set by law and who in his judgment are the best qualified, and shall submit the candidate list to the High Judicial and Prosecutorial Council.

Article 40

**Personnel Files of Judges and Lay Judges**

Each court shall maintain a file on each judge and lay judge, containing personal, professional, experience-related information and other data. Each judge and lay judge shall have the right to see his personnel file and to require the correction of incorrect information.

Article 41

**Performance Evaluations of Judges**

The performance of judges shall be evaluated at least once a year in accordance with criteria set by the High Judicial and Prosecutorial Council.

Each Court President shall evaluate the performance of the judges in his court. The President of the next higher court shall evaluate the performance of the Court President.

## CHAPTER V - COURT STAFF

### Article 42

#### **Number and Qualifications of Court Staff**

The Federation Minister of Justice shall set the criteria for determining the total number of staff in the courts.

For the purposes of this law, court staff shall mean civil servants and staff employed in the court.

The number, qualifications and other requirements for employment in each court shall be separately regulated in the Book of Rules on Internal Organization and Systematization of Posts.

### Article 43

#### **Judicial Associates**

Judicial Associates shall be law school graduates who have passed the bar examination.

A judicial associate may proceed and decide non-contentious and enforcement matters, and small value disputes in accordance with law and as assigned by the Court President.

A judicial associate shall assist judges in their work, analyze legal issues, prepare cases for trial, and perform other professional activities, independently or under supervision and instructions of a judge, as permitted by law or a book of rules.

### Article 44

#### **Judicial Advisors**

The Supreme Court may employ judicial advisors.

Judicial advisors shall be law-graduates who have passed the bar examination and have at least five years of legal experience.

Judicial advisors shall perform tasks referred to in Article 43 paragraph 3 of this law.

### Article 45

#### **Law Trainees**

Law trainees shall be law graduates and may be employed by a court as law trainees for up to two years.

The training of law trainees shall be conducted in accordance with the induction training program established by the Center for Judicial and Prosecutorial Training.

Law trainees under the supervision of a judge or judicial associate may perform the same duties as judicial associates, except that law trainees may not decide cases.

### Article 46

#### **Volunteer Interns**

A court may have volunteer interns.

The provisions of this law that refer to law trainees shall apply accordingly to volunteer interns.

Volunteer interns shall not receive compensation or other employment benefits for their services during the intern period, except as provided by separate law.

Article 46a  
**Court Executor**

Under the order of a judge, the court executor shall conduct all or certain executive actions in manner and within deadline ordered by a conclusion of the court in accordance with the regulation governing the executive procedure.

The court executor shall have the IV degree of education, professional examination for court executor passed and at least one year of working experience.

Article 47  
**Administrative Duties Performed Independently by Court Staff**

Court staff performing administrative duties may be entrusted with the performance of certain duties that do not have to be performed by judges. Unless prohibited by law or other regulation, authorized court staff may independently perform the following activities:

- 1) certify signatures;
- 2) give information on the basis of the data in the court register;
- 3) issue certificates on facts on which the court keeps records;
- 4) enter into the record or official notes statements of parties and other interested persons, that they changed their address or place of residence, or that they confirm the date of receipt of a court decision, in the event that the delivery note was not returned to the court or that the delivery note was returned to the court but the date of delivery was not indicated on the delivery note;
- 5) take appropriate measures to collect fines and costs of proceedings; and
- 6) perform other duties and tasks assigned by the Court President or the Court Secretary.

Article 48  
**Employment Rights**

Unless otherwise provided by this law, the provisions of the laws regulating the positions, employment rights and duties of employees of administrative bodies shall also apply to court staff.

Article 49  
**Trial Period**

All court staff that are offered permanent employment shall undertake a mandatory three-month trial period.

Article 50  
**Personnel Files of Court Staff**

Each court shall maintain a file on each court staff member containing personal, professional, experience-related information and other data. Each non-judicial staff member whose data are kept in a personnel file shall have the right to see his file and to require the correction of incorrect information.

Article 51  
**Performance Evaluations of Court Staff**

The performance of court staff shall be evaluated at least once a year.

The Court President shall evaluate the performance of the Court Secretary. Upon the proposal of the immediate supervisor, the Court President shall evaluate the performance of the judicial associates and law trainees, and the Court Secretary shall evaluate the performance of other court staff.

Article 52  
**Accountability**

Each court staff member shall be accountable for any breach in his official duties, and may be disciplined in accordance with law.

CHAPTER VI - COURT INTERPRETERS

Article 53  
**Appointment**

After obtaining an opinion of the High Judicial and Prosecutorial Council, the Federation Government shall issue regulations on the appointing, rights and duties of permanent court interpreters.

