



Emerika Bluma 1, 71000 Sarajevo

Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



THE LAW ON THE COURTS OF THE REPUBLIKA SRPSKA

“Official Gazette of Republika Srpska”, 37/12

THE LAW ON THE COURTS OF THE REPUBLIKA SRPSKA

I GENERAL PROVISIONS

Article 1

This Law regulates the organisation, jurisdiction and operation of the Basic Courts, District Courts, District Commercial Courts, High Commercial Court and the Supreme Court of the Republika Srpska (hereinafter: the Supreme Court).

Article 2

Judicial power in the Republika Srpska shall be exercised by courts which are autonomous and independent, within the scope and competencies regulated by law.

Article 3

(1) Courts shall be autonomous and independent of the executive and legislative branches of government and any form of influence on judicial decision-making is forbidden.

(2) Courts shall exercise its powers in an unbiased manner and decisions will be reached within reasonable time.

(3) No one may influence the independence and impartiality of a judge in deciding the cases assigned to him.

Article 4

Everyone in the Republika Srpska and Bosnia and Herzegovina is obliged to respect the final and enforceable court decision.

Article 5

Courts shall be established and dissolved by law.

Article 6

The courts shall protect the rights and freedoms guaranteed in the Constitution of Bosnia and Herzegovina, the Constitution of Republika Srpska and by law, shall ensure constitutionality and legality and shall provide for the uniform application of laws and equality of all before law.

Article 7

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

Article 8

The decisions of courts in the Republika Srpska shall be binding and enforceable in the territory of the Republika Srpska and Bosnia and Herzegovina.

Article 9

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

(2) The transparency of the work of courts shall be achieved by holding public court hearings, disclosing the composition of the court, providing public announcements during court proceedings, under the conditions as provided by law.

(3) Transparency of the work may also be accomplished by publishing court decisions and other information of interest to the public, with prior removal of personal data.

(4) The Rulebook on Publication of Court Decisions shall be adopted by the Ministry of Justice.

Article 10

(1) Courts shall adjudicate by individual judges or by panels of judges, or panels of judges and lay judges.

(2) The composition of panels shall be prescribed by specific laws.

Article 11

(1) The official languages of the courts shall be the language of the Serbian people, the language of the Bosniak people and the language of the Croat people, and official scripts shall be Cyrillic and Latin.

(2) The Court shall conduct the proceedings and issue decisions in the language of the individual judge in the proceedings or as decided by the President of the panel, taking into account that upon the request, the party shall be provided with interpretation during the hearing or with translation of court decision in the language used by the party during the proceedings, namely:

in criminal proceedings – at the expense of the Court, and in all other proceedings – at the expense of the party.

(3) The parties may file documents with the Court in any of the official languages.

Article 12

(1) The judges shall have official identification cards, issued by the Ministry of Justice of Republika Srpska (hereinafter: the Ministry).

(2) The Rulebook on Content and Form of the Official Identification Document from Paragraph 1 of this Article shall be adopted by the Minister of Justice (hereinafter: the Minister).

(3) The Minister shall adopt the Rulebook from Paragraph 2 of this Article within 60 days from the day this Law comes into force.

Article 13

(1) Judges shall wear official attire (togas) during trials and when making public announcements.

(2) The High Judicial and Prosecutorial Council shall regulate the design of judicial toga, and the Ministry of Justice shall secure their procurement and distribution.

Article 14

(1) Judges, legal associates, higher legal associates and court workers may not express any religious, political, ethnic or other affiliation while performing their official duties.

(2) Symbols of religious, ethnic or other affiliation may not be displayed on the court building or in the court premises.

Article 15

Courts shall have seals, in accordance with law.

Article 16

(1) Courts shall cooperate with each other, as well as with state bodies and foreign courts.

(2) Courts in Bosnia and Herzegovina shall provide legal assistance to each other on matters within their jurisdiction, in accordance with law.

(3) State bodies and legal entities acting as public authorities will provide the courts at their request, files, documents and other information needed for the conducting of court proceedings, in a timely manner.

(4) The courts shall provide international legal assistance in accordance with international acts or based on principles of reciprocity.

II TYPES, ORGANISATION AND JURISDICTION OF COURTS

Article 17

(1) Judicial power in the Republika Srpska shall be vested in regular and specialized courts.

(2) Regular courts are Basic Courts, District Courts and the Supreme Court.

(3) Specialized Courts are District Commercial Courts and the High Commercial Court.

Article 18

Basic Courts shall be established for the territory of one or more municipalities.

Article 19

District Courts shall be established for the territory covered by two or more basic Courts.

Article 20

District Commercial Courts, as a first- instance courts, shall be established for the territory covered by the District Courts.

Article 21

(1) The High Commercial Court, as a second- instance court, shall be established for the territory of the Republika Srpska.

(2) The official seat of the High Commercial Court shall be in Banja Luka.

Article 22

(1) The Supreme Court shall be the highest court in the Republika Srpska.

(2) The Seat of the Supreme Court shall be in Banja Luka.

Article 23

(1) The courts shall conduct activities within their jurisdiction at their seats.

(2) Notwithstanding the provisions of Paragraph 1 of this Article, for reasons of efficiency or other justifiable reasons, Basic Courts may conduct their activities within their jurisdiction outside their seats.

