

(Official Gazette of Bosnia and Herzegovina, No. 53/09)

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the 55th session of the House of Representatives, held on 10 June 2009, and at the 30th session of the House of Peoples, held on 15 June 2009, adopted the

**LAW ON MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
(Scope)**

- (1) This Law shall govern the manner and procedure of mutual legal assistance in criminal matters (hereinafter: mutual legal assistance), unless otherwise provided by an international treaty or if no international treaty exists.
- (2) Mutual legal assistance, for the purpose of this Law, shall be provided in all procedures with respect to criminal acts the criminal prosecution of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting State.
- (3) Mutual legal assistance, in accordance with this Law, may also be afforded in misdemeanor proceedings brought by the courts or administrative authorities, in respect of acts which are punishable under the Bosnia and Herzegovina law by imprisonment or fine, and where in such proceedings the decision of the administrative authority may give rise to proceedings before a court having subject matter jurisdiction in criminal matters.
- (4) Mutual legal assistance is also afforded in respect of the international courts and other international organizations whose member Bosnia and Herzegovina is, if so stipulated in an international treaty.

**Article 2
(Meaning of Terms and Expressions in this Law)**

Terms and expressions used herein shall have the following meaning:

- a) *requesting State* means the (foreign) State whose competent judicial authority has transmitted the request for mutual legal assistance (Letter Rogatory);

- b) *requested State* means the State to whose competent judicial authority the request/letter Rogatory is transmitted;
- c) *sentencing State* means the State where the person was sentenced;
- d) *sentence-serving State* means the State to which the sentenced person must be transferred or has been transferred to serve the sentence imposed in another State;
- e) *national judicial authority* means courts and offices of prosecutors authorized by a special law to afford mutual legal assistance, as well as any authorities that, in the context of this Law, may seek mutual legal assistance;
- f) *national judicial authority* means also any authority referred to in Article 1 Paragraph 3 of this Law;
- g) *foreign judicial authority* means foreign courts and other authorities having jurisdiction, pursuant to the law of the requested foreign State, to act in criminal matters and misdemeanor proceedings;
- h) *alien* means a person of any nationality other than the nationality of Bosnia and Herzegovina;
- i) *the prosecuted person* means a suspect or an accused;
- j) *criminal legislation of Bosnia and Herzegovina* means Criminal Codes and Criminal Procedure Codes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska and the Br ko District of Bosnia and Herzegovina, as well as the others laws in Bosnia and Herzegovina that proscribe criminal offenses.

Article 3 (Letter Rogatory)

- (1) Request for mutual legal assistance shall be transmitted in the form of Letter Rogatory.
- (2) The Letter Rogatory of a foreign judicial authority and the attached documentation must be supported by the translation into one of the official languages of Bosnia and Herzegovina. The translation must be verified by a certified court interpreter.
- (3) The Letter Rogatory by a national judicial authority and the attached documentation must be translated into the official language of the requested State.
- (4) Unless otherwise stipulated in an international treaty or this Law, the Letter Rogatory must contain the following:
 - a) name of the authority making the request, case reference number, exact name of the requested State, and, if possible, name of the requested authority;
 - b) legal grounds to afford mutual legal assistance;
 - c) specific description of an act of mutual legal assistance sought and the reason for the request;
 - d) legal definition of the criminal offense and a short summary of the facts;
 - e) exact personal details and nationality of the person concerned and his status in the proceedings;

- f) the title of the documents and the name and the address of the recipient, if the letter rogatory refers to the service of court writs and other documents, and
- g) other information that may be of significance in order to proceed upon request.

(5) Letter Rogatory, as well as the court writs and documents transmitted by courts or other relevant authorities, must bear the signature and seal of the court or the authority of issuance.

(6) If the information contained in the Letter Rogatory and the attached documentation is not sufficient, supplementary information and documentation may be requested.

Article 4 (Channels of Communication)

(1) Letters Rogatory requesting mutual legal assistance of the national judicial authorities shall be transmitted to foreign judicial authorities through the Ministry of Justice of Bosnia and Herzegovina. Requests for mutual assistance of foreign judicial authorities shall be transmitted to the national judicial authorities through the same channel.

(2) As an exception to Paragraph (1) of this Article, national judicial authorities may directly address the request for mutual legal assistance to a foreign judicial authority, when such a communication is envisaged by an international treaty.

(3) In urgent cases, when such a communication is envisaged by an international treaty, requests for mutual legal assistance may be transmitted and received through the Interpol.

(4) In cases of communication referred to in Paragraphs (2) and (3) of this Article, the national judicial authority shall communicate a copy of the request for mutual legal assistance to the Ministry of Justice of Bosnia and Herzegovina.

(5) The Ministry of Justice of Bosnia and Herzegovina shall transmit and receive through the Ministry of Foreign Affairs of Bosnia and Herzegovina the requests for mutual legal assistance to/from a foreign State that has no international treaty in force with Bosnia and Herzegovina, as well as in cases when an international treaty explicitly envisages use of diplomatic channels of communication.

(6) Requests for mutual legal assistance may also be received if transmitted via electronic or some other means of telecommunication with a written record, and if the foreign relevant judicial authority is willing, upon request, to deliver a written evidence

of the manner of transmission and the original request, provided that this manner of transmission is regulated in an international treaty.

Article 5
(Urgency of Proceeding)

(1) The Ministry of Justice of Bosnia and Herzegovina shall transmit, without delay, request for mutual assistance by a foreign judicial authority to the relevant national judicial authority for further action, unless it is evident that the request is not in compliance with an international treaty and this Law, in which case it should be refused.

(2) In cases referred to in Article 4 Paragraph (3) of this Law, Interpol shall communicate the request to the relevant national judicial authorities through the Ministry of Justice of Bosnia and Herzegovina.

Article 6
(Admissibility and Course of Action)

(1) The relevant national judicial authority shall decide on the admissibility and course of action in providing mutual legal assistance requested by a foreign judicial authority in compliance with national regulations, unless otherwise stipulated by this Law or an international treaty.

(2) The relevant national judicial authority shall proceed on request by the foreign judicial authority without delay.

Article 7
(Forwarding the Letter Rogatory to Relevant Authority)

If the authority to which the Letter Rogatory was transmitted is not authorized to proceed, that authority shall forward it without delay to the relevant authority for action, and shall accordingly inform the authority that transmitted the request.

Article 8
(Scope – Forms of Legal Assistance)

Mutual legal assistance comprises the following:

- a) general legal assistance;
- b) special forms of legal assistance:
 - 1) extradition of suspects, prosecuted or sentenced persons,
 - 2) transfer and takeover of criminal cases, and
 - 3) acknowledgement and enforcement of foreign judicial verdicts.

Article 9
(Legal Assistance Denied)

- (1) The relevant national judicial authority may refuse the request for mutual legal assistance:
- a) if the execution of the request would prejudice the legal order of Bosnia and Herzegovina or its sovereignty or security;
 - b) if the request concerns an offense which is considered to be a political offense or an offense connected with a political offense;
 - c) if the request concerns a military criminal offense.
- (2) Crimes against humanity or other values protected by international law, and attempts of commission of such offenses, as well as complicity in the perpetration of these criminal offenses, may not serve as a basis to deny the request for mutual legal assistance in terms of Paragraph (1) Sub-paragraph b) of this Article.
- (3) No request for mutual legal assistance shall be denied solely because it concerns an offense which is considered to be a fiscal offense pursuant to national law.

Article 10
(Reasons for Denying the Request)

- (1) A national judicial authority shall deny the request for mutual legal assistance:
- a) if the person accused of the relevant criminal offense has been acquitted of charges based on the substantive-legal grounds or if the proceeding against him has been discontinued, or if he was relieved of punishment, or if the sanction has been executed or may not be executed under the law of the country where the verdict has been passed,
 - b) if criminal proceedings are pending against the accused in Bosnia and Herzegovina for the same criminal offense, unless the execution of the request might lead to a decision releasing the accused from custody,
 - c) if criminal prosecution or execution of a sanction pursuant to the national law would be barred by the statute of limitations.
- (2) The provisions referred to in Paragraph (1) Sub-paragraph a) of this Article shall not apply in cases of reopening the criminal proceedings in the requesting State.

Article 11
(Reasoning the Failure to Execute the Request)

The decision refusing the request to afford mutual legal assistance or the failure to execute the request must be reasoned.

**Article 12
(Reciprocity)**

(1) National judicial authorities shall afford assistance in respect of the request for mutual legal assistance to a judicial authority of the State that has no treaty on mutual legal assistance in force with Bosnia and Herzegovina, only if it may be expected based on the assurances provided by the requesting State that it would execute a corresponding request of the national judicial authority.

(2) The assurances referred to in Paragraph (1) of this Article shall not be sought for the purpose of service of judicial decisions, submissions of parties and/or other documents.

**CHAPTER II
GENERAL ASPECTS OF AFFORDING MUTUAL LEGAL ASSISTANCE**

**Article 13
(Definition)**

General aspects of mutual legal assistance particularly comprise the execution of certain procedural actions, such as: service of summons to the suspect, the prosecuted person, the accused, the witness, the expert witness, the person deprived of liberty or another participant in the criminal proceedings; the transmission of documents, written materials and other articles linked to the criminal proceedings in the requesting State, temporary seizure of articles, handing over the temporarily seized articles to the requesting State, the hearing of the prosecuted person, witness and expert witness, the on-site investigation, search of premises and persons, confiscation and control of shipment, surveillance and telephone tapping, the exchange of certain information and notifications, as well as other actions which could emerge during the criminal proceedings requiring mutual legal assistance, providing that they are not in contravention of this Law.

**Article 14
(Summons)**

The summons to be served upon the suspect, the prosecuted person, the accused, the witness, the expert witness or any other party to the proceedings who is summonsed from the requested State shall not include a warning of compulsion in the event of non-appearance.

