

**('Official Gazette of BiH', No. 84/09)**

**PARLIAMENTARY ASSEMBLY  
OF BOSNIA AND HERZEGOVINA**

Pursuant to Article IV. 4. a) of the Constitution of Bosnia and Herzegovina, Parliamentary Assembly of Bosnia and Herzegovina, at the 61st session of the House of Representatives held on 30 September 2009 and the 37th session of the House of Peoples held on 19 October 2009, adopted the

**LAW**

**ON IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT AND COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT**

**PART ONE – GENERAL PROVISIONS**

Article 1  
(Subject of the Law)

This Law regulates procedures by competent authorities in Bosnia and Herzegovina in the implementation of the Rome Statute of the International Criminal Court (hereinafter: the Rome Statute), the issue of cooperation and provision of legal assistance to the International Criminal Court as well as specific characteristic of the procedure referring to criminal offences under Article 5 of the Rome Statute and for the criminal offences against humanity and other values protected by the international law regulated by the Criminal Code of Bosnia and Herzegovina.

Article 2  
(Meaning of Terms)

Unless otherwise stipulated by this Law, individual terms as used in this Law have the following meanings:

a) criminal offenses stipulated under the Rome Statute: criminal offences referred to in Article 5 of the Rome Statute, restricted to the following most serious crimes of concern to the international community as a whole with respect to the following crimes:

- 1) The crime of genocide,
- 2) Crimes against humanity,
- 3) War crimes and
- 4) The Crime of aggression.

b) the Rome Statute: Rome Statute of the International Criminal Court ratified by Bosnia and Herzegovina by the Decision on Ratification ("Official gazette of BiH", International Treaties, No. 2/02).

c) Prosecutor: Prosecutor of the International Criminal Court envisaged under Article 42 of the Rome Statute.

d) Representative: Representative of Bosnia and Herzegovina appointed by the decision of the Council of Ministers of Bosnia and Herzegovina.

### Article 3

#### (Jurisdiction to Carry out the Coordination Activities and to Enforce the Decisions of the International Criminal Court)

(1) Requests for cooperation with the International Criminal Court and for the enforcement of decisions rendered by that Court shall be submitted to the Ministry of Justice of Bosnia and Herzegovina (hereinafter: the Ministry of Justice, if not otherwise stipulated by this law.

(2) Upon establishing that the request under paragraph 1 of this Article contains the data foreseen under the Rome Statute, the Ministry of Justice shall submit it to the competent state authority under paragraph 5 of this Article to act as foreseen under this Law and if the Ministry of Justice has established that the request does not contain necessary information, it shall return the request to the International Criminal Court to supplement or correct it.

(3) If a strict jurisdiction of some other authority is required to carry out some activities or if some other state authority may carry out some cooperation activities more easily, the Ministry of Justice shall transmit the request for cooperation or the decision of the International Criminal Court for enforcement to that authority.

(4) State authorities competent for the cooperation activities and enforcement of decisions of the International Criminal Court shall act without delay and with no postponement and notify the Ministry of Justice thereof.

(5) The authorities having jurisdiction for the cooperation activities and enforcement of the decisions of the International Criminal Code are: The Court of Bosnia and Herzegovina (hereinafter: the Court of BiH), the Prosecutor's Office of Bosnia and Herzegovina (hereinafter: The BiH Prosecutor's Office) and other authorities in accordance with the Criminal Procedure Code of Bosnia and Herzegovina (hereinafter: The Criminal Procedure Code).

### Article 4

#### (Representation before the International Criminal Court)

(1) The protection of rights and interests of Bosnia and Herzegovina before the International Criminal Court shall be represented by the person possessing the required qualifications to represent before the national courts and additional expert knowledge and experience stipulated by the Minister of Justice.

(2) The Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers) shall appoint the representative of Bosnia and Herzegovina to act before the International Criminal Court upon the public call to interested candidates to apply.

### Article 5

#### (Communication with the International Criminal Court)

(1) Pursuant to Article 87 of the Rome Statute, state authorities shall communicate with the International Criminal Court through the Ministry of Justice in one of the official languages in

use in Bosnia and Herzegovina or in one of the working languages of the International Criminal Court.

