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Department for Legal Affairs



LAW ON AMENDMENTS TO THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 93/05

[NOTE: The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 25/04.](#)

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the 71st session of the House of Representatives held on 21 December 2005 and at the 52nd session of the House of Peoples held on 22 December 2005, has adopted the

LAW

ON AMENDMENTS TO THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (“Official Gazette of BiH”, No. 25/04), Article 94 shall be amended to read:

“Article 94

- (1) The Council shall commence a process, in accordance with Chapter V of this Law, to appoint judges to those courts in Republika Srpska and the Federation of Bosnia and Herzegovina that according to the entity laws on courts will have jurisdiction to handle minor offence cases. Such appointments will be made on a day decided by the Council, but not earlier than 1 January 2006.
- (2) As an exception to the provision of Article 28, Paragraph (1) of this Law, applicants for such positions shall be eligible if they have passed the bar examination although they do not have three years post bar experience in legal matters.
- (3) A judge appointed to handle minor offence cases at first instance without having three years post bar experience, may not handle other cases of the court before he/she has gained three years of post bar experience.
- (4) All other factors being equal, the Council shall give priority to those candidates who have specialized experience in the field of minor offences.
- (5) All serving judges of cantonal or municipal Minor Offence Courts in the Federation of Bosnia and Herzegovina and Minor Offence Courts in the Republika Srpska, who are not selected by the Council in accordance with paragraph (1) of this Article, shall no longer have a mandate to perform a judicial function. The Council shall determine the termination of the mandate of such judges as of 1 January 2006, or later if the Council so decides.
- (6) A judge of a cantonal or municipal Minor Offence Court in the Federation of Bosnia and Herzegovina and judge of a Minor Offence Court in the Republika Srpska, whose mandate is terminated in accordance with Paragraph (5) of this Article, shall have the right to receive salary in the amount equivalent to his/ her last salary, as well as other compensation, including coverage of health and pension insurance, for

a period of six months after the termination of mandate. The authority responsible for funding the operations of the relevant court shall provide such salary and compensations. The non-selection of a judge shall not prohibit the individual from later appointment to a judicial or prosecutorial post.

- (7) The receipt of salary and benefits under Paragraph 6 of this Article shall terminate if an individual, during the period of benefits, reaches the mandatory retirement age for judges and is entitled to pension and other benefits as provided by law.”

Article 2

This Law shall enter into force on the eight day after its publication in the “Official Gazette of BiH”.

PA BiH No. 258/05
22 December 2005
Sarajevo

Chair
of the House of Representatives
of the Parliamentary Assembly of BiH
dr. Nikola Špirić, m.p.

Chair
of the House of Peoples
of the Parliamentary Assembly of BiH
Mustafa Pamuk, m.p.