If the summonsed person does not comply with the summons, he/she shall not be subjected to any coercive measures.

Article 15
(Delivery)

- (1) Delivery of documents is proved with a delivery receipt made in compliance with the regulations of the requested State. The delivery receipt shall include the place and date of receipt and the signature of the recipient or another manner of delivery noted.
- (2) If the delivery was not possible, the requesting State shall be informed thereof without delay, noting the reasons that prevented the delivery.

Article 16
(Protection of Witnesses and Expert Witnesses)

- (1) A witness or an expert witness, maintaining permanent or temporary residence abroad, appearing in the state territory of Bosnia and Herzegovina in response to a summons by national judicial authorities, shall not, regardless of his/her citizenship, be criminally prosecuted, ordered into custody due to an offence subject to the criminal proceedings during which his/her presence was required or due to an offence he/she had committed prior to leaving the state territory of Bosnia and Herzegovina, or committed to serve a sentence based on a previously rendered decision of the court.
- (2) The provision set forth in paragraph (1) of this Article shall not apply in case the witness or expert witness does not leave the state territory of Bosnia and Herzegovina within the deadline of 15 days after he/she was informed that his/her presence was no longer required, even though the person had an opportunity to do so. This deadline shall not include the period during which the witness or expert witness was unable to leave the state territory of Bosnia and Herzegovina due to objective reasons.

Article 17
(Protection of the Accused)

- (1) The person summonsed to appear before national judicial authorities to be criminally prosecuted for the offence charged against that person shall not, regardless of his/her citizenship, be prosecuted or ordered into custody, or be subjected to deprivation or restriction upon liberty due to offences or convictions not stated in the summons, which date back from the period anterior to the person's leaving Bosnia and Herzegovina.
- (2) Criminal prosecution, deprivation of liberty or any other restrictions upon personal liberty shall be allowed if the person summonsed stayed in the state territory of Bosnia and Herzegovina longer than 15 days after the Court declares that his/her presence is no longer required, even though the person had an opportunity to leave, or if the person, after leaving the state territory of Bosnia and Herzegovina, voluntarily returns to its territory.

Article 18
(Summons and Transfer of the Person Deprived of Liberty)

- (1) If a foreign judicial authority summonses, as a witness or for confrontation purposes, a person deprived of liberty in Bosnia and Herzegovina, the person may be temporarily transferred to the requesting State.
- (2) The person shall be temporarily transferred to the requesting State if the State offers guarantees in view of the person's protection provided for in Article 17 of this Law as well as the guarantees that the person shall be returned within the deadline set.
- (3) The transfer may be refused if:
 - a) the person deprived of liberty does not give a consent;
 - b) the transfer is liable to prolong his or her deprivation of liberty;
 - c) there are other overriding grounds against temporary transfer.
- (4) The transfer may be postponed if the presence of the person deprived of liberty is required in the criminal proceedings ongoing before national judicial authorities.
- (5) The Ministry of Justice of Bosnia and Herzegovina shall decide on the transfer of the person deprived of liberty with a prior consent acquired from the authority that ordered custody.
- (6) If a third State needs to transfer the person deprived of liberty via the State territory of Bosnia and Herzegovina, the transfer shall be allowed if the person is not a national of Bosnia and Herzegovina, on which the Ministry of Justice of Bosnia and Herzegovina shall decide having obtained approval from the Ministry of Security of Bosnia and Herzegovina.
- (7) In the case referred to in paragraph (1) of this Article, the transferred person shall be placed in custody of the requesting State.

Article 19
(Temporary Seizure of Articles)

- (1) Articles, documents or property gain which have been temporarily seized for the purpose of the evidentiary proceedings, as well as records and decisions, shall be handed over to a foreign judicial authority at its request following the completion of the mutual legal assistance proceedings in Bosnia and Herzegovina.
- (2) Should a third person who acquired a right in good faith, a state authority or an injured party domiciled in Bosnia and Herzegovina claim their right to the articles, documents or property gain referred to in paragraph (1) of this Article, the articles,

documents or property gain shall be handed over only if the relevant foreign judicial authority guarantees their return free of charge after the completion of the evidentiary proceedings.

(3) The handover may be postponed as long as the articles, documents or property gain are required during the criminal proceedings ongoing in Bosnia and Herzegovina.

Article 20 **(Handover of Temporarily Seized Articles)**

(1) The articles or property gain that have been temporarily seized for the purpose of their protection may be handed over to a foreign judicial authority, at their request, following the completion of the mutual legal assistance proceedings, for the purpose of seizure or in order to return them to an authorized person.

(2) The articles and property gain referred to in paragraph (1) of this Article shall include the following:

- a) articles used to commit the criminal offence,
- b) articles resulting from the criminal offence or their counter-value,
- c) proceeds resulting from the criminal offence or their counter-value,
- d) presents and other gifts given with the aim of aiding or instigating the commission of the criminal offence or their counter-value.

(3) The handover may be carried out at any stage of the criminal proceedings and it can only be carried out based on a final and enforceable decision by a foreign judicial authority.

(4) Articles or property gain may be permanently kept in Bosnia and Herzegovina if:

- a) the injured party is domiciled in Bosnia and Herzegovina, and articles or property gain need to be returned to that person,
- b) the relevant state authority claims the right of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska or the Brčko District of Bosnia and Herzegovina over such articles,
- c) the person not participating in the commission of the criminal offence, whose claims have not been guaranteed by the requesting State, proves that he/she has acquired in good faith the right over the articles or property gain either in Bosnia and Herzegovina or abroad, and if such person is domiciled in Bosnia and Herzegovina,
- d) the articles or property gain are needed for criminal proceedings underway in Bosnia and Herzegovina or for seizure in Bosnia and Herzegovina.

Article 21
(Presence During Legal Assistance Actions)

- (1) On the express request of a foreign judicial authority, the national judicial authority shall inform them of the place and time of the execution of the request.
- (2) Representatives of the relevant foreign judicial authorities and persons taking part in the criminal proceedings, as well as their defense counsels, may be present during the execution of the request for legal assistance.
- (3) Consent for the presence of representatives of the relevant judicial authorities and other persons from the requesting State referred to in paragraph (2) of this Article in Bosnia and Herzegovina shall be granted by the Ministry of Justice of Bosnia and Herzegovina based on the opinion previously obtained from the authority executing the request, which shall be submitted in writing to the Ministry of Justice of Bosnia and Herzegovina with the notification referred to in paragraph (1) of this Article.

Article 22
(Postponement)

- (1) National judicial authority may postpone the execution of the request for mutual legal assistance if such action would prejudice the course of the investigation, prosecution or criminal proceedings already pending before a national judicial authority, related to the request received.
- (2) If the execution of the request is postponed, the relevant foreign judicial authority that transmitted the request shall be informed thereof, providing the reasons for the postponement.

Article 23
(Special Proceedings)

- (1) On the request by the Court or other authority issuing the request, the national judicial authority shall be able to execute the request in the manner indicated in the request if it is not contrary to the fundamental principles of the legal order of Bosnia and Herzegovina and if an international treaty provides for such possibility.
- (2) National judicial authority shall render a decision on the request submitted by a foreign judicial authority as soon as possible, taking into account the specific deadlines noted in the request.
- (3) If the national judicial authority foresees that it shall not be able to meet the specific deadline for the execution of the request, it shall inform the requesting State thereof without delay and indicate the time required for the execution of the request.

(4) If the national judicial authority is unable to execute the request in compliance with the required conditions, it shall inform the foreign judicial authority to this effect without delay, indicating the reasons.

Article 24 (Joint Investigation Teams)

If the circumstances of the specific case so justify, joint investigation teams may be formed by an agreement between the relevant Prosecutor's Office in Bosnia and Herzegovina and the relevant authorities of a foreign State for the purpose of conducting the criminal investigation in the territory of one or more contracting states which have formed the joint team.

Article 25 (Costs)

(1) The refund of costs incurred in respect of the afforded mutual legal assistance shall not be sought, except in the cases as follows:

- a) substantial costs incurred by the expert testimony and other substantial costs incurred as a result of the expert testimony;
- b) costs incurred by a temporary transfer of persons deprived of liberty for the purpose of testimony or confrontation in the requesting State, and
- c) costs of substantial or extraordinary nature.

(2) The witness or expert witness who responds to the summons issued by the national judicial authority is entitled to a full refund of travel and accommodation costs, in compliance with the national regulations.

(3) Summonses served upon persons referred to in paragraph (2) of this Article shall comprise the refund they are entitled to and, upon their request, they shall receive an advance payment to cover their expenses.

(4) Expert testimony may be conditioned by a previous advance deposit if the costs of the expert testimony are borne by the party itself.

Article 26 (Providing Information without Request)

(1) Without prejudice to their own investigations or proceedings and subject to reciprocity, national judicial authorities may, without a prior request, forward to the relevant foreign judicial authorities information obtained during their own investigations and related to criminal offences if they consider that the disclosure of such information

might assist the receiving State in initiating investigations or criminal proceedings or might lead to a request for mutual assistance by that State.

(2) The relevant national judicial authority shall request from the relevant foreign judicial authority to which it transmitted the information referred to in paragraph (1) of this Article communication on any actions undertaken upon such information and it may also impose other conditions for the use of such information in the receiving State.

Article 27 (Provisional Measures)

On the request of the foreign judicial authorities, in compliance with the national legislation, the national judicial authority shall undertake provisional measures with the aim of collecting evidentiary material and securing the evidence already collected, or protecting the legal interests at stake.

Article 28 (Confidentiality)

(1) On the request of a foreign judicial authority, the Ministry of Justice of Bosnia and Herzegovina and the relevant national judicial authority shall keep confidential the data referred to in the Letter Rogatory, except to the extent necessary to execute the Letter Rogatory.