Article 24

(1) The Court may decide to hold court days, in the purpose of conducting proceedings or undertaking other tasks, in places located in the Court area or outside its seat.

(2) The Court President shall decide on the location, date and timing of court days.

(3) The locations, dates and timing of court days shall be posted on the notice board of the Court and on the notice board in the building in which the court days are held.

Article 25

(1) Departments (Court branches) located outside the Seat of the Court shall be established and dissolved by law.

(2) The Department located outside the Seat of the Court shall be permanently located at a place located on the territory of the Court, and outside of its Seat.

(3) In the Department located outside the seat of the Court, the Court shall, as a rule, carry out all the tasks from its jurisdiction, for the territory the Department was established for.

(4) The Court President shall manage the work of the Department located outside the Seat of the Court.

Article 26

(1) The Basic Courts shall be:

a) the Basic court in Banja Luka, for the territory of Banja Luka city and Laktaši municipality,

b) the Basic Court in Bijeljina, for the territory of the Bijeljina, Ugljevik and Lopare municipalities,

v) the Basic Court in Višegrad, for the territory of Višegrad, Rudo, Rogatica and Novo Goražde municipalities,

g) the Basic Court in Vlasenica, for the territory of Vlasenica, Šekovići, Han Pijesak and Milići municipalities,

d) the Basic Court in Gradiška, for the territory of Gradiška and Srbac municipalities,

đ) the Basic Court in Derventa, for the territory of Derventa and Brod municipalities,

e) the Basic Court in Doboj, for the territory of Doboj and Petrovo municipalities,

ž) the Basic Court in Zvornik, for the territory of Zvornik and Osmaci municipalities,

z) the Basic Court in Kotor Varoš, for the territory of Kotor Varoš, Čelinac and Kneževo municipalities,

i) the Basic Court in Modriča, for the territory of Modriča, Vukosavlje, Šamac, Pelagićevo and Donji Žabar municipalities,

j) the Basic Court in Mrkonjić Grad, for the territory of Mrkonjić Grad, Šipovo, Jezero, Istočni Drvar, Petrovac, Kupres and Ribnik municipalities,

k) the Basic Court in Novi Grad, for the territory of Novi Grad, Kostajnica and Krupa na Uni municipalities,

l) the Basic Court in Prijedor, for the territory of Prijedor, Oštra Luka and Kozarska Dubica municipalities,

lj) the Basic Court in Prnjavor, for the territory of Prnjavor municipality,

- m) the Basic Court in Sokolac, for the territory of Sokolac, Istočni Stari Grad, Pale, Istočno Novo Sarajevo, Istočna Ilidža and Trnovo municipalities,
- n) the Basic Court in Teslić, for the territory of Teslić municipality,
- nj) the Basic Court in Trebinje, for the territory of Trebinje, Ljubinje, Berkovići, Bileća, Istočni Mostar, Nevesinje and Gacko municipalities,
- o) the Basic Court in Foča, for the territory of Foča, Kalinovik and Čajniče municipalities,
- p) the Basic Court in Srebrenica, for the territory of Srebrenica and Bratunac municipalities,
- r) the Basic Court in Lopare, for the territory of Lopare municipality,
- s) the Basic Court in Srbac, for the territory of Srbac municipality,
- t) the Basic Court in Brod, for the territory of Brod municipality,
- ć) the Basic Court in Šamac, for the territory of Šamac, Pelagićevo and Donji Žabar municipality,
- u) the Basic Court in Kozarska Dubica, for the territory of Kozarska Dubica municipality,
- f) the Basic Court in Nevesinje, for the territory of Nevesinje, Gacko, Berkovići and Istočni Mostar municipality,
- h) the Basic Court in Rogatica, for the territory of Rogatica municipality,
- c) the Basic Court in Laktaši, for the territory of Laktaši municipality and
- č) the Basic Court in Istočno Novo Sarajevo, for the territory of Istočna Ilidža, Istočno Novo Sarajevo and Trnovo municipalities.

(2) In the tax and customs duty evasion misdemeanor cases, Misdemeanour Departments of the Basic Courts in Banja Luka, Bijeljina, Doboj, Trebinje and Sokolac shall be competent.

Article 27

Departments of Basic Courts outside the Seat shall be:

- a) the Basic Court in Bijeljina shall have a Department outside the Seat of the Court in Lopare, for the territory of Lopare municipality,
- b) the Basic Court in Višegrad shall have a Department outside the Seat of the Court in Rogatica for the territory of Rogatica municipality,
- v) the Basic Court in Gradiška shall have a Department outside the Seat of the Court in Srbac, for the territory of Srbac municipality,
- g) the Basic Court in Derventa shall have a Department outside the Seat of the Court in Brod, for the territory of Brod municipality,
- d) the Basic Court in Modriča shall have a Department outside the Seat of the Court in Šamac, for the territory of Šamac, Pelagićevo and Donji Žabar municipalities,
- đ) the Basic Court in Prijedor shall have a department outside the Seat of the court in Kozarska Dubica, for the territory of Kozarska Dubica municipality,
- e) the Basic Court in Sokolac shall have a Department outside the Seat of the Court in Istočno Novo Sarajevo, for the territory of Istočno Novo Sarajevo, Istočna Ilidža and Trnovo municipalities and in Pale, for the territory of municipalities Pale and Istočni Stari Grad,

ž) the Basic court in Trebinje shall have a Department outside the Seat of the Court in Nevesinje, for the territory of Nevesinje, Gacko and Istočni Mostar municipalities.