Courts shall use services of permanent court interpreters, except for those cases in which no interpreters are available for a particular language. The procedure in such cases shall be established by the regulations referred to in paragraph 1 of this Article.

CHAPTER VII - OBLIGATIONS TO PARTIES AND THE PUBLIC

Article 54  
**Confidentiality**

Judges and court staff shall keep confidential everything they learn in the course of their work about participants in proceedings, and the legal and factual circumstances of their cases, and they shall protect the confidentiality of information not accessible to the public.

Article 55  
**Official Secrets**

Judges and court staff shall keep official secrets confidential, regardless of how they came into possession of the information. The following shall especially be considered to be official secrets:

- 1) all the information that has been designated as an official secret by law or other regulation;
- 2) any information that has been specified as an official secret by the general acts of state bodies, legal entities and other institutions;
- 3) information and documents specially designated as official secret by state bodies, legal entities, and other institutions; and
- 4) information and documents that have been marked as official secret by the President of the Court or an authorized court staff member.

The obligation to keep official secret confidential shall continue even after termination of work in the court.

The President of the Court may release the judge or the court employee from the obligation to keep an official secret if it can be substantively justified in a particular case.

Article 56  
**Working hours**

The Court President shall set the schedule of working hours for the court.

Article 57  
**Urgent Cases**

At times when a court is not open, the court shall schedule one or more judges and staff to be on call to handle urgent cases.

Article 58  
**Access to Court Files and Registers**

The public and parties in the proceedings shall have the right to access court files in accordance with the law.

The data kept in the court register are public and anyone may copy them or request to be issued a certified copy from the registry, unless otherwise provided by the law for specific information kept in the court register.

Article 59  
**Accountability**

The Federation or the Canton, depending on who provides the funding for the operations of the court, shall be liable for damage to physical or legal entities caused by court staff in performing their duties in an illegal or irregular manner.

Article 60  
**Complaints Against Judges and Court Staff**

Each court shall be obliged to regulate the procedure for receiving and processing complaints against judges and court staff.

The President of the Court shall handle the complaints against the court staff and shall forward all complaints against judges to the High Judicial and Prosecutorial Council without delay.

CHAPTER VIII - JUDICIAL ADMINISTRATION

Article 61  
**The Ministries of Justice**

The Federation Ministry of Justice shall have the following competencies:

- 1) monitor the application of this law and other regulations related to the organization and operation of all the courts in the Federation; and
- 2) collect statistical information related to the work of all the courts in the Federation and instruct the courts on collecting, keeping and submitting this information.

The Federation Ministry of Justice, with respect to the Supreme Court of the Federation, and the Cantonal Ministries of Justice with respect to cantonal and municipal courts, shall have the following responsibilities:

- 1) monitor the performance of matters of court administration;
- 2) co-operate with the Court President in resolving complaints received by the Ministry relating to court administration;

- 3) make recommendations to and cooperate with the Court President for improving the organization and operation of the court;
- 4) collect statistical information related to the work of courts;
- 5) provide for material conditions for the work of courts, unless provided otherwise by law; and
- 6) perform duties related to the court budgets in accordance with Articles 69, 71 and 72 of this Law.

In carrying out their responsibilities, the Federation and Cantonal Ministries of Justice shall cooperate and exchange information. In order to harmonize the practices of the Cantonal Ministries of Justice, the Federation Ministry of Justice shall coordinate performance of these responsibilities and may issue instructions to that effect.

In carrying out their judicial administration responsibilities, the Federation and Cantonal Ministries of Justice shall cooperate closely and share all information with the High Judicial and Prosecutorial Council.

#### Article 62

### **Federation Minister of Justice**

The Federation Minister of Justice shall issue regulations as stipulated in this Law within 90 days from the date of entry into force of this Law.

#### Article 63

### **Delivery of Information and Reports**

Courts shall provide the competent ministries of justice with all the requested information that the ministries need in order to carry out their responsibilities referred to in Article 61 of this Law.

Courts shall submit yearly reports on the overall operations of the court to the competent Ministry of Justice and to the High Judicial and Prosecutorial Council by 31 March of the current year.

#### Article 64

### **Irregularities**

If the Cantonal Ministry of Justice observes irregularities of the application of this law or other regulation related to the organization and method of operation of the courts, it shall report such irregularities to the Federation Ministry of Justice.

If the Federation Ministry of Justice, while performing activities falling under its jurisdiction or through the reports of the Cantonal Ministries, learns about irregularities as to the application of this law or regulations set forth in paragraph 1 of this Article, it shall report such irregularities to the Court President or the High Judicial and Prosecutorial Council, for further action.