(2) If the confidentiality condition referred to in paragraph (1) of this Article cannot be fulfilled, the Ministry of Justice of Bosnia and Herzegovina, i.e. national judicial authority, shall notify the foreign judicial authority of this fact without delay.

Article 29 (Transmission of Information on Sentenced Aliens)

(1) With regard to each alien sentenced, immediately after the verdict becomes final, courts in Bosnia and Herzegovina shall through the Ministry of Justice of Bosnia and Herzegovina forward the information to the foreign state, using the form provided by the Ministry of Justice of Bosnia and Herzegovina.

(2) The Ministry of Justice of Bosnia and Herzegovina shall, without delay, forward the information to the State whose national the sentenced person is, unless otherwise provided by an international treaty.

(3) On the request of the relevant foreign judicial authorities, in each individual case the Ministry of Justice of Bosnia and Herzegovina shall provide a copy of the verdict on which the information was communicated.

(4) On the request of the foreign judicial authorities, the Ministry of Justice of Bosnia and Herzegovina shall forward information on other data entered in the criminal record.

(5) On the request of the relevant foreign judicial authority, information may be forwarded also about the persons who are nationals of that State and who are under investigation or against whom criminal proceedings have been initiated in Bosnia and Herzegovina.

(6) When the criminal offence concerns counterfeiting money, money laundering, illicit production, processing and sale of narcotic drugs, trafficking in persons, as well as to other criminal offences for which international treaties envisage the centralization of data, the authority conducting the criminal proceedings shall immediately transmit the data on the criminal offence and the perpetrator to the Ministry of Justice of Bosnia and Herzegovina, while the first-instance court shall in addition transmit the final verdict.

Article 30

(Criminal Records for Nationals of Bosnia and Herzegovina Sentenced Abroad)

(1) Authorities in charge of keeping criminal records in Bosnia and Herzegovina shall keep criminal records for nationals of Bosnia and Herzegovina sentenced abroad, including the nationals of Bosnia and Herzegovina who were born abroad.

(2) Upon receiving information from other states about the nationals of Bosnia and Herzegovina who were sentenced abroad and who were not born in Bosnia and Herzegovina, the Ministry of Justice of Bosnia and Herzegovina shall forward the information to the Ministry of Security of Bosnia and Herzegovina, which shall keep the central register of such data and forward them, without delay, to the authority in charge of keeping criminal records.

(3) If the information concerning nationals of Bosnia and Herzegovina sentenced abroad has not been translated into any of the languages officially used in Bosnia and Herzegovina, the Ministry of Security of Bosnia and Herzegovina shall provide for its translation.

Article 31

(Information on Regulations)

On the request of national judicial authorities, the Ministry of Justice of Bosnia and Herzegovina shall obtain from the relevant foreign judicial authorities regulations which are or were effective in other states, and, if necessary, also the information about specific legal matters. In the same manner, the Ministry of Justice of Bosnia and Herzegovina shall forward the national regulations or information about specific legal matters to

foreign judicial authorities at their request, while the authority having jurisdiction to act pursuant to those regulations shall be the one to forward the regulations and the information to the Ministry of Justice of Bosnia and Herzegovina.

CHAPTER III

EXTRADITION OF SUSPECTS, ACCUSED AND SENTENCED ALIENS FROM BOSNIA AND HERZEGOVINA

Article 32 **(Extradition Regulations)**

(1) The extradition of suspects, accused or sentenced foreign nationals from Bosnia and Herzegovina to another State shall be carried out in compliance with this law, unless provided otherwise by an international treaty.

(2) The procedure of transferring suspects or accused persons against whom criminal proceedings are ongoing before international courts shall be regulated by a special law.

Article 33 **(Extradition Allowed)**

(1) The extradition of aliens to another State is allowed for the purpose of criminal prosecution or enforcement of a prison sentence pronounced in a final judgement.

(2) The extradition referred to in paragraph 1 of this Article shall be allowed only for the criminal offences punishable pursuant to the legislation of Bosnia and Herzegovina and the legislation of the requesting State.

(3) Extradition for the purpose of criminal prosecution may only be granted for criminal offences that are punishable by a sentence of at least one year of imprisonment pursuant to both the criminal legislation of Bosnia and Herzegovina and the legislation of the requesting State.

(4) Extradition for the purpose of enforcement of a prison sentence imposed by a final judgement may be granted if the imposed sentence or its part that remains to be served is not less than four months.

Article 34 **(Preconditions for Extradition)**

Preconditions for extradition are as follows:

- a) the person whose extradition is requested is not a national of Bosnia and Herzegovina;

- b) the person whose extradition is requested does not enjoy asylum in Bosnia and Herzegovina, that is, that the asylum seeking process is not underway in Bosnia and Herzegovina at the moment the extradition request is filed;
- c) the offence for which the extradition is requested was not committed in the territory of Bosnia and Herzegovina, against it or against a national of Bosnia and Herzegovina;
- d) the offence for which the extradition is requested is a criminal offence pursuant to both the criminal legislation of Bosnia and Herzegovina and the law of the State in which it was committed;
- e) the offence for which the extradition is requested is not a criminal offence of political or military nature;
- f) pursuant to national law, a statute of limitations for criminal prosecution or statute of limitations for the enforcement of the punishment has not taken effect prior to ordering the alien into custody or prior to his questioning as a suspect or accused; an alien whose extradition is requested had not already been sentenced for the same offence by the national court, or he was not finally acquitted in respect of that same offence by the national court, unless conditions are met for a retrial, or if the criminal proceedings have not been initiated in Bosnia and Herzegovina against the alien for the same offence and, in case the proceedings were initiated due to an offence against a national of Bosnia and Herzegovina, security must be deposited for the realization of property claim by the injured party;
- g) the identity of the person whose extradition is requested has been established;
- h) there is sufficient evidence for a reasonable doubt that the alien whose extradition is requested has committed the particular criminal offence and that there exists a final conviction, and
- i) the extradition of the alien is not requested for the following purposes: criminal prosecution or punishment on the grounds of the person's race, gender, national or ethnic origin, religious or political belief, as well as that the extradition is not requested for a criminal offence which carries the death penalty pursuant to the law of the requesting State, unless the requesting State provides guarantees that the death penalty would not be imposed or carried out.

Article 35
(Extradition Request)

- (1) The procedure of extraditing suspects, accused or sentenced aliens shall be initiated at the request of a foreign State.
- (2) The extradition request shall be submitted by the requesting State through diplomatic channels or directly to the Ministry of Justice of Bosnia and Herzegovina, if an international treaty so provides.
- (3) If reciprocity exists with the requesting State, the request shall be submitted through diplomatic channels.

(4) The extradition request shall be accompanied by documents foreseen in the international bilateral treaty signed by the requesting State and Bosnia and Herzegovina or the multilateral treaty binding on the two states.

(5) Unless stipulated otherwise in an international treaty, the following documents shall be attached to the request annexed:

- a) a detailed description, photographs, finger prints and alike, in order to establish the identity of the suspect, the accused or sentenced person;
- b) the alien's citizenship certificate, in case the person whose extradition is requested is a national of the requesting State, or information on the alien's citizenship if the person whose extradition is requested is a national of another State;
- c) excerpt from the criminal code of the requesting State related to the offence for which the extradition is requested, and
- d) the original verdict or a certified copy, if the person whose extradition is requested is sentenced by a final judgement, or the indictment, the decision on custody in original or a certified copy, or any other corresponding document, containing all the data relevant to the criminal offence and the identity of the perpetrator, as well as evidence of grounded suspicion.

(6) If the request and attachments referred to in paragraph (4) of this Article are made in a foreign language, a certified translation into one of the languages officially used in Bosnia and Herzegovina should also be submitted, unless otherwise provided by an international treaty.

Article 36 (Procedure upon Request for Extradition of Aliens)

(1) Upon receiving a request for extradition and the supporting documents, the Ministry of Justice of Bosnia and Herzegovina shall immediately forward them to the Prosecutor's Office of Bosnia and Herzegovina.

(2) The Prosecutor's Office of Bosnia and Herzegovina shall assess whether the request was submitted pursuant to Article 34 of this Law and, in case it establishes that the request is incomplete, it will ask the Ministry of Justice of Bosnia and Herzegovina to have the relevant state authority which requested extradition remove the deficiencies in the request.

(3) If the Prosecutor's Office of Bosnia and Herzegovina establishes that the requesting State submitted all the documents required for extradition along with the request, they shall be forwarded to the Court of Bosnia and Herzegovina for further action without delay.

Article 37
(Arresting the Person whose Extradition is Requested)

The persons whose extradition is requested shall be deprived of liberty based on an issued international wanted notice or based on the request of the requesting State, in compliance with the provisions of this Law.

Article 38
(Proceedings before the Preliminary Proceedings Judge)

(1) After the person deprived of liberty, whose extradition is requested, is brought before the preliminary proceedings judge based on the wanted notice by the Office for Cooperation with Interpol, issued based on the international wanted notice by the requesting State, or based on the request by the foreign state, that person, after his identity has been established, shall be informed without delay about the reasons why his extradition is requested, and based on which evidence, and he shall be called on to present his defense.

(2) The preliminary proceedings judge shall inform the person referred to in paragraph (1) of this Article that he is entitled to hire a defense counsel of his choosing who may be present during his hearing and that, in case he does not do so, the court shall appoint to him a defense counsel *ex officio* in case of a criminal offence for which the criminal legislation of Bosnia and Herzegovina prescribes mandatory defense.

(3) Minutes on the hearing and defense shall be taken.