Article 28

The District courts shall be:

a) the District Court in Banja Luka, for the territories covered by the Basic Courts in Banja Luka, Gradiška, Kotor Varoš, Prijedor, Prnjavor, Novi Grad, Mrkonjić Grad, and territories covered by the Basic Courts in Laktaši, Srbac and Kozarska Dubica, in accordance with conditions from Article 99 of this Law,

b) the District Court in Bijeljina, for the territories covered by the Basic Courts in Bijeljina, Zvornik, Srebrenica, and for the territory covered by the Basic Court in Lopare, in accordance with conditions from Article 99 of this Law,

v) the District Court in Doboj, for the territories covered by the Basic Courts in Doboj, Derventa, Modriča, Teslić, and for the territories covered by the Basic Courts in Brod and Šamac, in accordance with conditions from Article 99 of this Law,

g) the District Court in Trebinje, for the territories covered by the Basic Courts in Trebinje and Foča, and for the territory covered by the Basic Court in Nevesinje, in accordance with conditions from Article 99 of this Law, and

d) the District Court in Istočno Sarajevo, for the territories covered by the Basic Courts in Sokolac, Višegrad and Vlasenica, and for the territories covered by the Basic Courts in Rogatica and Istočno Novo Sarajevo, in accordance with conditions from Article 99 of this Law.

Article 29

The District Commercial Courts shall be:

a) The District Commercial Court in Banja Luka, for the territory covered by the District Court in Banja Luka

b) The District Commercial Court in Bijeljina, for the territory covered by the District Court in Bijeljina,

v) The District Commercial Court in Doboj, for the territory covered by the District Court in Doboj,

g) The District Commercial Court in Trebinje, for the territory covered by the District Court in Trebinje, and

d) The District Commercial Court in East Sarajevo, for the territory covered by the District Court in East Sarajevo.

1 Subject matter jurisdiction

Article 30

Basic Courts shall have first instance jurisdiction over:

- a) Criminal matters:
 - 1) criminal offences for which the law prescribes as a main punishment a fine or sentence of imprisonment up to 10 years, unless the jurisdiction of another court is prescribed by a separate law;
 - 2) criminal offences for which the jurisdiction of the basic court is prescribed by a separate law;
 - 3) criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to the Basic Court;
 - 4) all criminal proceedings against juveniles;
 - 5) to proceed during the investigation and after the bringing of the indictment, in accordance with law;
 - 6) decisions on extraordinary legal remedies, when provided by law;
 - 7) decisions to expunge a conviction from the record, or to terminate security measures or legal effects of a conviction, based on a decision of the court;
 - 8) to proceed upon requests for pardon, in accordance with law;
- b) Civil matters:
 - 1) all civil disputes; and
 - 2) non-disputed proceedings.
- v) Misdemeanor matters:
 - 1) all misdemeanor cases;
 - 2) requests for a retrial in misdemeanor cases;
- g) Other matters:
 - 1) to carry out enforcement procedure, unless otherwise provided by law;
 - 2) to determine security measures, unless otherwise provided by law;
 - 3) to decide in special proceedings, unless otherwise provided by law;
 - 4) to provide legal assistance to courts in Bosnia and Herzegovina;
 - 5) to carry out tasks related to international legal assistance, except for those tasks that have been assigned by law to the District Court;
 - 6) performing tasks related to registering citizen's associations, and
 - 7) other activities, as prescribed by law.

Article 31

- (1) District Courts shall have a first- instance jurisdiction over the following matters:
- a) for criminal offences for which more than 10 years of imprisonment or long-term imprisonment is prescribed, unless the competence of another courts is prescribed by law;
 - b) To proceed during the investigation and after the bringing of the indictment, in accordance with law;
 - v) Criminal offences for which the Court of Bosnia and Herzegovina transferred its jurisdiction to district courts;
 - g) To decide on all administrative disputes according to the seat of the first instance administrative organ, as well as on requests for protection of freedoms and rights guaranteed by the Constitution, if such freedoms and rights have been violated by a final individual act or activity of an authorized person in an administrative body, or an

authorized person in a company, institution or other legal entity, in cases in which other court protection for protection of those rights has not been provided.

(2) District Courts shall in the second instance decide on:

- a) appeals against decisions of basic courts,
- b) other ordinary and extraordinary legal remedies, if provided by law.

(3) Other competencies of the District Court:

- a) to decide on conflicts of territorial jurisdiction among the Basic Courts in its territory, in accordance with law;
- b) to decide on the transfer of territorial jurisdiction from one Basic Court to another within its territory;
- v) to decide to expunge a conviction or to terminate security measures and legal effects of a conviction, based on the decision of the Court;
- g) to proceed upon requests for pardon, in accordance with law;
- d) to decide on recognition of decisions of foreign courts, foreign commercial courts and foreign arbitration;
- đ) to provide international legal assistance in criminal matters, and
- e) to perform other activities, as prescribed by law.