(2) The communication of Bosnia and Herzegovina with the International Criminal Court shall be established through the mediation of the Ministry of Justice, while in case of urgency or when justified by some other reasons, the communication can be established indirectly.

(3) If the communication about particular issues is not in contradiction of the law or the purpose of acting pursuant to paragraphs 1 and 2 of this Article, it can be also established through the INTERPOL when it is necessary to notify the Ministry of Justice without delay.

Article 6  
(Application of National Legislation)

(1) State authorities having jurisdiction to act in the cooperation activities and to enforce the decisions of the International Criminal Court shall perform their activities in the manner as stipulated by the Criminal Procedure Code, the Criminal Code of Bosnia and Herzegovina (hereinafter: the Criminal Code) and other applicable laws of Bosnia and Herzegovina.

(2) Laws and other regulations of Bosnia and Herzegovina applied in the cooperation activities shall be interpreted and applied in accordance with the legal system of Bosnia and Herzegovina, in the manner corresponding to the objectives and as defined in the Rome Statute.

Article 7  
(Immunity Regulations)

Regulations on immunity and privileges foreseen under special laws in Bosnia and Herzegovina shall not be applied in the procedure with respect to the criminal offenses under Article 1 of this Code.

Article 8  
(Protection of Witnesses, Victims and other Persons)

In the procedure of carrying out the cooperation activities with the International Criminal Court, the regulations of Bosnia and Herzegovina pertaining to the protection of witnesses, victims and other persons.

**PART TWO – CRIMINAL PROSECUTION IN BOSNIA AND HERZEGOVINA**

Article 9  
(Jurisdiction to Act)

(1) The BiH Prosecutor's Office and the Court of BiH have jurisdiction to conduct the criminal proceedings against the perpetrators of criminal offences under Article 1 of this Law.

(2) The International Criminal Court has jurisdiction to conduct the criminal proceedings against the perpetrators of the criminal offences under Article 1 of this Law if the Prosecutor's Office of BiH and the Court of BiH had jurisdiction to act provided that the requirements under Article 17 of the Rome Statute have been met.

(3) Notwithstanding paragraph 1 of this Article, the criminal prosecution in Bosnia and Herzegovina shall not be proceeded when the proceedings are already conducted before the International Criminal Court and in that case Bosnia and Herzegovina shall defer the criminal prosecution to the International Criminal Court in accordance with the provisions of the Rome Statute and this Law.

Article 10  
(Reporting of the Criminal Offence)

(1) All state authorities, legal entities and natural persons shall be obliged to report to the Prosecutor's Office of BiH on the knowledge of the committed criminal offence falling under the jurisdiction of the International Criminal Court, regardless of the location where the criminal offence was committed if this is the issue of the criminal offence with respect to which the proceedings are already conducted in Bosnia and Herzegovina, before the International Criminal Court or the competent court of some other country.

(2) The Prosecutor's Office of BiH shall initiate criminal prosecution if there exist requirements foreseen under the Criminal Procedure Code. In addition, it shall notify the International Criminal Court through the Ministry of Justice of the actions undertaken.

(3) If the criminal proceedings cannot be initiated in Bosnia and Herzegovina on actual or legal grounds, the Prosecutor of the Prosecutor's Office of BiH shall notify the Ministry of Justice thereof, which, in accordance with Article 14 of the Rome Statute, shall report to the Prosecutor of the International Criminal Court the perpetration of the criminal offence under the jurisdiction of that Court.

Article 11  
(Notification by the Prosecutor)

(1) When the Prosecutor of the International Criminal Court notifies the Ministry of Justice that there exist the grounds to initiate the criminal proceedings in Bosnia and Herzegovina for the criminal offence under Article 5 of the Rome Statute, the Ministry of Justice shall inform without delay the Prosecutor's Office of BiH thereof.