Article 39
(Ordering Custody of the Person whose Extradition is Requested)

(1) If the extradition request meets the requirements referred to in Article 35(5) of this Law, custody of the person whose extradition is sought shall be ordered in the decision by the preliminary proceedings judge upon a motion by the prosecutor, if:

- a) there exists a risk that the person would avoid the extradition procedure or enforcement of the extradition;
- b) there exist circumstances indicating that the accused would destroy, conceal, alter or falsify traces of the criminal offence or other evidence;
- c) there exist special circumstances indicating that the person whose extradition is sought would hinder the criminal proceedings or the extradition procedure by influencing the witnesses, accomplices or accessories.

(2) Custody may last up until the enforcement of the decision on extradition, but no longer than six months from the day the custody was ordered.

- (3) Custody shall not be ordered if it is clear from the extradition request that the extradition is not warranted.
- (4) If special reasons so warrant, the relevant court may undertake other measures for securing the alien's presence instead of custody.
- (5) When custody is ordered pursuant to paragraph (1) of this Article, the preliminary proceedings judge shall inform the Ministry of Justice of Bosnia and Herzegovina of custody, so that be informed thereof could be provided to the foreign state.
- (6) The preliminary proceedings judge shall release the alien when grounds for custody cease to exist or in case the extradition request is not submitted within 30 days after the day the alien was ordered into custody.
- (7) The foreign state shall be informed about the deadline referred to in paragraph (6) of this Article, and this deadline may be extended at its request, but no longer than for additional 10 days.
- (8) If the person whose extradition is requested is in custody on another ground, the deadlines referred to in paragraphs (6) and (7) of this Article shall start running from the day noted in the decision of the Court of Bosnia and Herzegovina ordering custody for the purpose of extradition.
- (9) If no proper request is submitted within the set deadline, the preliminary proceedings judge shall render a decision terminating custody.

Article 40
(Procedure with Nationals of Bosnia and Herzegovina)

- (1) If the Office for Cooperation with Interpol, upon an international wanted notice issued by a foreign state, determines through an inspection of the existing citizens database that the person concerned is a national of Bosnia and Herzegovina, it shall inform the Interpol of the requesting State that issued the international wanted notice and the Interpol headquarters that it may not extradite its nationals, or that it may not issue a warrant in the territory of Bosnia and Herzegovina for a national of Bosnia and Herzegovina for the purpose of extraditing him/her to another state.
- (2) Along with the notification referred to in paragraph (1) of this Article, the Office for Cooperation with Interpol shall inform the foreign state that the relevant judicial authorities of that State may transfer the criminal prosecution to the relevant judicial authorities of Bosnia and Herzegovina.
- (3) The Office for Cooperation with Interpol shall inform the Ministry of Justice of Bosnia and Herzegovina about the international wanted notice issued for a national of Bosnia and Herzegovina and the measures undertaken.

(4) If the Office for Cooperation with Interpol was unable to determine whether the person sought by a foreign state is a national of Bosnia and Herzegovina, and if the Court of Bosnia and Herzegovina subsequently determines that the person ordered into custody for the purpose of being extradited to another state is a national of Bosnia and Herzegovina, such person shall be immediately released from custody, if the requirements for taking over the criminal prosecution by the relevant authorities of Bosnia and Herzegovina have not been met or other requirements which would justify the handover of such person to another relevant authority for criminal prosecution over which the authorities of Bosnia and Herzegovina have jurisdiction.

Article 41
(Provisional Custody of the Alien whose Extradition is Requested)

(1) In urgent cases where a risk exists that an alien whose extradition is requested would flee or hide, at the request of the relevant authority of the requesting State, regardless of how it was submitted, the relevant police authorities of Bosnia and Herzegovina shall deprive the alien of liberty and bring him before the preliminary proceedings judge of the Court of Bosnia and Herzegovina to decide on provisional custody.

(2) The request of the requesting State shall be accompanied by the following documents: means of establishing the identity of the alien, decision on custody or another document of the same legal effect, the name of the criminal offence for which provisional custody is sought, as well as the statement by the foreign authority that the extradition of the person whose extradition is sought shall be requested.

(3) After the person whose extradition is requested is brought before the preliminary proceedings judge, he shall inform such person of his/her rights under Article 38(2) of this Law and shall decide on custody after the hearing.

(4) If the request for custody of the person whose extradition is requested by the requesting State is granted, the requesting State shall be informed thereof through the Ministry of Justice of Bosnia and Herzegovina.

(5) The provisional custody may last for 18 days.

(6) The deadline referred to in paragraph (5) of this Article may be extended upon the request by the requesting State, but it shall not exceed 40 days.

(7) If the requesting State fails to submit the extradition request and the supporting documents, the Court of Bosnia and Herzegovina shall render a decision terminating the custody of the person whose extradition is requested.

(8) If the person whose extradition is requested is already in custody on another ground, the deadlines referred to in paragraphs (5) and (6) of this Article shall start running as of the date the decision on ordering custody was rendered upon request for ordering provisional custody.

(9) If the person whose extradition is requested is released from custody following the expiration of the deadlines referred to in paragraphs (5) and (6) of this Article, extradition custody may no longer be ordered based on the request for provisional custody, but exclusively based on the submitted extradition request.

Article 42

(Investigative Actions and Delivery of Case Records to the Panel of the Court of Bosnia and Herzegovina)

(1) Having heard the Prosecutor and the Defense Counsel, the preliminary proceedings judge shall, if necessary, undertake other investigative actions for the purpose of determining whether the requirements have been met for the extradition of the alien, or for handing over the objects on which or with which the criminal offence was committed, if those objects were seized from the alien.

(2) Upon the completion of investigations, the preliminary proceedings judge shall forward the investigation records and his opinion to the Panel of the Court of Bosnia and Herzegovina.

(3) If criminal proceedings are ongoing before a national court against the alien whose extradition is requested for the same or another criminal offence, the preliminary proceedings judge shall so note in the case records.

Article 43

(Decision on Extradition Requirements)

(1) During the extradition proceedings, while ruling on the extradition request of the foreign state, the Court of Bosnia and Herzegovina shall decide whether or not the legal requirements for extradition have been met.

(2) In case two or several states have submitted requests for the extradition of a particular person, the Court of Bosnia and Herzegovina shall with regard to each request decide whether the requirements for extradition to that State have been met, unless the Minister of Justice of Bosnia and Herzegovina has already rendered a decision on extradition upon a previous decision by the Court of Bosnia and Herzegovina.

Article 44
(Decision that Extradition Requirements have been Met)

- (1) If the Panel of the Court of Bosnia and Herzegovina finds that legal requirements for the extradition of an alien have been met, it shall render a decision thereon.
- (2) Parties and the Prosecutor are entitled to file an appeal from the decision referred to in paragraph (1) of this Article with the Panel of the Appellate Division of the Court of Bosnia and Herzegovina within three days as of the receipt of the decision.
- (3) The Panel of the Appellate Division of the Court of Bosnia and Herzegovina shall decide on the appeal from the decision referred to in paragraph (1) of this Article.
- (4) If, following the appeal from the decision referred to in paragraph (1) of this Article, the Panel of the Appellate Division of the Court of Bosnia and Herzegovina finds the appeal unfounded and that the legal requirements for the extradition of the alien have been met, or if no appeal was filed from the first instance decision of the Panel, the case shall be forwarded to the Minister of Justice of Bosnia and Herzegovina for decision on extradition.

Article 45
(Decision Denying the Extradition Request)

- (1) If the Panel of the Court of Bosnia and Herzegovina finds that legal requirements for extradition have not been met, it shall tender a decision denying the extradition request. The decision shall be forwarded to the Panel of the Appellate Division of the Court of Bosnia and Herzegovina, which shall, upon hearing the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, either uphold, revoke or revise the decision.
- (2) If the alien is in custody, the Panel of the Court of Bosnia and Herzegovina may render a decision extending the custody until the decision denying the extradition request becomes final.
- (3) The final decision denying the extradition request shall be delivered to the foreign state through the Ministry of Justice of Bosnia and Herzegovina.
- (4) If the extradition request is denied for the reasons referred to in Article 34, subparagraphs a) and b) of this Law, the decision denying the extradition request accompanied by all available documents shall be forwarded, without delay, also to the relevant Prosecutor's Office in Bosnia and Herzegovina for the purpose of potentially taking over or initiating criminal proceedings, while the Ministry of Justice of Bosnia and Herzegovina shall be informed thereof.

(5) In case referred to in paragraph (4) of this Article, the Prosecutor acting on the case shall inform in writing the Ministry of Justice of Bosnia and Herzegovina of the decision within 30 days as of the day the final decision denying the extradition request was rendered. The information must state the reasons as to why criminal proceedings have not been initiated in Bosnia and Herzegovina, if no criminal proceedings were initiated in Bosnia and Herzegovina against the person whose extradition was denied. Alternatively, the notification that criminal proceedings have been initiated against such person in Bosnia and Herzegovina may be accompanied by a request for additional information and evidence from the other State.

(6) The Ministry of Justice of Bosnia and Herzegovina shall forward the notification referred to in paragraph (5) of this Article to the State requesting extradition.

Article 46 (Final Decision on Extradition)

(1) If the Panel of the Court of Bosnia and Herzegovina has in a final decision found that the requirements for the extradition of an alien have been met, the Minister of Justice of Bosnia and Herzegovina, having inspected the extradition file in its entirety, shall render a decision allowing or not allowing the extradition of the alien.

(2) No appeal lies from the decision referred to in paragraph (1) of this Article and no administrative dispute may be initiated.

(3) The Minister of Justice of Bosnia and Herzegovina may refuse extradition if the criminal offences concerned carry a sentence of up to three years of imprisonment pursuant to national law, or if a foreign court has imposed a sentence of up to one year of imprisonment.