Article 32

Within the District Court of Banja Luka a special, independent, specialized Department shall be established, with subject matter and territorial jurisdiction, for the territory of Republika Srpska, for criminal offences as prescribed by special law.

Article 33

District Commercial Courts shall have a first instance jurisdiction:

- a) in disputes and non-disputed proceedings related to the rights and obligations arising from legal transactions of goods, services, securities, ownership and other property rights in real estate, as well as rights and obligation arising from securities, in which both parties in the proceedings are either a legal entity or a physical person, who in the capacity of independent entrepreneur or in another capacity, performs business or other registered activity, as his main or additional profession;
- b) disputes related to ships and navigation on inland waters, and disputes to which maritime law applies, with the exception of disputes related to the transport of passengers;
- v) disputes related to airplanes and disputes to which aviation law applies, with the exception of disputes related to the transport of passengers;
- g) disputes related to copyright, related rights and industrial property rights;
- d) disputes arising from acts alleged to constitute unfair competition or monopolistic agreements;
- đ) bankruptcy and liquidation proceedings, as prescribed by law, and all disputes arising during and related to bankruptcy and liquidation proceedings,
- e) in the tasks related to registration of legal entities and sole proprietors, regulated by the Law on registration of business entities in the Court Registry.

ž) performing enforcement proceedings, on the bases of the final, enforceable judicial decisions of Commercial Courts,

z) enforcement proceedings on the bases of authentic documents in which both parties in the proceedings are either a legal entity or a physical person who in the capacity of independent entrepreneur, or in another capacity, performs business or other registered activity as his main or additional profession and in accordance with executive notary documents in which the both parties in the proceedings are legal entities;

i) security measures,

j) providing legal assistance to courts in the Republika Srpska and Bosnia and Herzegovina, within its jurisdiction,

k) tasks related to international legal assistance within its jurisdiction;

l) disputes arising from foreign investments, and

lj) other activities as prescribed by law.

Article 34

The High Commercial Court shall have jurisdiction over the following matters:

a) to decide on appeals against decisions of District Commercial courts, and in the first instance about other matters as determined by law,

b) to decide on conflicts of jurisdiction and transfer of competencies of District Commercial Courts,

v) to determine legal opinions in the goal of unified application of laws in the competency of District Commercial Courts

g) carry out other activities, as prescribed by law.

Article 35

The Supreme Court shall have jurisdiction over the following matters:

a) to decide on regular legal remedies from decisions of District Courts, if so prescribed by law;

b) to decide on extraordinary legal remedies from valid rulings of courts, if so provided by law;

v) to decide on legal remedies from decision of its panels (councils), unless otherwise provided by laws;

g) to take principled stances for the reason of adjustment of the case law on issues deemed to be important for unified application of laws in the Republika Srpska;

1) The Supreme court shall decide on taking principled stances at the General Session;

d) The President of the Supreme Court shall regulate the method of working of the general and extended Session in a Rulebook;

đ) to resolve conflicts of jurisdiction between courts, unless otherwise regulated by law;

e) to decide on transfer of territorial jurisdiction from one court to another, when so prescribed by law, and

ž) to consider current issues related to case law, analyze continuous training needs of judges, legal associates and higher legal associates and performs other activities defined by law.

III CONDITIONS AND MANDATE FOR JUDGES

Article 36

A person fulfilling the following general criteria shall be eligible for appointment as a judge:

- a) be a citizen of Bosnia and Herzegovina;
- b) general health criteria for carrying out judicial tasks;
- v) have a university degree in Law from Bosnia and Herzegovina or former Yugoslavia, until 6 April 1992, or other University of Law, under the condition that the diploma issued by that University is formally recognised in accordance with law, and
- g) have passed the bar examination in Bosnia and Herzegovina, or former Yugoslavia, until 6 April 1992 or in another country, under the condition that the corticated on bar examination is formally recognised in accordance with law.

Article 37

A person who apart from fulfilling criteria from Article 36 of this Law has at least three years of legal experience after passing the bar examination shall be eligible for appointment as a Basic Court judge.

Article 38

(1) The President of the Basic Court shall be appointed from the ranks of judges of that Court and shall have a proven management and organisational skills for work in the judiciary.

(2) The Court President shall be appointed for a term of four years and may be re-elected.

Article 39

A person who apart from fulfilling criteria from Article 36 of this Law has at least five years of experience working as a judge, prosecutor, lawyer or other relevant legal experience after passing the bar examination shall be eligible for appointment as a District Court judge.

Article 40

(1) The President of the District Court shall be appointed from the ranks of judges of that Court and shall have a proven management and organisational skills for work in the judiciary.

(2) The Court President shall be appointed for a term of six years and may be re-elected.

Article 41

A person who apart from fulfilling criteria from Article 36 of this Law has at least five years of experience working as a judge, prosecutor, lawyer or other relevant legal experience after passing the bar examination shall be eligible for appointment as a District Commercial Court judge.

Article 42

(1) The President of the District Commercial Court shall be appointed from the ranks of judges of that Court and shall have a proven management and organisational skills for work in the judiciary.

(2) The Court President shall be appointed for a term of six years and may be re-elected.

Article 43

A person who apart from fulfilling criteria from Article 36 of this Law has at least six years of experience working as a judge, prosecutor, lawyer or other relevant legal experience after passing the bar examination shall be eligible for appointment as the Higher District Commercial Court judge.