(2) If the proceedings are not conducted in Bosnia and Herzegovina, upon the receipt of the notification under paragraph 1 of this Article, the Prosecutor of the Prosecutor's Office of BiH shall undertake necessary actions to detect the criminal offence and the perpetrator in cooperation with the other competent authorities, for the purpose of initiating the criminal proceedings and to inform the Ministry of Justice about the results of the proceedings.

(3) The Ministry of Justice shall be obliged to inform the Prosecutor of the International Criminal Court within one month from the receipt of notification under paragraph 1 of this Article, about whether the criminal proceedings were initiated in Bosnia and Herzegovina.

(4) If the notification under paragraph 1 of this Article is confidential, its contents shall be considered as an official secret for all state bodies and persons who disclose its contents.

Article 12  
(Transfer of Criminal Prosecution)

(1) If the criminal proceedings were initiated in Bosnia and Herzegovina for the criminal offence under Article 5 of the Rome Statute, the Prosecutor of the Prosecutor's Office of BiH shall request from the International Criminal Court through the Ministry of Justice to transfer the criminal prosecution to Bosnia and Herzegovina.

(2) If the International Criminal Court does not transfer the criminal prosecution upon the reasoned motion of the Prosecutor of the Prosecutor's Office of BiH, the Minister of Justice may file an appeal in accordance with the Rome Statute and Rules of Procedure and Evidence.

(3) If the appeal under paragraph 2 of this Article is dismissed, the criminal proceedings initiated in Bosnia and Herzegovina shall be suspended.

(4) The suspension of the criminal proceedings shall last until the final completion of the criminal proceedings before the International Criminal Court, whereupon the Prosecutor of the Prosecutor's Office of BiH renders the decision to suspend the criminal proceedings for the criminal offence as decided by the International Criminal Court.

(5) If the International Criminal Court transfers the criminal prosecution for the criminal offence falling under jurisdiction of the International Criminal Court to Bosnia and Herzegovina in accordance with the Rome Statute and the Rules of Procedure and Evidence, the Prosecutor of the Prosecutor's Office of BiH shall undertake necessary actions in accordance with the Criminal Procedure Code and inform the International Criminal Court through the Ministry of Justice about the actions undertaken.

(6) In case under paragraph 5 of this Article, the International Criminal Court may be requested to transfer the evidence collected.

### **PART THREE – LEGAL CONSEQUENCES OF THE PROCEEDINGS CONDUCTED BEFORE THE INTERNATIONAL CRIMINAL COURT**

#### Article 13 (Ne bis in idem)

(1) The criminal proceedings for the same criminal offence cannot be initiated in Bosnia and Herzegovina against any person if the proceedings are already being conducted before the International Criminal Court, which were initiated before the criminal proceedings in Bosnia and Herzegovina.

(2) The criminal proceedings cannot be initiated or conducted for the same criminal offence before the International Criminal Court, against the person who was acquitted of charges or convicted in Bosnia and Herzegovina by the final verdict, or with reference to which the Decision was issued about the transfer of the criminal proceedings, except when the requirements under Article 20(3) of the Rome Statute have been met.

#### Article 14 (Impossibility of Simultaneous Proceedings)

(1) The criminal proceedings may not be initiated against the same person for the same criminal offence in Bosnia and Herzegovina if the proceedings are already being conducted before the International Criminal Court, which were initiated before the criminal proceedings in Bosnia and Herzegovina.

(2) The criminal proceedings against the same suspect may not be conducted for the same criminal offence in Bosnia and Herzegovina simultaneously with the criminal proceedings conducted before the International Criminal Court.

(3) The proceedings in Bosnia and Herzegovina shall be interrupted if the International Criminal Court has commenced or is already conducting the criminal proceedings against the same suspect for the same criminal offence. The interruption of the proceedings shall run from the date of the transfer of the suspect to the International Criminal Court, or with his appearance before that court in some other way.

(4) If the verdict of the Court of BiH took a legal effect, it shall not be executed and if the execution is underway, it shall be interrupted when the convicted person is transferred to the International Criminal Court in accordance with the provisions of the Rome Statute.