(4) In case the Minister of Justice of Bosnia and Herzegovina refuses to extradite the person with regard to whom the Court of Bosnia and Herzegovina has in a final decision found that the extradition requirements had been met, the Prosecutor's Office of Bosnia and Herzegovina may initiate an administrative dispute.

Article 47 (Postponed Enforcement of the Decision on Extradition)

(1) The Minister of Justice of Bosnia and Herzegovina may decide to postpone the transfer of the person whose extradition was granted until the completion of the criminal proceedings ongoing for another criminal offence against that person in Bosnia and Herzegovina or until the person has served out the prison sentence imposed on him/her in Bosnia and Herzegovina.

(2) The Minister of Justice of Bosnia and Herzegovina may render a decision temporarily transferring the person whose extradition was postponed to the requesting State for the purpose of carrying out urgent procedural actions if it will not prejudice the criminal proceedings pending before a national court and if the requesting State guarantees to keep the person in custody during his/her stay in that State and to return the person to Bosnia and Herzegovina by the deadline set by the Ministry of Justice of Bosnia and Herzegovina as proposed by the Court of Bosnia and Herzegovina.

Article 48 (Rule of Specialty)

(1) In the decision allowing the extradition of an alien the Minister of Justice of Bosnia and Herzegovina shall state the following:

- a) the person cannot be prosecuted for another offence, prior to the extradition for the committed criminal offence;
- b) the person cannot be punished for another offence, prior to the extradition for the committed criminal offence;
- c) a more stringent punishment cannot be imposed on him than the one to which he was sentenced, or the death penalty;
- d) he would have a re-trial in case he was sentenced in absentia, and
- e) the person, without a consent of Bosnia and Herzegovina, must not be extradited to a third State for the purpose of criminal prosecution for a criminal offence committed prior to the allowed extradition or completion of a prison sentence imposed before the allowed extradition.

(2) Along with the aforementioned requirements, the Minister of Justice of Bosnia and Herzegovina may impose other extradition requirements, pursuant to this Law and international treaty.

Article 49 (Procedure in case of Several Extradition Requests by Different States)

(1) If extradition of a person is requested concurrently by two or more states for the same or different criminal offences, while rendering a decision the Minister of Justice of Bosnia and Herzegovina shall take into account all the circumstances, primarily the gravity of the criminal offences, the place of perpetration, the respective dates of the requests, the nationality of the person whose extradition is requested, the possibility of better social rehabilitation and of subsequent extradition to a third State.

(2) If the requesting State is seeking extradition for several identical or different criminal offences some of which do not meet the requirements pertaining to the length of the sentence referred to in Article 33(3) and (4) of this Law, the extradition may be granted with regard to those criminal offences as well.

(3) The decision referred to in paragraphs (1) and (2) of this Article shall state the reasons.

(4) While rendering the decision referred to in paragraphs (1) and (2) of this Article, consent may be given to the State whose extradition request was granted to potentially extradite the extradited person to another state also requesting extradition.

Article 50 **(Extradition of the Transferred Person to a Third State)**

(1) The State to which the person whose extradition was requested was transferred may extradite the person to a third State only with the consent of the relevant authorities of Bosnia and Herzegovina.

(2) Granting the consent referred to in paragraph (1) of this Article implies the transmission of the request and the supporting documents from the foreign state to which the person was transferred, while carrying out the procedure for the extradition of aliens from Bosnia and Herzegovina in compliance with this Law.

(3) The decision granting consent to the requesting State to extradite the transferred person to a third State shall be rendered by the Minister of Justice of Bosnia and Herzegovina.

Article 51 **(Transmission of the Decision to a Foreign State and Transfer of a Person)**

(1) The decision by the Minister of Justice of Bosnia and Herzegovina allowing the extradition of an alien shall be transmitted to the requesting State.

(2) The decision on the extradition of the alien shall be forwarded to the Office for Cooperation with Interpol and the Border Police of Bosnia and Herzegovina.

(3) The Office for Cooperation with Interpol shall arrange technical details of carrying out the extradition with the Interpol of the requesting State, while the extradition itself, meaning the transport and surrender of the person to the authorized persons of the requesting State, shall be carried out by the Border Police of Bosnia and Herzegovina with the assistance of the Office for Cooperation with Interpol.

(4) The transfer of the person whose extradition was granted must be carried out within 30 days as of the day the decision on extradition was rendered by the Minister of Justice of Bosnia and Herzegovina.

(5) If the requesting State does not take over the person whose extradition was granted without a justified reason within five days as of the day scheduled for the surrender, the person shall be released.

(6) The deadline referred to in paragraph (5) of this Article may be extended for up to 15 days upon an explicit and justified request by the requesting State.

(7) The Office for Cooperation with Interpol shall inform the Interpol of the requesting State about the consequences of failing to take over the person and the deadlines referred to in paragraphs (5) and (6) of this Article while making arrangements about the takeover of the person whose extradition is requested.

Article 52 (Simplified Extradition)

(1) The person whose extradition is requested may give consent to be transferred to the requesting State in a simplified manner without extradition procedure, as well as waive his/her right to the rule of specialty.

(2) During the hearing, the preliminary proceedings judge shall inform the person whose extradition is requested about the possibility of the simplified transfer and its consequences in compliance with paragraph (1) of this Article.

(3) The consent and waiver referred to in paragraph (1) of this Article shall be entered into the records of the Court of Bosnia and Herzegovina.

(4) The consent and waiver referred to in paragraph (1) of this Article are irrevocable.

(5) The relevant court shall immediately notify the Ministry of Justice of Bosnia and Herzegovina on the consent to have a simplified extradition, while the Ministry of Justice shall inform the requesting State thereof without delay. In that case, the requesting State is not required to submit the extradition request.

(6) Simplified extradition has the same effects as the extradition procedure and is subject to the same conditions, of which the requesting State shall be duly advised.

Article 53 (Re-extradition)

(1) If the person extradited to the requesting State has managed to avoid criminal prosecution or serving the sentence in the requesting State in any manner whatsoever and reappears in the territory of Bosnia and Herzegovina, such person may be extradited upon a repeated request.

(2) In the case referred to in paragraph (1) of this Article, the requesting State is not required to accompany the re-extradition request by extradition documents.

Article 54
(Extradition Procedure following Transmission of Extradition Documents after Expiry of Deadline)

If the requesting State submits the extradition request and documents after the expiry of the deadline set by the Court of Bosnia and Herzegovina, the Court may decide to carry out the extradition proceedings.

Article 55
(Renewed Extradition Procedure)

(1) If, from the moment the decision of the Court of Bosnia and Herzegovina becomes final until the Ministry of Justice of Bosnia and Herzegovina renders a decision on extradition, circumstances have changed in view of certain extradition requirements provided for in Article 34 of this Law, the Minister of Justice of Bosnia and Herzegovina shall forward the entire documentation to the Court of Bosnia and Herzegovina and request a renewal of the extradition proceedings in compliance with this Law for the purpose of determining whether the legal extradition requirements have been met.

(2) If the Minister of Justice of Bosnia and Herzegovina renders a decision on extradition and if prior to the extradition circumstances change in view of certain requirements provided for in Article 34 of this Law, the Minister of Justice of Bosnia and Herzegovina shall revoke his decision and forward the new decision to the Court of Bosnia and Herzegovina and request the Court of Bosnia and Herzegovina to renew the extradition proceedings in compliance with this Law, for the purpose of determining whether the legal extradition requirements have been met.

(3) During the renewed proceedings, pursuant to the decision of the Court of Bosnia and Herzegovina, the Minister of Justice of Bosnia and Herzegovina shall render a decision on extradition.

Article 56
(Search of Persons and Premises and Seizure of Articles)

(1) At the request of the requesting State, throughout the extradition proceedings, the Court of Bosnia and Herzegovina may order that the apprehended person subject of the extradition request and his premises be searched, and the articles found there temporarily seized.

(2) The following objects found in the possession of the apprehended person whose extradition is requested shall be handed over to the requesting State, upon its request:

- a) articles used as evidence,
- b) articles related to the criminal offence which were found at the moment of apprehension in the possession of the person whose extradition is requested or which were discovered subsequently.

(3) The handover of the articles referred to in paragraph (1) of this Article shall be carried out even if the granted extradition cannot be enforced due to either death or illness of the person whose extradition is requested.

(4) If the aforementioned articles are subject to confiscation or seizure in the territory of Bosnia and Herzegovina, they may be temporarily kept in relation to the pending criminal proceedings or handed over to the requesting State providing that they be returned.

(5) The provisions set forth in this Article shall not infringe upon any proprietary or other rights over the aforementioned articles.

CHAPTER IV PROCEDURE UPON EXTRADITION REQUEST BY BOSNIA AND HERZEGOVINA TO THE FOREIGN COUNTRY

Article 57 (Extradition request to the foreign country)

(1) If the criminal proceedings have been conducted in Bosnia and Herzegovina against a person in a foreign country, or if a national judicial authority has imposed a sentence of imprisonment upon a person who is staying in a foreign country, the Ministry of Justice of Bosnia and Herzegovina may file a request for extradition of that person upon the reasoned motion of the authority conducting the proceedings, or the relevant enforcement authority.

(2) The extradition request shall be transmitted to the relevant Ministry of Justice of the requested State through diplomatic channels, or directly, if so foreseen by an international treaty.

Article 58 (Request for provisional detention)

(1) In case of urgency, if there is a possibility that the person whose extradition is requested might flee or hide, the Minister of Justice of Bosnia and Herzegovina may ask the requested State to provisionally take into custody the person whose extradition is requested even prior to filing an extradition request.

(2) Enclosed with the request for provisional detention shall be accompanied by the proof of identity of the person whose extradition is requested, decision on custody or another act with an identical legal effect, or a final verdict, if any, the name of the committed criminal offence for which the provisional detention is sought, and the statement indicating that the extradition of the person would be requested.