Article 44

(1) The President of the Higher District Commercial Court shall be appointed from the ranks of judges of that Court and shall have a proven management and organisational skills for work in the judiciary.

(2) The Court President shall be appointed for a term of six years and may be re-elected.

Article 45

A person who apart from fulfilling criteria from Article 36 of this Law has at least eight years of experience working as a judge, prosecutor, lawyer or other relevant legal experience after passing the bar examination shall be eligible for appointment as the Supreme Court judge.

Article 46

(1) The President of the Supreme Court shall be appointed from the ranks of judges of that Court and shall have a proven management and organisational skills for work in the judiciary.

(2) The Court President shall be appointed for a term of six years and may be re-elected.

Article 47

(1) Judges shall be appointed for permanent mandates, and mandate may cease in the following cases:

- a) in the case of death,
 - b) on personal request,
 - v) when they reach the age limit for compulsory retirement,
 - g) in the case of dismissal for the reasons specified by law,
- (2) The age for mandatory retirement for all judges is 70 years of age.

IV INTERNAL ORGANISATION OF THE COURTS

Article 48

(1) The Court shall have a Court President;

(2) The Court President shall carry out judicial administration tasks in accordance with law and the Rulebook on Internal Operations of the Court;

(3) The Court President shall be responsible for the overall management of the Court and court administration.

(4) The Court President shall represent the Court in relations with other bodies and organisations.

(5) The Court President may delegate particular duties of their office to judges of the Court or Court Secretary.

(6) The Court President shall appoint another judge to act as a President in his absence;

(7) If the Court President, for any reason, ceases to perform duty of the Court President, the Acting President shall be appointed, from the ranks of judges of the Court, until the election of the Court President, in accordance with law.

Article 49

(1) Courts with 7 or more judges, including the Court President, shall have a Court Secretary.

(2) Courts with less than 7 judges may have a Court Secretary, with prior approval of the Minister.

(3) A Court Secretary shall be a law school graduate with at least five years of work experience in his profession and appropriate experience in organisational tasks.

Article 50

A Court Secretary, in accordance with the procedure defined by law, shall be appointed by the Court President, for an indefinite term, on the bases of the previously completed public competition.

Article 51

(1) The Court Secretary shall assist the Court President in carrying out the court administration tasks, and shall initiate and conduct proceedings related to minor breaches of official duty of workers upon authorisation of the Court President, and may at all times give the initiative to the Court President for initiation of proceedings to determine the breach of official duty.

(2) The Court Secretary shall be responsible for carrying out the administrative, technical and financial affairs of the court in a proper and timely manner, and shall carry out public relations tasks.

(3) In the performance of his duties, a Court Secretary shall be under the supervision of the Court President.

Article 52

In courts without a Court Secretary, the Court President shall ensure that the tasks of the Court Secretary are performed, either by himself or by other judges or court staff.

Article 53

(1) A general session of the court shall consist of all the judges in a court.

(2) The Court President shall convene and preside over general sessions.

(3) General session shall be convened when envisaged in the court's procedure rules.

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

Article 54

(1) Court departments shall be established in courts to deal with the matters in the same legal field, such as:

a) criminal matters,

b) civil matters,

v) administrative matters,

g) misdemeanor matters,

d) non-disputable matters,

đ) other departments if the need for their establishment arises, in accordance with conditions envisaged by law or the Rulebook on Internal Court Operations.

(2) Court departments shall have the President of the Department, who shall be appointed by the Court President, from the judges of the court.

Article 55

(1) The Minister, with prior consent of the High Judicial and Prosecutorial Council, shall adopt the Rulebook on Internal Court Operations.

(2) The Court President, with the consent of the Minister of Justice, shall adopt the Rulebook on Internal Organisation and Systematisation of Posts.

V JUDICIAL ADMINISTRATION

Article 56

The Ministry shall have the following competencies, regarding judicial administration:

- a) draft legal texts and other legislation for the establishment, jurisdiction, composition and proceedings before courts,
- b) supervise and monitor the application of this law and other laws and bylaws related to the organisation and court operations;
- v) provide material, financial, spatial and other conditions for the work of courts,
- g) collect statistical and other data related to the work of courts;
- d) supervise financial and material aspects of court operations;
- đ) examine public opinion on work of courts, relating to the work of courts in judicial administration tasks,
- e) supervise the application of the Rulebook on Internal Court Operations,
- ž) Training of employees in the courts of the Republika Srpska, who are not covered by the training of the Judicial and Prosecutorial Training Centre of the Republika Srpska.
- z) other tasks envisaged by this Law.

Article 57

(1) Whilst performing the judicial administration tasks relating to organisation, monitoring and method of work of courts, as well as ensuring material, financial and other conditions for the work of the court, the Minister may request the Court President to abrogate an act which is not in accordance with law or bylaw, and if the Court President fails to act upon that request, the Minister shall adopt an act to annul or repeal such an act, pursuant to the rules defined in the Law on General Administrative Procedure.

(2) The Act of the Minister shall be final.

Article 58

Supervision of the proper performance of the judicial administration tasks in courts shall be carried out by inspectors of the Ministry, and supervision of accounting tasks shall be carried out by the authorised employees from the financial field.