(5) During the interruption of the criminal proceedings or the interruption of the execution of punishment in Bosnia and Herzegovina, the deadlines to undertake individual procedural actions shall not be subject to the statute of limitations.

Article 15  
(Resumption of the Interrupted Proceedings)

(1) The criminal proceedings which were conducted in Bosnia and Herzegovina and interrupted because of the conduct of the proceedings before the International Criminal Court, may be resumed in Bosnia and Herzegovina if the International Criminal Court did not decide by its verdict on the guilt of the accused for one or more criminal offences in respect with which the criminal proceedings were conducted in Bosnia and Herzegovina. In this case it is possible to execute the final verdict of the Court of BiH or pursue with the execution of the sentence that was interrupted and with the criminal proceedings already commenced when its resumption has not occurred because the proceedings were conducted before the International Criminal Court.

(2) When the Judgement of the International Criminal Court encompasses only some criminal offences for which there exists a final verdict of the Court of BiH, the Panel shall amend the verdict with respect to the penalty, by applying in the appropriate manner the provisions of the Criminal Procedure Code pertaining to the amending of the verdict according to the rules for the renewed proceedings.

**PART FOUR – COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT**

Article 16  
(Cooperation Principles)

(1) Pursuant to Article 93 of the Rome Statute, all state authorities shall cooperate fully and in bona fide with the International Criminal Court for the purpose of providing legal assistance to that court.

(2) The contents of the request for providing legal assistance sent by the International Criminal Court shall be considered an official secret and may be published, fully or partly, only if this is necessary for execution of the request or for some other particularly relevant circumstances and with a previous approval by the International Criminal Court.

(3) In the proceedings of providing legal assistance to the International Criminal Court, the competent state authority shall also undertake the actions whose enforcement was not particularly requested by the International Criminal Court, if the enforcement of these actions

is directly connected with the purpose of providing legal assistance or when it is necessary to detect the perpetrators of the criminal offence and to collect the evidence necessary for the proceedings before the International Criminal Court or if the provision of these evidence would be rendered impossible or significantly more difficult.

#### Article 17

(Presence of the Representatives of the International Criminal Court)

(1) The state authority undertaking the action of legal assistance at the request of the International Criminal Court shall allow its representatives to attend the enforcement of the action of providing international legal assistance, to have an opportunity to ask questions, file motions and to record the action by means of the video and audio devices at their written request if this would not hinder the enforcement of the action and if it would be in contravention with the justified interests of the person attending the action or the purposes of the criminal proceedings.

(2) The representatives of the International Criminal Court shall be submitted at their request a copy of the record or video and audio recording of the legal assistance action.

#### Article 18

(Actions of the Representatives of the International Criminal Court in the Territory of Bosnia and Herzegovina)

(1) Exceptionally, at the request of the International Criminal Court, it may be allowed that the representatives of this Court enforce some actions in the territory of Bosnia and Herzegovina, which enforcement shall be mandatorily attended by the authorised person of the authority which would have jurisdiction in Bosnia and Herzegovina to enforce these actions.

(2) In conducting the actions under paragraph 1 of this Article, the representatives of the International Criminal Court may not use coercive measures, deprive citizens of liberty, and restrict the constitutional rights of citizens or rights pertaining to witnesses, expert witnesses, suspects and accused under the Criminal Procedure Code.

#### Article 19

(Postponement of the Execution of a Request of the International Criminal Court)

At the proposal of the state authority having jurisdiction to act, the Ministry of Justice may postpone the execution of the request for legal assistance to the International Criminal Court when this is in the interest of the criminal proceedings conducted in Bosnia and Herzegovina or the admissibility challenge to initiate or conduct the criminal proceedings before the International Criminal Court (Articles 94 and 95 of the Rome Statute).

#### Article 20

(Consultations)

In case when there exist realistic or legal grounds that could prevent or obstruct the execution of the request for providing legal assistance to the International Criminal Court and particularly in case of grounds as stated under Article 97 of the Rome Statute, the competent state authority shall inform thereof without delay the Ministry of Justice, which makes consultations with the representatives of the International Criminal Court on the manner of removing the obstacles.