Article 59
(Guarantees regarding the extradited person)

(1) If the person whose extradition is requested is extradited to Bosnia and Herzegovina, that person may only be criminally prosecuted or convicted for an extraditable criminal offence, unless he waives that right and if the country that extradited him did not make that conditional.

(2) If the extradition of a person requested by Bosnia and Herzegovina is granted under specific terms with regard to the type or the length of sentence that may be imposed or executed, and if extradition under those terms is accepted by the authority requesting the extradition, the relevant judicial authority in Bosnia and Herzegovina shall be bound by these conditions in imposing a sentence. If the case concerns the enforcement of an already imposed sentence, the court adjudicating the case in the last instance shall revise the verdict to harmonise the imposed sentence and terms of extradition.

(3) If the extradition of a person requested by Bosnia and Herzegovina is granted under specific terms with regard to the type of the facility in which that person is supposed to serve the sentence, and if the extradition under those terms is accepted by the authority requesting the extradition, the relevant authority committing the sentenced person to serve the sentence of imprisonment shall take due care of the terms under which the person was extradited, which pertain to the type of the facility in which that person is supposed to serve his sentence.

(4) If the extradited person had been taken into custody in a foreign country for a criminal offence in respect of which he was extradited, the time spent in custody shall be credited toward the sentence.

Article 60
(Costs)

The costs associated with bringing a person whose extradition is granted to Bosnia and Herzegovina shall be paid from the budget for funding the extradition requesting authority. Such costs shall be appropriated and paid by the Ministry of Justice being funded from that budget, or by the Judicial Committee of the Brčko District of Bosnia and Herzegovina in the Brčko District of Bosnia and Herzegovina.

CHAPTER V
TRANSIT OF AN ALIEN THROUGH THE TERRITORY OF BOSNIA AND
HERZEGOVINA

Article 61

(Request for transit of an alien through the territory of Bosnia and Herzegovina and the related costs)

- (1) If a foreign country seeks extradition from another country, and if the transit of the person whose extradition is requested needs to take place through the territory of Bosnia and Herzegovina, the Minister of Justice of Bosnia and Herzegovina may allow the transit at the request of the requesting State, provided that such person is not a national of Bosnia and Herzegovina and that the extradition is not sought for a criminal offence of political or military nature.
- (2) The request for transit of the person whose extradition is requested through the territory of Bosnia and Herzegovina must include all data as referred to in Article 35(5) of this Law.
- (3) Subject to reciprocity, the costs of transit of the person whose extradition is requested through the territory of Bosnia and Herzegovina shall be covered from the budget appropriations of Bosnia and Herzegovina, provided that the transit takes place by land.

CHAPTER VI
EXECUTION OF FOREIGN JUDGEMENTS IN CRIMINAL MATTERS

Article 62

(General provisions)

- (1) The national judicial authority shall act upon the sentencing State's request for the execution of the judgement in criminal matters, only where so provided by international treaty. The national judicial authority shall execute the final judgement as pronounced by the foreign judicial authority by rendering a verdict to impose a sentence under the criminal legislation of Bosnia and Herzegovina.
- (2) A foreign judicial authority's judgement in criminal matters may be executed with regard to the nationals of Bosnia and Herzegovina and the persons having permanent residence in the territory of Bosnia and Herzegovina.
- (3) A foreign judicial authority's judgement in criminal matters that involves imprisonment shall be enforceable in the following cases

- a) upon request of a foreign country, where the sentenced person, a national and resident of Bosnia and Herzegovina, or only a resident of Bosnia and Herzegovina, is not within reach of that country, and
- b) upon request of a national of Bosnia and Herzegovina who is serving a prison sentence in the sentencing State, to be transferred to Bosnia and Herzegovina to continue to serve the prison sentence imposed by the sentencing State.

Article 63

(Terms of execution of foreign judgement in a criminal case)

(1) Unless otherwise stipulated by an international treaty, a foreign judgement in a criminal case shall only be executed if the following requirements are satisfied:

- a) if the judgement is final and pronounced by the relevant judicial authority of the sentencing State;
- b) if the criminal offence is also punishable pursuant to the legislation of Bosnia and Herzegovina;
- c) if at the time of filing the request the sentenced person still has to serve at least 6 more months of the imposed prison sentence;
- d) if the sentenced person concurs with the enforcement;
- e) if the person subject to execution of a foreign judgement in a criminal case has not been sentenced for the same criminal offence in Bosnia and Herzegovina, nor have the criminal proceedings been conducted in Bosnia and Herzegovina for the same offence, or the person has been acquitted of charges in Bosnia and Herzegovina, and
- f) if the statute of limitations for the enforcement of the punishment has not taken effect pursuant to the legislation of the sentencing State and that of Bosnia and Herzegovina.

(2) Foreign judgement in a criminal case shall not be executed if:

- a) the judgment execution is in contravention of the principles of legal order of Bosnia and Herzegovina or the obligations which Bosnia and Herzegovina has assumed by signing the relevant international treaties, and
- b) the Bosnia and Herzegovina authorities deciding upon the request consider the criminal offence for which the extradition is sought to be an offence of a political or military nature.

Article 64

(Subject matter and territorial jurisdiction to act upon request)

The subject matter and territorial jurisdiction of the Court in Bosnia and Herzegovina to conduct the proceedings upon the request for the recognition and enforcement of a foreign judgement in a criminal case, shall be determined in the manner in which the jurisdiction would be determined were the case at hand tried in Bosnia and Herzegovina.

Article 65
(Documents to be attached to the request of the sentencing State)

If an international treaty provides that the signatory countries may, apart from those contracted, also make other requirements concerning the documents enclosed with the request for sentence enforcement, the sentencing State should also submit the following:

- a) original or certified copy of a final judgement including a clause indicating that the judgement is final,
- b) information about the sentenced person, including his personal particulars and citizenship, place of residence and other information of possible importance for the decision on jurisdiction of the Court so as to decide upon the request;
- c) information on the imposed sentence, including the time spent in custody and/or serving a prison sentence, and
- d) a copy of the applied legal provisions on which the judgement is based.

Article 66
(Procedure upon request of a foreign country to recognize and enforce the foreign judgements in criminal matters)

(1) Having received a request to recognize and enforce a foreign judgement in criminal matters, the Ministry of Justice of Bosnia and Herzegovina shall submit the request and the accompanying documents to:

- a) the Court of Bosnia and Herzegovina, for criminal offences under jurisdiction of the Court of Bosnia and Herzegovina;
- b) relevant Entity Ministry of Justice, or the Judicial Committee of the Br ko District of Bosnia and Herzegovina, for criminal offences under jurisdiction of the Entity Courts, or the Court of the Br ko District of Bosnia and Herzegovina.

(2) Upon receipt, the Entity Ministries of Justice, or the Judicial Committee of the Br ko District of Bosnia and Herzegovina, shall submit the request and the accompanying documents to the relevant Court for consideration.

(3) If the relevant Court decides that the request is not accompanied by the documents required under the international treaty or this Law, it shall ask, through the Ministry of Justice of Bosnia and Herzegovina, that the relevant judicial authorities of the sentencing State supplement the request.

(4) If the Court to which the documents were submitted finds to be lacking jurisdiction, it shall forward the referenced request and the documents to the Court having subject matter and territorial jurisdiction, and accordingly notify the Ministry of Justice of Bosnia and Herzegovina.

(5) If the sentencing State does not provide the required documents within three months, the request and the accompanying documents shall be returned to the sentencing State. That State shall have the right to file the request and the completed documents anew.

Article 67
(Defence Counsel)

A person subject to the execution of a foreign judgement in criminal matters may have a Defence Counsel of his own choice throughout the procedure and, if he does not retain a Defence Counsel, an *ex-officio* Defence Counsel shall be appointed to him by the Court for the criminal offences punishable by a sentence which, pursuant to the legislation of Bosnia and Herzegovina, requires the defence in the criminal proceedings as mandatory.

Article 68
(Rendering a Verdict)

(1) The relevant Court sitting as an interlocutory Panel of three judges shall decide on the request to recognize and enforce a foreign judgement in criminal matters.

(2) The Prosecutor, the sentenced person and the Defence Counsel shall be notified that the Panel session will be held to render a decision.

(3) In deciding upon the request, the Court shall be bound by the state of facts established in the foreign judgement and, in the operative part of the verdict to be rendered it shall also include the entire operative part and the name of the Court as stated in the foreign judgement, and it shall impose a punishment, while the decision on the punishment shall be based on the criminal legislation of Bosnia and Herzegovina. The reasons guiding the Court in imposing the punishment shall be entered into the reasoning part of the verdict.

(4) The recognized foreign judgement in a criminal case shall be enforced as if rendered by the recognizing Court itself.

(5) In rendering a verdict, the Court may not impose a punishment more stringent than the one imposed by the foreign Court.

Article 69
(Appeals from Verdict)

(1) The Prosecutor, the sentenced person and the Defence Counsel may file an appeal from the Verdict under Article 68 of this Law within 30 days as of the receipt of the Verdict.

(2) The relevant Court Panel deciding on the appeal from the verdict shall render a decision on the appeal from the verdict rendered upon the request to recognize and enforce a foreign judgement in criminal matters, pursuant to the relevant provisions of the Criminal Procedure Code under which that Court acts.

Article 70
(Delivery of the final Verdict)

A final Verdict recognizing a foreign judgement in criminal matters shall be forwarded to the sentencing State, the sentenced person, the Defence Counsel and the Prosecutor through the Ministry of Justice of Bosnia and Herzegovina.

Article 71
(Consequences of taking over the execution of a judgement)

(1) Once the execution of a foreign judgement in a criminal case has been transferred, the right to the execution of that judgement in the sentencing State shall temporarily cease, and the sentence execution shall proceed under the legislation of Bosnia and Herzegovina.