Article 59

(1) Courts shall provide all information requested by the Ministry in order to carry out its competencies referred to in Articles 56 and 57 of this Law.

(2) Courts shall submit the Bi-annual Report until 15 July of the current year, and Annual Report until 31 January of following year, for the previous year.

(3) The Report from Paragraph 2 of this Article shall be submitted to the Ministry and the High Judicial and Prosecutorial Council.

Article 60

(1) The Ministry shall, upon receipt, forward complaints filed against the judges by physical persons or legal entities to the High Judicial and Prosecutorial Council, for further action, without delay.

(2) A copy of the complaint shall be submitted to the Court President, and if the complaint is made against the Court President, the complaint is submitted to the President of the immediate higher court.

(3) Complaints related to the work of judicial administration shall be submitted to the Court President.

Article 61

The Ministry shall carry out its responsibilities in accordance to this Law and it shall not in any way influence the work of courts.

Article 62

The Ministry shall keep a database of judges and legal associates, containing following data:

- a) personal data and
- b) data on appointment and dismissal.

Article 63

(1) The Ministry of Justice shall cooperate with the High Judicial and Prosecutorial Council in its role of coordinating the use of information technology in the courts, including all case tracking systems.

(2) The Court may install automated case tracking, case registration or other case management system, including back up and storage systems, only with prior approval of the Ministry.

VI RESERVE JUDGES AND LAY JUDGES

Article 64

(1) In the court with larger number of backlogs or the prolonged absence of the judge, reserve judges may be appointed, in a manner and in accordance to procedure laid down by law.

(2) If a Court President considers that the court requires additional judges, he shall submit the request to the High Judicial and Prosecutorial Council, through the Ministry.

(3) A public call for the appointment of reserve judges may be published only after the consent of the Ministry is secured, stating that additional material conditions for the reserve judge have been secured.

Article 65

(1) The President of Basic and District Court shall determine the necessary number of lay judges for his court, after obtaining an opinion of High Judicial and Prosecutorial Council.

(2) The President of each Basic and District Court shall advertise any vacant position for lay judge by posting an announcement on the court notice board and one daily newspaper. Among the candidates who meet the requirements set by law, Court President shall select the best candidates for lay judges, who in his judgement are best qualified, and he shall submit the list to the High Judicial and Prosecutorial Council for appointment.

Article 66

Each court shall maintain a file on each judge and lay judge, containing personal information and information on the level of education and experience of the judge and other data. Each judge and lay judge shall have the right to see his personal file and to request the correction of incorrect information.

Article 67

(1) The performance of judges shall be evaluated once every three years at minimum, in accordance with criteria set by the High Judicial and Prosecutorial Council.

(2) Newly-appointed judges shall be evaluated once a year at minimum during the first three years of their mandate, and when that period expires as specified in Paragraph 1 of this Article.

(3) Evaluation of performance of judges shall be carried out by the Court President, and evaluation of performance of the Court President shall be carried out by the President of the immediate higher court. Evaluation of performance of the President of the Supreme Court of Republika Srpska shall be carried out by the High Judicial and Prosecutorial Council.

VII COURT STAFF

Article 68

(1) The Minister, with the opinion of the High Judicial and Prosecutorial Council obtained in advance, shall set the criteria for determining the total number of staff in courts.

(2) For the purposes of this law, court staff shall mean all persons employed by the court, with the exception of judges.

(3) The number and qualification of employees and other requirements for employment of staff members in each court shall be separately regulated in the Rulebook on Internal Organisation and Systematisation of Posts.

Article 69

(1) A law graduate who passed the bar examination may be appointed as a legal associate in each Basic Court and each District Commercial Court.

(2) A law graduate who has passed the bar examination and who has at least three years of legal experience may be appointed as a higher legal associate in each District Court and the High Commercial Court.

(3) A law graduate who has passed the bar examination and who has at least five years of legal experience may be appointed as a higher legal associate in the Supreme Court.

Article 70

(1) Legal associates and higher legal associates shall be appointed by the Court President, on a permanent contract, following the completion of public competition procedure.

(2) The Minister shall lay down criteria for determining the number of legal associates and higher legal associates.

Article 71

(1) Legal associate may, upon the authorisation and under immediate supervision of the judge, carry out certain actions in the judicial proceedings.

(2) After the actions from Paragraph 1 of this Article are completed, the legal associate shall draft and submit a draft judicial decision to the judge.

(3) Actions from Paragraph 1 of this Article may be carried out in following proceedings:

a) in the civil proceedings in the small value claims in which the subject matter is monetary claims or damages;

b) in enforcement matters,

v) in non-disputed proceedings, except legal capacity proceedings, dissolution of co-ownership and land borders;

g) in probate proceedings and

d) in misdemeanor proceedings.

(4) The Higher Legal Associate shall assist the judge in his work, draft judicial decisions, study legal issues, case law and legal literature, draft legal opinions and perform other professional activities independently or under the supervision and direction of the judge.

Article 72

Training of legal associates and higher legal associates shall be carried out in accordance with the Training Programme established by the Judicial and Prosecutorial Training Centre of the Republika Srpska.

Article 73

- (1) Law graduate may be employed as a law trainee for up to two years.
- (2) Selection of the law trainees shall be carried out on the bases of the public announcement, published by the Court President.
- (3) The education of law trainees shall be conducted in accordance with the Induction training programme, established by the Judicial and Prosecutorial Training Centre.