#### Article 65

### **Complaints**

The Ministries of Justice shall not be competent to handle complaints against judges and any such complaint received by the Ministry of Justice shall be forwarded by the Ministry without delay to the High Judicial and Prosecutorial Council for handling.

#### Article 66

### **Independence of the Court**

All ministries of justice shall carry out their responsibilities in a manner that ensures the independence of the courts and shall not in any way influence the work of the courts related to specific cases.

Article 67

**Information Technology**

The High Judicial and Prosecutorial Council shall coordinate the use of information technology in the courts in order to achieve uniformity.

No court shall install an automated case tracking, case registration or other case management system, including back up and storage systems, without obtaining the prior approval of the High Judicial and Prosecutorial Council.

CHAPTER IX - COURT FUNDING AND BUDGETING

Article 68

**Funding of Court Operations**

The Federation shall provide funding for the operation of the Supreme Court.

The Cantons shall provide funding for the operation of the Cantonal and Municipal Courts.

Funding shall be sufficient in terms of amount and frequency of payments to enable each court to function in a fully independent, impartial and efficient manner and to ensure that each court meets all its financial obligations as they fall due.

The budget for each court shall be set forth separately in the budget and in the treasury system.

Article 69

**Development of Budget Proposals**

Each court shall develop an annual budget proposal for the following year based on the expenses of the current year and projections for the following year.

Each court shall submit its budget proposal to the High Judicial and Prosecutorial Council for comment by a date determined by the High Judicial and Prosecutorial Council.

Following consideration of the comments by the High Judicial and Prosecutorial Council and any revision of the budget proposal, or following expiry of 30 days from the date of submission of the budget proposal to the High Judicial and Prosecutorial Council, each court shall submit its budget proposal to the competent Ministry of Justice, together with any comments provided by the High Judicial and Prosecutorial Council, within the deadline set by the competent Ministry of Justice.

If it does not agree with the budget proposal or if it needs additional information, the competent Ministry of Justice shall contact the Court Secretary and inform the High Judicial and Prosecutorial Council thereof.

The competent Ministry of Justice shall provide each court and the High Judicial and Prosecutorial Council with a copy of its final budget proposal for that court as submitted to the Ministry of Finance or the government.

The competent Ministry of Finance or the Government shall consult with the High Judicial and Prosecutorial Council before making any changes to the court budget proposal.

If the budget is not adopted in the amount proposed by a court in accordance with provisions of this Article, the competent Ministry of Justice shall consult with the Court Secretary before finalizing the budget for that court.

Article 70

**Payment of Arrears**

The court budget proposal which is submitted to the legislature for adoption shall include a plan for how to eliminate any debt that the courts accumulated in the previous period.

#### Article 71

### **Execution of and Changes to the Budget**

Execution of court budgets shall be consistent with the budget approved by the legislature.

No budget rebalance may be made that adversely affects the budget of any court except by the legislature.

Before the procedure for any budget rebalancing is initiated that adversely affects any court budget, the competent Ministry of Justice or other responsible Governmental body must inform the High Judicial and Prosecutorial Council about that fact.

During the budget year, each court may request reallocation of funds between different line items of its adopted budget, provided that no line item may be decreased by more than 10 % of the approved amount for that budget line item.

The request for reallocation referred to in paragraph 4. of this Article shall be submitted in writing to the competent Ministry of Justice, and copied to the competent Ministry of Finance and the High Judicial and Prosecutorial Council.

The competent Ministry of Justice is required to approve the court's request under paragraph 4 of this Article and inform the competent Ministry of Finance and the High Judicial and Prosecutorial Council of the performed reallocation.

#### Article 72

### **Additional Budgetary Funding**

To the extent a court has a need for additional funds during the course of the year, it shall submit a request for such funding to the competent Ministry of Justice, and send a copy of the request to the High Judicial and Prosecutorial Council.

#### Article 73

### **Donations**

Courts may receive donations of money, goods or services in accordance with law, unless the acceptance of any donation would jeopardize the independence and impartiality of the court or the appearance of independence and impartiality.

A Court President shall obtain the approval of the High Judicial and Prosecutorial Council prior to accepting any donation for the court.

## CHAPTER X - TRANSITIONAL AND FINAL PROVISIONS

#### Article 74

### **The First Instance Jurisdiction of the Supreme Court**

The first instance proceedings in criminal matters over which the Supreme Court had jurisdiction under the provisions of previously applicable law, shall be continued before a competent court under the provisions regulating subject matter jurisdiction of this Law and the Law on Court of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina" no. 29/00, 16/02, 24/02, 3/03).