(2) The sentencing State shall have sole jurisdiction in deciding upon the request for reopening the criminal proceedings.

(3) The sentencing State and Bosnia and Herzegovina shall both have jurisdiction over decision on the sentence reduction, granting a pardon or amnesty.

(4) If the judgement rendered by the sentencing State that served as a basis for the sentence enforcement request has been revoked or revised, at the request of the sentenced person and upon the new judgement of the sentencing State the relevant Court in Bosnia and Herzegovina shall reopen the proceedings to recognize and enforce a foreign judgement in the criminal case, and decide on the further serving of the sentence.

(5) If the sentenced person has managed to avoid the enforcement of the judgement in Bosnia and Herzegovina, the sentencing State shall regain the right to enforce the judgment. The sentencing State shall be obliged to notify Bosnia and Herzegovina of the circumstances thereof without delay.

(6) Bosnia and Herzegovina and the sentencing State shall notify each other of the circumstances under paragraph 5) of this Article.

Article 72
(Mandatory notification)

Bosnia and Herzegovina shall notify the sentencing State of all circumstances surrounding pardons and amnesties.

Article 73

(Submission of a request in the procedure initiated by the judicial authorities in Bosnia and Herzegovina to recognize and enforce a judgement of a national Court in criminal matters)

The Ministry of Justice of Bosnia and Herzegovina shall, at the request of a national authority responsible for the enforcement of the criminal sanction, request the foreign country to recognize and enforce the judgement of a national court in criminal matters, if:

- a) Bosnia and Herzegovina cannot secure the enforcement of a national court judgement in a criminal case, and
- b) it is reasonable to expect that the transfer of enforcement of the judgement will result in a better social rehabilitation of the sentenced person.

Article 74

(Manner and procedure of request submission)

(1) A request submitted to a foreign country to enforce a national court judgement in a criminal case shall be accompanied by the documents as stipulated by international treaty, and in any case by the documents under Article 65 of this Law.

(2) The request and the accompanying documents shall be made in a language specified by international treaty.

Article 75

(Consequences of taking over the enforcement of the national court judgement)

If a foreign country takes over the enforcement of a national court judgement in a criminal case, the relevant judicial authority in Bosnia and Herzegovina shall temporarily suspend its enforcement of the judgement as of the date of commencement of sentence enforcement in the sentence-serving State.

Article 76

(Consequences of taking over the sentence enforcement in case of an amended or suspended enforcement of the court judgement in a criminal case)

(1) If, upon taking over the enforcement of a court judgement in a criminal case by a foreign country the judgement enforcement is amended or suspended, the country executing the judgement shall be notified accordingly.

(2) If a sentenced person has managed to avoid the enforcement of a judgement in the sentence-serving State that has recognized the national court judgement in the criminal case, the sentence enforcement shall proceed in Bosnia and Herzegovina.

CHAPTER VII
TRANSFER OF SENTENCED PERSONS FROM A FOREIGN COUNTRY TO
BOSNIA AND HERZEGOVINA

Article 77
(General provisions)

(1) A sentenced national of Bosnia of Herzegovina serving a prison sentence in a foreign country may, at his own request, be transferred to Bosnia and Herzegovina in order to continue to serve the prison sentence imposed in a foreign country.

(2) Enforcement of a prison sentence imposed on a sentenced national of Bosnia and Herzegovina may only be taken over with consent of the sentencing State, provided that the sentenced national of Bosnia and Herzegovina consent to the transfer and that the portion of the sentence remaining to be served is not less than 6 months.

Article 78
(Procedure upon request of sentenced nationals of Bosnia and Herzegovina for
transfer to Bosnia and Herzegovina in order to continue to serve the prison sentence
imposed in the sentencing State)

(1) By analogy, the provisions of Articles 66, 67, 68 and 69 of this Law shall apply with regard to the manner and procedure for rendering a judgement at the request of the BiH nationals for transfer to Bosnia and Herzegovina in order to continue to serve the prison sentence imposed in the sentencing State.

(2) After the national court has rendered a judgement recognizing a foreign judgement in criminal matters, the judgement shall be delivered to the sentenced person in the sentencing State and to the relevant authorities of the sentencing State.

(3) Once signed by the sentenced person, proof of receipt of the judgement shall be returned to the Court that rendered the judgement.

(4) Once the judgement becomes final and after the relevant authorities of the sentencing State have given their approval, the transfer of the sentenced person from the sentencing State to Bosnia and Herzegovina shall commence.

CHAPTER VIII
TRANSFER OF SENTENCED PERSONS FROM BOSNIA AND HERZEGOVINA
TO A FOREIGN COUNTRY

Article 79

(Procedure upon petition of aliens for transfer to countries of their nationality in order to continue to serve the prison sentence imposed in Bosnia and Herzegovina)

- (1) A sentenced alien serving a prison sentence in Bosnia and Herzegovina upon the judgement of a national Court may petition to continue to serve the imposed sentence in the country of his nationality.
- (2) The correctional facility in which the sentenced alien serves his prison sentence shall advise such person of the possibility to serve the imposed sentence in the country of his nationality.
- (3) The petition under paragraph (1) of this Article shall be filed with the correctional institution in which the alien serves his prison sentence.
- (4) The correctional institution shall attach to the petition of the sentenced person the documents pursuant to the provisions of the international treaty binding Bosnia and Herzegovina and the country of the sentenced person's nationality, that is, pursuant to Article 65 of this Law, and provide the Ministry of Justice of Bosnia and Herzegovina with the complete documentation.
- (5) With regard to persons sentenced in the Entities and the Brčko District of Bosnia and Herzegovina, the petition referred to in paragraph (1) of this Article shall be submitted through the Entity Ministries of Justice or the Judicial Committee of the Brčko District of Bosnia and Herzegovina.
- (6) The Ministry of Justice of Bosnia and Herzegovina shall forward the petition of the sentenced person to the State in which the sentenced person wishes to serve or continue to serve his sentence, and whose national he is.

Article 80

(Decision on transfer of an alien)

If the State of nationality of the sentenced person takes over the sentence serving, the final Decision on transfer of the alien shall be rendered by the Minister of Justice of Bosnia and Herzegovina, with the previously obtained consent from the Entity Ministries of Justice or the Judicial Committee of the Brčko District of Bosnia and Herzegovina for the judgements rendered in the Entities and the Brčko District of Bosnia and Herzegovina, whereas, for the judgements rendered by the Court of Bosnia and Herzegovina, the Decision shall be issued by the Minister of Justice of Bosnia and Herzegovina, solely on the grounds of that Court's judgement.

Article 81
(Place, time and manner of transfer)

The time, the place and the date of the takeover of a sentenced person from Bosnia and Herzegovina by the sentencing State or from the sentencing State by Bosnia and Herzegovina, including the manner of his transportation, shall be agreed upon by the Office for Cooperation with the Interpol of the foreign country, while the transfer shall be carried out by the members of the Border Police of Bosnia and Herzegovina, with the assistance of the employees of the Office for Cooperation with the Interpol.

Article 82
(Transfer costs)

(1) The State in which the sentence will be served shall bear the transfer costs, other than those explicitly incurred in the sentencing State.

(2) The costs of bringing a person whose transfer has been granted by Bosnia and Herzegovina shall be paid from the budget appropriations funding the Court that rendered the judgement to take over further service of prison sentence imposed on the sentenced person. These costs are planned and paid by the Ministry of Justice funded from the relevant budget and, at the level of the Br ko District of Bosnia and Herzegovina, the Judicial Committee of the Br ko District of Bosnia and Herzegovina.

(3) If the agreed transfer of the sentenced person from the sentencing State to Bosnia and Herzegovina could not be carried out for any reason whatsoever, the additional costs of transfer thereof shall be borne by the budget beneficiary, pursuant to paragraph (2) of this Article.

CHAPTER IX
TRANSFER AND TAKEOVER OF CRIMINAL PROSECUTION

Article 83
(Transfer of criminal prosecution to the foreign country)

(1) If an alien having permanent residence in a foreign country committed a criminal offence in the territory of Bosnia and Herzegovina, all relevant criminal records may be transferred to that foreign country for the purpose of criminal prosecution and trial, unless the foreign country objects.

(2) The transfer of the criminal prosecution and trial shall not be allowed if the alien may be exposed to unfair treatment, inhuman and humiliating treatment or punishment.

(3) Prior to filing an Indictment, a decision on transfer shall be rendered by the Prosecutor. Upon filing an Indictment and pending the assignment of the case to the

Judge or the Panel in order to schedule the main trial ó such decision shall be rendered by the Preliminary Hearing Judge on the proposal of the Prosecutor.

(4) Upon opening the main trial, on the proposal of the Prosecutor, the decision to transfer criminal prosecution shall be rendered by the Judge or the Panel before which the main trial is being held.

(5) The transfer may take place for the criminal offences falling within the Court's jurisdiction which carry a punishment of imprisonment for a term of up to ten years, unless otherwise stipulated by the international treaty or if there is no presumed reciprocity with that State, unless proven otherwise.

(6) If the aggrieved party is a national of Bosnia and Herzegovina, the transfer shall not be allowed if he objects, unless security has been provided for his/her property claim.

Article 84

(Request to take over criminal prosecution from a foreign country)

(1) A request for taking over criminal prosecution from the foreign country shall be submitted in the form of a Letter Rogatory.

(2) Unless otherwise foreseen by an international treaty, the Letter Rogatory must, *inter alia*, include personal information of the Suspect/Accused, his nationality, address, description and qualification of the criminal offence, and the reasoned grounds for transfer of the criminal proceedings to the requested State.