Article 74

- (1) A court may have volunteer interns. The provisions of this law on law trainees shall apply accordingly to volunteer interns.
- (2) Volunteer interns shall not receive compensation or other employment benefits, nor any other rights, except for the right to receive health insurance coverage and insurance for at work injury.

Article 75

- (1) The Court President may entrust performance of certain administrative tasks to the administrative staff, unless otherwise prescribed by this law or other regulations.
- (2) The Court President shall adopt a Decision on administrative tasks from Paragraph 1 of this Article, providing authorisation for independent conduct of the following activities:
 - a) certify signatures;
 - b) disclose information on the basis of the data in the court register;
 - v) issues certificates on facts on which the court keeps records;
 - g) enter into the record or official notes statements of parties and other interested persons that they changed either their address or place of residence or that they confirm the date of receipt of a court decision, in the event that the delivery note was returned to the court but the date of delivery was not indicated on the delivery note;
 - d) take appropriate measures to collect fines and costs of proceedings; and
 - đ) perform other duties and tasks assigned by the Court President or the Secretary.

Article 76

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

Article 77

Court staff shall be employed after the completion of public competition, with mandatory three- month trial period.

Article 78

Each court shall maintain a file on each court staff member, containing personal information, professional information, information on experience, and other data.

Each court staff member whose data are kept in personal file shall the right to see his file and to require the correction of incorrect information.

Article 79

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

(2) The Court President shall evaluate the performance of: the Court Secretary, legal associates, legal trainees, heads of organisational units and ICT staff.

(3) the Court Secretary shall evaluate the performance of remaining staff, with secured opinion of the manager who is an immediate superior to the member of staff who shall be evaluated.

Article 80

Each court staff member is accountable for any breach in his official duties and may be disciplined in accordance with the law and the Rulebook on the Disciplinary Liability of Civil Servants Employed in the Administrative Bodies of the Republika Srpska.

VIII COURT INTERPRETERS AND COURT EXPERTS

Article 81

(1) The Minister shall issue a decision on the appointment of court interpreters.

(2) The courts shall use permanent interpreters unless there is no interpreter available in a particular language.

Rights and duties of permanent court interpreters shall be regulated by special regulations.

(3) In case there is no interpreter available in particular language, the court may take as an interpreter a person fluent in the language for which the interpretation is required.

(4) The court shall warn the interpreter from Paragraph 3 of this Article that he shall have the rights and duties envisaged for the court interpreter, in accordance with law.

Article 82

(1) Court interpreters shall translate, upon the request of the Court, an original text or a written text from the foreign language to one of the official languages used in the Republika Srpska.

(2) the Minister shall appoint the Court Interpreter, in accordance of the Rulebook on Permanent Court Interpreters.

Article 83

The rights and obligations of court interpreters shall be regulated by a special law.

Article 84

(1) The Minister shall appoint and dismiss the court experts in accordance with law.

(2) Court expert's tasks may be performed by physical persons and legal entities fulfilling the conditions set forth by law.

(3) Court experts shall be appointed for the six year period and may be reelected.

IX OBLIGATION TO PARTIES AND PUBLIC

Article 85

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

Article 86

(1) Judges, legal associates, higher legal associates and court staff shall keep official and trade secrets confidential, regardless of how they came into possession of the information. Terms „official and trade secrets“ especially include the following:

a) any information that has been designated as an official or trade secret by law or other regulation;

b) any information that has been specified as an official or trade secret by the general acts of state bodies, legal entities and other institutions,

v) information and documents specially designated as official or trade secrets by state bodies, legal entities and other institutions; and

g) information and documents that have been marked as official or trade secret by the President of the Court or an authorise court staff member.

(2) The obligation to keep official or trade secrets confidential shall continue even after termination of work in the court.

(3) The President of the Court can release the judge, the legal associate, the higher legal associate or the court staff member from the obligation to keep an official or trade secret if it can be substantively justified in a particular case.

Article 87

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

Article 88

The public and the parties in the proceedings shall have the right of access to court files, in accordance with law, except as otherwise provided by law for certain data in the court files.

Article 89

The Republika Srpska shall be liable for damage to physical or legal entities caused by court staff in performing their duties in an unlawful or irregular manner.

Article 90

(1) Court President shall determine the procedure for receiving and processing complaints against the court, judges, legal associates, higher legal associates and court workers.

(2) The President of the Court shall handle the complaints against the court and the court staff and shall forward all complaints against judges to the High Judicial and Prosecutorial Council promptly for handling.

Article 91

Judicial Police of the Republika Srpska, in accordance with the Law on Judicial Police, shall secure judges, other workers and citizens, secure the court buildings keep order in the courtroom and other court premises during the trial and shall enforce court decisions.

X COURT FUNDING

Article 92

Funding for the operation of the courts shall be provided out of the budget of the Republika Srpska.

Article 93

(1) A budget proposal shall be developed by the Court, in accordance with the Law on the Budget System of Republika Srpska.

(2) A budget proposal shall be submitted to the Ministry, within the time period set forth by the Law.

(3) The Ministry shall submit a budget proposal, consolidated for all the courts of the Republika Srpska to the High Judicial and Prosecutorial Council for possible comments.