#### Article 21

##### (Takeover of the Proceedings from the International Criminal Court)

- (1) When the International Criminal Court, in accordance with the Rome Statute and Rules of Procedure and Evidence transfer the criminal prosecution to Bosnia and Herzegovina, the Prosecutor of the BiH Prosecutor's Office shall undertake criminal prosecution, taking as a ground for charges the facts on which the charges were established before the International Criminal Court.
- (2) The proceedings in Bosnia and Herzegovina shall be conducted by applying the Criminal Procedure Code.
- (3) The evidence collected or presented by the International Criminal Court may be used in the criminal proceedings in Bosnia and Herzegovina only if they are obtained or presented in accordance with the Rome Statute and Rules of Procedure and Evidence. The existence or non-existence of the facts to be proven by these pieces of evidence shall be evaluated pursuant to the Criminal Procedure Code.
- (4) The representatives of the International Criminal Court may attend the proceedings at all stages and may be given all information on the course of the proceedings.

### **PART FIVE – ARREST, CUSTODY AND SURRENDER**

#### Article 22

##### (Request of the International Criminal Court for Arrest and Surrender of a Person)

- (1) Arrest of a person and the transfer shall be conducted based on the request for the surrender to the International Criminal Court in accordance with the provisions of the Rome Statute, this Law and the Criminal Procedure Code.
- (2) The request of the International Criminal Court for the arrest and surrender of the person or for the provisional arrest of a person in the territory of Bosnia and Herzegovina or for whom the International Criminal Court considers to be in the territory of Bosnia and Herzegovina, shall be submitted to the BiH Prosecutor's Office through the Ministry of Justice.
- (3) Within eight days, the Prosecutor's Office of BiH shall be bound to establish whether the request contains information and documentation as specified in Articles 91 and 92 of the Rome Statute, and in particular the information necessary to identify the person and return an incomplete request through the Ministry of Justice to the International Criminal Court with the instruction to supplement the request or remove all omissions.

#### Article 23

##### (Mandatory Defence in the Surrender Procedure)

- (1) The person whose surrender is requested by the International Criminal Court shall have a defence attorney from the first questioning and during the surrender procedure.
- (2) If the person whose surrender is required does not engage a defence attorney, or if he states that he will not engage a defence attorney, a defence attorney shall be appointed ex officio in accordance with the Criminal Procedure Code.



Article 24  
(Parties to the Surrender Procedure)

- (1) Parties to the surrender procedure are persons whose surrender is required by both the Prosecutor and the Prosecutor's Office of BiH.
- (2) The representative of the International Criminal Court shall be entitled to attend all the actions in the surrender procedure but will not have the capacity of the party to the proceedings.

Article 25  
(Deprivation of Liberty)

- (1) The request of the International Criminal Court for the arrest of the person shall be without delay submitted to the Prosecutor's Office of BiH.
- (2) Acting upon the request of the International Criminal Court, the Prosecutor of the Prosecutor's Office of BiH shall be bound to undertake all actions to arrest the person in accordance with the Criminal Procedure Code and in coordination with other law enforcement agencies.
- (3) A person deprived of liberty as specified in paragraph 2 of this Article shall have all rights in accordance with the Criminal procedure Code.
- (4) If the person is hiding or is on the run, necessary measures shall be undertaken in accordance with the Criminal Procedure Code and issued an arrest warrant to find, deprive of liberty and convey the person to the Prosecutor of the Prosecutor's Office of BiH.

Article 26  
(Investigation Procedure)

- (1) The Prosecutor of the Prosecutor's Office of BiH before whom the person has been brought, shall instruct the person on his rights in accordance with the provisions of the Criminal Procedure Code. Upon learning that this is the person whose deprivation of liberty, provisional deprivation of liberty or surrender is requested by the International Criminal Court, the Prosecutor shall inform the person of the request and charges against him as well as question about the above charges.
- (2) Upon establishing the identity of the person to which the request of the International Criminal Court refers, the Prosecutor will submit to the Court of BiH the motion to order custody.
- (3) The applicable provisions of the Criminal Procedure Code pertaining to the ordering and the duration of custody shall be applied to the person under paragraph 2 of this Article.