Files of the cases referred to in paragraph 1 of this Article shall be delivered to the competent court within 15 days from the date of entry into force of this Law.

#### Article 75

### **Subject Matter Jurisdiction in Administrative Disputes**

The proceedings in administrative dispute cases in which the subject matter jurisdiction has been changed by the provisions of Article 28, paragraph 1, item 1, sub-item d of this law,

initiated before the date of entry into force of this Law, shall be continued before the competent court pursuant to provisions of Articles 5 and 6 of the Law on Administrative Disputes ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 2/98) except in the proceedings which were not completed on the basis of complaints filed with the Supreme Court of the Federation after 31 December 2003, which shall be continued before the competent cantonal court pursuant to this Law.

#### Article 76

### **Subject Matter Jurisdiction in Entering Into the Registry**

The proceedings in matters of registration into the court registry in which the subject matter jurisdiction has been changed pursuant to Article 27, paragraph 1, item 4, sub-item g, initiated before the date of entry into force of this Law, shall be continued before the court competent in accordance with the provisions of this Law.

Files of the cases referred to in paragraph 1 of this Article shall be delivered to the competent court within 15 days from the date of entry into force of this Law.

The proceedings in the cases referred to in paragraph 1 of this Article in which before this Law entered into force, the first instance decision had been passed by which the first instance court proceedings were finished, shall be continued before the competent court in accordance with the provisions of Articles 8, 56, 57 and 62 of the Law on Procedure of Registering Legal Persons into Court Registry ("Official Gazette of the Federation of BiH" no. 4/2000, 19/00, 49/00, 32/01, 14/02 and 29/03).

If after the entry of this Law into force the first instance decision referred to in paragraph 3 of this Article is reversed, the proceedings shall be continued before the competent court in accordance with the provisions of this Law.

#### Article 77

### **Judicial and Prosecutorial Training Center**

Until such time the Center for Judicial and Prosecutorial Training develops an induction training program for law trainees and volunteers, such training shall be conducted under current training programs.

#### Article 78

### **Use of the Existing Automated Systems**

Courts which used automated case tracking, case registration or other case management systems before the effective date of this Law, may continue to use those systems without approval referred to in Article 67 of this Law, until the High Judicial and Prosecutorial Council establishes uniform systems for all courts or uniform criteria for the adoption of those systems.

#### Article 78a

### **Provisions Relating to the Minor Offence Courts**

As of the date of appointment of judges to the minor offence departments within the municipal courts, the existing Minor Offence Municipal Courts located in the municipalities for which a Municipal Court is established shall cease to exist. All pending cases shall be transferred to the minor offence department of the competent Municipal Court for further action.

The Cantonal Minor Offence Courts shall cease to exist as of the day of the appointment of judges to the minor offence departments of municipal courts.

Items, equipment, inventory, archive and documents as well as working means of the Minor Offence Municipal Courts shall be taken over by Municipal Court established for the municipality of the respective Minor Offence Municipal Court.

Employees and staff of municipal and cantonal minor offence courts, whose employment is terminated as of the appointment date of judges to minor offence departments of municipal courts for the reasons of redundancy, shall be entitled to the rights in accordance with the rules and regulations governing their employment status.

#### Article 79

### **Application of Articles 9, 39 and 40**

The provisions of Articles 9, 39 and 40 of this Law, in a part relating to the lay judges, shall be applied only to the proceedings which, pursuant to the transitional and final provisions of the Criminal Procedure Code of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 35/03 and 56/03) and the Civil Procedure Code ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 53/03) shall be conducted under the regulations applicable before the date of their entry into force.

#### Article 80

### **Cessation of validity of the Law on Courts**

By the entry into force of this Law, the Law on the Supreme Court of the Federation of Bosnia and Herzegovina ("Official Gazette of Federation of Bosnia and Herzegovina" no. 2/95, 4/95, 9/96, 20/01, 44/01) shall cease to be valid.

In case this Law is in contravention of other laws in the Federation of Bosnia and Herzegovina, this Law shall be applied.

Exceptionally, the provision of paragraph 2 of this Article shall not apply in the event of prescribing the special competences of the Supreme Court insofar as this is provided for by a special Federation-level law.

The Cantonal legislative bodies shall be obliged to harmonize their laws and other regulations on courts with the provisions of this Law within 90 days from the date of entry into force of this Law.

#### Article 81

### **Entry into Force**

This Law shall enter into force on the eighth day after the date of publication in the "Official Gazette of the Federation of Bosnia and Herzegovina."

Chairman  
House of Peoples  
Parliament of the Federation of BiH  
--, v. r.

Chairman  
House of Representatives  
Parliament of the Federation of BiH  
--, v. r.