Article 94

(1) Courts may receive donations of money, goods or services in accordance with law, unless the acceptance of any donation would jeopardize the independence and impartiality of the court or cast a doubt upon the court's independence and impartiality.

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

XI Transitional and Final Provisions

Article 95

Provisions of Articles 10, 65 and 66 of this law which apply to lay judges are applied only to proceedings which, in accordance with the provisions of the Rules of Criminal Procedure of Republika Srpska („Official Gazette of Republika Srpska“, No. 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09 i 92/09) and the Law on Civil Procedure („Official Gazette of Republika Srpska“, Nos. 58/03, 85/03, 74705, 63/07 i 49/09), have to be completed according to the previously applicable regulations.

Article 96

Procedure in criminal cases in which subject matter jurisdiction has been changed by the provisions of Articles 27, paragraph 1, item 1a of the Law on Courts of Republika Srpska and Article 28 paragraph 1, item 1 of the Law on Courts of the Republika Srpska („Official Gazette of Republika Srpska“, Nos. 111/04, 109/05, 37/06, 17/08, 119/08, 58/09 i 116/09), shall proceed before the competent court according to the previously applicable regulations.

Article 97

(1) Legal associates and higher legal associates selected in accordance to the regulations applicable until the adoption of this Law, shall remain employed on permanent contract.

(2) President of the Court shall adopt a decision on permanent employment contract for the legal associates and higher legal associates from Paragraph 1 of this Article

Article 98

In subject matters from Article 33, Paragraph 1, item z) of this Law, the courts shall finish the procedure, according to the previously applicable regulations.

Article 99

(1) Basic courts from Article 26, Paragraph 1 t. r), s), t), ć), u), f), h), c) and č) of this Law shall start with the work when the material and other preconditions for these courts are fulfilled.

(2) Upon the proposal of the Minister, the Government shall adopt the decision on fulfillment of the conditions for initiation of functioning of the courts from Paragraph 1 of this Article.

Article 100

(1) With the initiation of operations of the Basic Court in Lopare, the department from Article 27b) of this Law shall cease to operate and the Basic Court in Bijeljina shall have territorial jurisdiction for Bijeljina and Ugljevik municipalities and the Basic Court in Lopare for the territory of Lopare municipality,

(2) With the initiation of operations of the Basic Court in Srbac, the department from Article 27v) of this Law shall cease to operate and the Basic Court in Gradiška shall have territorial jurisdiction for the territory of Srbac municipality.

(3) With the initiation of operations of the Basic Court in Brod, the department from Article 27b) of this Law shall cease to operate and the Basic Court in Derвента shall become territorially competent for the territory of Derвента municipality and the Basic Court in Brod for the territory of Brod municipality,

(4) With the initiation of operations of the Basic Court in Šamac, the department from Article 27d) of this Law shall cease to operate and the Basic Court in Modriča shall become territorially competent for the territory of Modriča and Vukosavlje municipalities and the Basic Court in Šamac for the territory of Šamac, Pelagićevo and Donji Žabar municipalities.

(5) With the initiation of operations of the Basic Court in Kozarska Dubica, the department from Article 27đ) of this Law shall cease to operate and the Basic Court in Prijedor shall become territorially competent for the territory of Prijedor and Oštra Luka municipalities and the Basic Court in Kozarska Dubica for the territory of Kozarska Dubica municipalities.

(6) With the initiation of operations of the Basic Court in Nevesinje, the department from Article 27ž) of this Law shall cease to operate and the Basic Court in Trebinje shall become territorially competent for the territory of Trebinje, Ljubinje and Bileća municipalities, and the Basic Court in Nevesinje for the territory of Nevesinje, Istočni Mostar, Berkovići and Gacko municipalities.

(7) With the initiation of operations of the Basic Court in Rogatica, the department from Article 27b) of this Law shall cease to operate and the Basic Court in Višegrad shall become territorially competent for the territory of Višegrad, Rudo and

Novo Goražde, and the Basic Court in Rogatica for the territory of Rogatica Municipality.

(8) With the initiation of operations of the Basic Court in Laktaši, the Basic Court in Banja Luka shall become territorially competent for the territory of the City of Banja Luka, and the Basic Court in Laktaši for the territory of Laktaši Municipality.

(9) With the initiation of operations of the Basic Court in Istočno Novo Sarajevo, the Department outside the head office in Istočno Novo Sarajevo referred to in Article 27e) of this Law shall cease to operate and the Basic Court in Sokolac shall become territorially competent for the territory of Sokolac, Pale, Istočni Stari Grad municipalities, and the Basic Court in Istočno Novo Sarajevo for the territory of Istočna Ilidža, Istočno Novo Sarajevo and Trnovo municipalities.

Article 101

By the entry into force of this law, the Law on Courts and Judicial of Republika Srpska („Official Gazette of Republika Srpska“ Nos. 111/04, 109/05, 37/06, 17/08, 119/08, 58/09 and 116/09) shall cease to be applicable.

Article 102

This Law shall enter into force on the eight day after the day of publication in the „Official Gazette of the Republika Srpska“.

Number: 01-2004/11
Date: 15 December 2011

RSNA SPEAKER
M.Sc Igor Radojičić, manu propria