Article 27  
(Voluntary Surrender in the Investigation Procedure)

- (1) During the questioning, the Prosecutor of the Prosecutor's Office of BiH shall particularly establish whether the person accepts to voluntarily surrender to the International Criminal Court.

(2) If the person confirms a voluntary surrender to the International Criminal Court and waives his right to file an appeal in the surrender procedure, the Prosecutor shall request ordering of custody only if there exist some of the grounds established by the Criminal Procedure Code to order custody. On the contrary, the person shall be released by posting bail, ordering home arrest or other restrictions of personal liberty in accordance with the Criminal Procedure Code.

(3) To surrender the person to the International Criminal Court, the Prosecutor of the Prosecutor's Office shall immediately inform the Ministry of Justice and the Ministry of Security of Bosnia and Herzegovina about the consent of the person to surrender.

(4) Statement under paragraph 2 of this Article may not be revoked.

Article 28  
(Procedure before the Court Panel)

(1) If during the investigation the person does not confirm his voluntary surrender to the International Criminal Court, the Prosecutor of the Prosecutor's Office shall submit to the Court of BiH the request of the International Criminal Court along with an argued proposal requiring from the Court of BiH to render the decision on surrender of the person to the International Criminal Court.

(2) Decision under paragraph 1 of this Article shall be issued by the Panel composed of three judges.

(3) In the procedure of deciding on the request of the International Criminal Court for surrender, the Panel shall inform the person about the request and charges against him as well as examine him about that and other circumstances relevant for deciding on the request of the International Criminal Court.

Article 29  
(Decision on the Request for Surrender)

(1) The Panel under Article 28(2) of this Law shall render the decision to fulfil the request for surrender of a person to the International Criminal Court if it establishes determines that the request pertains to the person against whom the procedure for surrender is being conducted and that this is the issue of the criminal offence falling under jurisdiction of the International Criminal Court according to the Rome Statute.

(2) If there exist some obstacles for surrender, the Panel shall refuse the request of the International Criminal Court. If the request for surrender is refused, the surrender procedure may be renewed by applying the provisions on the renewal of the procedure stipulated under the Criminal Procedure Code or based on the new request of the International Criminal Court.

(3) Upon rendering the decision on surrender, custody may last until the surrender of the person but no longer than the time limit provided under the relevant provisions of the Criminal Procedure Code on the duration of custody.

Article 30  
(Voluntary Surrender in the Court Proceedings)

(1) During the court proceedings, the person may make a statement on the record that he wants to surrender on a voluntary basis to the International Criminal Court and to waive the right to file an appeal in the surrender procedure. Such a statement may not be revoked.

(2) In case under paragraph 1 of this Article, the Panel shall render the Decision to cease the surrender procedure and inform the Ministry of Justice and the Ministry of Justice of Bosnia and Herzegovina thereof to conduct a voluntary surrender.

(3) In case under paragraph 1 of this Article, custody may be extended only if there exists some of the grounds stipulated under the Criminal Procedure Code. In case of non-compliance, the person shall be released under bail, house arrest or other restrictions of personal freedom stipulated under the Criminal Procedure Code.

#### Article 31

##### (Appeal from the Decision on Surrender)

(1) The person requested to surrender and his defence attorney may file an appeal from the Decision fulfilling the request of the International Criminal Court within eight days from the receipt of the Decision.

(2) The Appeal shall stay the execution of the Decision and the appeal shall be decided by the Appellate Panel of the Court of BiH.

(3) The procedure of rendering the decision on the appeal shall be conducted in accordance with the provisions of the Criminal Procedure Code pertaining to the rendering of the decision on the appeal from the judgement.

#### Article 32

##### (Enforceability of the Decision)

(1) The Decision with legal effect allowing for the surrender of the person to the International Criminal Court shall be final.

(2) An Appeal from the Decision under paragraph 1 of this Article may be filed with the Constitutional Court of Bosnia and Herzegovina.