(3) The Letter Rogatory and its attachments shall be translated into the language of the requested State, unless otherwise stipulated by an international treaty.

Article 85

(Procedure upon Letter Rogatory by a national judicial body to take over criminal prosecution from a foreign state)

(1) The national judicial authority's Letter Rogatory for taking over criminal prosecution from a foreign country, along with all records related to the criminal case, shall be sent to the Ministry of Justice of Bosnia and Herzegovina.

(2) If the case being the subject of transfer falls within jurisdiction of the Entity judicial authority, that is, the judicial authorities of the Br ko District of Bosnia and Herzegovina, the Letter Rogatory referred to in Article 84 of this Law and all of its annexes shall be forwarded to the Ministry of Justice of Bosnia and Herzegovina, through the Entity Ministry of Justice, or the Judicial Committee of the Br ko District of Bosnia and Herzegovina.

(3) Upon receiving the Letter Rogatory for taking over the criminal prosecution, the Ministry of Justice of Bosnia and Herzegovina shall forward the Letter and all criminal

case records to the relevant authority of the requested State and ask the authority to provide the Ministry of Justice of Bosnia and Herzegovina with the feedback regarding the decision of the relevant judicial authority of the requested State on the Letter Rogatory.

(4) If, upon receiving the Letter Rogatory, the Ministry of Justice of Bosnia and Herzegovina finds it to be incomplete or not translated into the language of the requested State, if so required by an international treaty, it shall request the authority that submitted the Letter Rogatory to remove the deficiencies in the Letter Rogatory within 30 days.

(5) If the authority to which the Letter Rogatory has been returned does not remove the deficiencies in the Letter Rogatory within the deadline set in paragraph (4) of this Article, the Letter Rogatory and the annexed documents shall be returned to that authority.

Article 86

(Taking over criminal prosecution upon Letter Rogatory of a foreign country)

(1) Upon a Letter Rogatory of the judicial authorities of the requesting State, the relevant judicial authority in Bosnia and Herzegovina may take over criminal prosecution in cases stipulated by law and international treaty.

(2) The relevant judicial authority in Bosnia and Herzegovina may also take over a case concerning a criminal offence committed abroad if extradition from Bosnia and Herzegovina upon the Letter Rogatory of a foreign country is not permitted and, if a foreign judicial authority seeking extradition states that it will not proceed to criminally prosecute the person whose extradition has been sought for the same offence, after the relevant judicial authority in Bosnia and Herzegovina has rendered the final verdict.

(3) Upon receiving a Letter Rogatory of the requesting State to take over criminal prosecution, the Ministry of Justice of Bosnia and Herzegovina shall forward it to:

- a) the Prosecutor's Office of Bosnia and Herzegovina, for the offences falling within the jurisdiction of the Court of Bosnia and Herzegovina;
- b) relevant Entity Prosecutor's Office, through the Entity Ministry of Justice, for the offences falling within the jurisdiction of the Entity Courts, and
- c) relevant Prosecutor's Office of the Brčko District of Bosnia and Herzegovina, through the Judicial Committee of the Brčko District of Bosnia and Herzegovina, for the offences falling within the jurisdiction of the Court of the Brčko District of Bosnia and Herzegovina.

(4) If the request of a foreign country to take over criminal prosecution is accompanied by a property claim, the procedure shall be the same as if the request were submitted to the Court.

Article 87
(Content of the Letter Rogatory for taking over criminal prosecution)

- (1) The Letter Rogatory of a foreign country for taking over criminal prosecution must include all of the elements envisaged by the relevant international treaty, if such a treaty exists.
- (2) The criminal case records with all documentary evidence and the relevant provisions of the Criminal Code applicable in the requesting State shall be annexed to the Letter Rogatory referred to in paragraph 1) of this Article as is the case where there is no international treaty.

Article 88
(Procedure upon the Letter Rogatory of a foreign country to take over criminal prosecution)

- (1) The decision on the Letter Rogatory of a foreign country to take over criminal prosecution shall be made by the relevant Prosecutor.
- (2) If the criminal prosecution has been taken over, the criminal proceedings shall be conducted under the criminal legislation of Bosnia and Herzegovina.

Article 89
(Validity of probative actions)

The probative actions taken by the judicial authorities under the regulations of the requesting State shall have the same value as the corresponding probative actions taken according to the regulations of Bosnia and Herzegovina, unless this is in contravention of the fundamental principles of the national legal order and the principles of international documents on the protection of human rights and fundamental freedoms.

Article 90
(Refusal to take over criminal prosecution)

- (1) The foreign country that forwarded the Letter Rogatory shall be notified of the decision to refuse the takeover of the criminal prosecution and of the final decision rendered in the course of the criminal proceedings.
- (2) If the takeover of the criminal prosecution upon the Letter Rogatory of the requesting State has been refused, the relevant Prosecutor shall reason the grounds for not taking over the criminal prosecution and submit the reasoning and all of the case records to the Ministry of Justice of Bosnia and Herzegovina so that they be returned to the requesting State.

Article 91
(Consequences of takeover of criminal prosecution from the national judicial authority)

(1) The legal consequences of the takeover of criminal prosecution by the authorities of Bosnia and Herzegovina upon the Letter Rogatory of the requesting State shall be laid down by the provisions of an international treaty, if any.

(2) If there is no international treaty in place, the legal consequences of the takeover of criminal prosecution from the authorities of Bosnia and Herzegovina upon the Letter Rogatory of a foreign country shall be such that the requesting State, as of the time when the decision upon the Letter Rogatory was rendered, cannot temporarily criminally prosecute that person for the offences referred to in the Letter Rogatory, pending the decision of the authorities of Bosnia and Herzegovina on the takeover of the criminal prosecution.

(3) It shall be considered that the requesting State has abandoned the criminal prosecution of a person if:

- a) the relevant authority of Bosnia and Herzegovina that received the Letter Rogatory has finally discontinued the criminal proceedings due to the lack of evidence or because the offence committed does not constitute a criminal offence;
- b) the accused has been acquitted of the charges by a final verdict in Bosnia and Herzegovina;
- c) the Court decision rendered in Bosnia and Herzegovina has already been executed or cannot be executed pursuant to the law or due to other pardon or amnesty acts or because of the statute of limitations that took effect under the legislation of Bosnia and Herzegovina or the requesting State.

(4) A foreign country shall regain the right to prosecution and enforcement of the verdict if:

- a) Bosnia and Herzegovina has informed the requesting State that it would not take over the criminal prosecution;
- b) Bosnia and Herzegovina has refused the Letter Rogatory of the requesting State to take over the criminal prosecution;
- c) Bosnia and Herzegovina has informed the requesting State of its withdrawal of the previously granted request, and
- d) the requesting State withdraws its Letter Rogatory prior to the decision of the relevant authority in Bosnia and Herzegovina at the request of the foreign country.

Article 92
(Providing information on the status of the proceedings)

- (1) The authority that has taken over the criminal proceedings in Bosnia and Herzegovina, or the authority before which the criminal proceedings are conducted in Bosnia and Herzegovina, shall, at the request of the requesting State, provide information on the status of the relevant proceedings.
- (2) Upon completion of the proceedings in Bosnia and Herzegovina, the authority that has taken over the criminal proceedings shall notify the requesting State of the outcome of the proceedings through the Ministry of Justice of Bosnia and Herzegovina.

CHAPTER X
FINAL PROVISIONS

Article 93
(Cessation of validity of the provisions of the Criminal Procedure Code of Bosnia and Herzegovina)

- (1) By this Law coming into effect, the provisions under Chapter XXX and Chapter XXXI of the Criminal Procedure Code of Bosnia and Herzegovina shall become ineffective.
- (2) The provisions of the Criminal Procedure Code of the Entities and the Brčko District of Bosnia and Herzegovina pertaining to the international legal assistance procedure shall be harmonised with the provisions of this Law within six months as of the date of coming into force of this Law.

Article 94
(Instructions on establishment of joint investigation teams)

Instructions on the establishment of joint investigation teams pursuant to Article 24 of this Law shall be issued by the Minister of Justice of Bosnia and Herzegovina within three months as of the date of coming into force of this Law.

Article 95
(Implementing regulations for entering into records the sentences imposed abroad on the nationals of Bosnia and Herzegovina not born in Bosnia and Herzegovina)

Pursuant to Article 30 of this Law, the implementing regulations for entering into records the sentences imposed abroad on the nationals of Bosnia and Herzegovina who were not born in Bosnia and Herzegovina shall be enacted by the Ministry of Security of Bosnia and Herzegovina within three months as of the date of coming into force of this Law.

Article 96
**(Form for entering into records the sentences imposed on the sentenced aliens in
Bosnia and Herzegovina)**

Pursuant to Article 29, the form for entering into records the sentences imposed on the sentenced aliens in Bosnia and Herzegovina shall be prescribed by the Minister of Justice of Bosnia and Herzegovina within 30 days as of the date of coming into force of this Law.

Article 97
(Adequate application of other regulations)

Issues that have not been specifically regulated by this Law, pertaining to international legal assistance in criminal matters, shall be subject to the adequate application of the provisions of the Criminal Procedure Codes, Criminal Codes, Laws on Minor Offences and the Laws on Courts.

Article 98
(Transitional provision)

The extradition proceedings that are pending on the date of coming into force of this Law shall be completed pursuant to the provisions of Chapter XXXI of the Criminal Procedure Code of Bosnia and Herzegovina.

Article 99
(Entry into force of the Law)

This Law shall enter into force on the eighth day of its publication in the *Official Gazette of BiH*.

PABiH, No. 360/09
15 June 2009
Sarajevo

Chairman
of the House of Representatives
of the Parliamentary Assembly of BiH
Beriz Belki

Chairman
House of Peoples
of the Parliamentary Assembly of BiH
Ilija Filipovi