(3) The Minister of Justice may temporarily postpone the surrender of the person due to his illness or some other particularly justified ground.

#### Article 33

##### (Submission of Decisions)

Final and the Decision with legal effect deciding on the request of the International Criminal Court for surrender of persons shall be submitted to the International Criminal Court through the Ministry of Justice.

#### Article 34

##### (Surrender of the suspect)

Surrender of the suspects to the International Criminal Court based on the statement on voluntary surrender or the final decision on surrender with legal effect shall be carried out by the Ministry of Security of Bosnia and Herzegovina.

## **PART SIX – ENFORCEMENT OF SENTENCES AND OTHER DECISIONS OF THE INTERNATIONAL CRIMINAL COURT**

### Article 35

(Enforcement of the Sentence and other Decisions of the International Criminal Court)

- (1) Bosnia and Herzegovina shall execute the sentence and other decisions of the International Criminal Court by applying the Rome Statute and other regulations of the International Criminal Court, including relevant provisions of domestic legislation.
- (2) Bosnia and Herzegovina shall inform the International Criminal Court without delay of actual or legal grounds rendering impossible or restricting the execution of verdicts or some other decisions and consult with the Court on the manner for further actions.

### Article 36

(Admission of Convicted Persons)

Bosnia and Herzegovina shall admit the persons convicted before the International Criminal Court in accordance with the agreement which is to be concluded for each individual case.

## **PART SEVEN – PARTICIPATION IN THE WORK OF THE ASSEMBLY OF STATES PARTIES AND OTHER BODIES OF THE COURT**

### Article 37

(Participation in the Work of the Assembly of States Parties and other Bodies of the Court)

- (1) The Presidency of Bosnia and Herzegovina, upon the motion of the Council of Ministers shall appoint the representative of Bosnia and Herzegovina for the work in the Assembly of States Parties.
- (2) Together with the representative under paragraph 1 of this Article, one or more deputy representatives and experts for international law can participate in the work of the Assembly.
- (3) The Presidency of Bosnia and Herzegovina, upon the motion of the Council of Ministers, in accordance with the Rome Statute and other documents of the International Criminal Court, shall ensure the appropriate participation of the representative of Bosnia and Herzegovina in the work of other bodies of the International Criminal Court.

### Article 38

(Elections and Nominations to the International Criminal Court)

- (1) In accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina shall conduct the procedure of election of judges to be proposed for nomination to the International Criminal Court ("Official gazette of BiH", number 25/04, 93/05, 48/07 and 15/08) and the Rome Statute.
- (2) When a special procedure for the election or nomination of the representative to other bodies is foreseen under the Rome Statute or some other enactment of the International Criminal Court, the Council of Ministers shall conduct the procedure by applying the relevant provisions of domestic legislation.

Article 39  
(Financing of the International Criminal Court)

(1) Financial resources by which Bosnia and Herzegovina contributes to the work of the International Criminal Court shall be ensured from the Budget of the institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina, in accordance with the criteria of the United Nations Organisation.

(2) The expenses of legal assistance and cooperation of Bosnia and Herzegovina shall be borne by each Party pursuant to Article 100 of the Rome Statute.

**PART EIGHT – TRANSITIONAL AND FINAL PROVISIONS**

Article 40  
(Applications of Provisions of the Law Pertaining to the International Criminal Court)

The provisions of this Law pertaining to the International Criminal Court and cooperation with the International Criminal Court, including the deprivation of liberty and surrender of persons, shall be applied to the criminal offences under Article 5 of the Rome Statute, committed after the entry of the Rome Statute into force (6 March 2002).

Article 41  
(Entry into Force of this Law)

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

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PSBiH, Number 445/09  
19 October 2009  
Sarajevo

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Chairman of the  
House of Representatives of the  
Parliamentary Assembly of BiH  
**Dr. Milorad Živković**

/signed/

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Chairman of the  
House of Peoples of  
Parliamentary Assembly of BiH  
**Ilija Filipović**

/signed/

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