

Bosnia and Herzegovina – National Procedures for Extradition  
Updated 29/08/2014

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	<p>Ministry of Justice of Bosnia and Herzegovina</p> <p>Department for Mutual Legal Assistance and Cooperation</p> <p>Address: Trg BiH 1</p> <p>Telephone: 0038733281556 Fax: 0038733</p> <p>nikola.sladoje@mpr.gov.ba</p> <p><a href="mailto:neven.kurtovic@mpr.gov.ba">neven.kurtovic@mpr.gov.ba</a></p> <p>dragan.simic@mpr.gov.ba</p>
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	The request shall be sent to the Ministry of Justice. Details stated above.
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	<p>Ministry of Justice of Bosnia and Herzegovina is authorized to receive and transmit requests for extradition from/to foreign judicial authority.</p> <p>Request for extradition shall be submitted through diplomatic channels (via Ministry of Foreign Affairs), when such way of communication is provided by International Treaty. In case of reciprocity and no International Treaty, requests for extradition shall be submitted through the diplomatic channels.</p> <p>In urgent cases, and when provided by International Treaty, Ministry of Justice may transmit and receive requests for extradition through the Interpol.</p>

Means of communication (e.g. by post, fax, e-mail <sup>1</sup> ):	<p>In principle by post.</p> <p>But, according to Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina, Article 4 Par 6 - when provided by International Treaty request for extradition may be submitted to the Ministry of Justice by electronic mail or by some other means of telecommunications that are leaving a written record, if the competent foreign authority is willing, at request, to deliver a written notice about method of sending the request and the original of the request.</p> <p>Encryption or electronic signature is not required.</p>		
Language requirements:	<p>In accordance with Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina, Article 35 Para 6, requests for extradition and attached documents must be supported by the translation into one of the official languages in Bosnia and Herzegovina (Bosnian, Croatian, Serbian).</p> <p>Where there is bilateral Agreement translation might not be needed.</p>		
Documentation required:	<p>Following documents, that are supporting request for extradition, are required:</p> <ul style="list-style-type: none"> <li>- means to determine identity of the of an accused or convicted person (detailed description, photographs, finger prints etc.);</li> <li>- certificate or other data on the citizenship of the person sought;</li> <li>- excerpt from the text of Criminal Act of the Requesting State concerning the offence for which extradition is claimed;</li> <li>- indictment or a verdict or a detention order or any other corresponding act, either in original or certified copy, containing all relevant information regarding criminal offence and identity of the offender, as well as evidence for the reasonable doubt.</li> </ul>		
Provisional arrest:	<table border="1" style="width: 100%;"> <tr> <td data-bbox="639 1933 1007 1968">Time limit for presentation</td> <td data-bbox="1007 1933 1382 1968">Request for extradition must</td> </tr> </table>	Time limit for presentation	Request for extradition must
Time limit for presentation	Request for extradition must		

<sup>1</sup> Please indicate if encryption or electronic signature is required.

	<p>of formal extradition request if the person is in provisional arrest</p>	<p>be submitted within 18 days since the day of detention, but competent judicial authority may extend this timeframe, upon request, up to 40 days.</p>
	<p>Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?</p>	<p>Yes, there is a need for an explicit request for the prolongation of the provisional arrest.</p>
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p><u>Normal extradition:</u></p> <p>Ministry of Justice of Bosnia and Herzegovina shall, without delay, forward received request for extradition with supporting documents to Prosecutor's Office.</p> <p>Prosecutor's Office shall question whether the request is submitted in accordance with relevant law provisions. If the request has some imperfections, Prosecutor's Office shall ask for their elimination. If the request is submitted in accordance with relevant law provisions, Prosecutor's Office shall forward it to Court of Bosnia and Herzegovina, on resolving. <b>It is important to mention that in Bosnia and Herzegovina only one Court decides about extradition request and that is Court of Bosnia and Herzegovina.</b></p> <p><u>Simplified extradition:</u></p> <p>Person whose extradition is sought may give consent to be surrendered to the Requesting State pursuant to the simplified extradition procedure, as well as waive the application of the Rule of Speciality. Thereby, person sought must be informed about possibilities and consequences of the simplified procedure. Consent and waiver shall be entered into the minutes before a Court of Bosnia and Herzegovina, and they have to be voluntarily. Also, consent and waiver are irrevocable.</p> <p>The Court shall inform Ministry of Justice of Bosnia and</p>	

	<p>Herzegovina about mentioned consent. Ministry of Justice shall then, without delay, notify the Requesting State, which is not obliged to deliver the request for extradition in this case.</p> <p>Simplified extradition procedure has equal effects of extradition and is subject to the same conditions. The Requesting State shall be warned about this.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>Detention on the basis of a request for a provisional arrest can be determinate in a period of 18 days. This timeframe may be extend, upon request of the requesting state, but in any case it can't be longer than 40 days.</p> <p>After receipt of the extradition request detention can last till the moment of execution of the decision on extradition, but no longer that six months since the day of detention.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>Request for mutual legal assistance can be executed only if criminal prosecution/execution of the criminal sanction is not excluded due to the statute of limitation, amnesty or pardon. Deadlines and conditions for statute of limitation, amnesty or pardon are determined by Criminal Code of Bosnia and Herzegovina, Criminal Code of Federation of Bosnia and Herzegovina, Criminal Code of the Republika Srpska and Criminal Code of Brčko Distrikt.</p> <p>According to the provisions of the above mentioned Criminal Codes statute of limitation does not apply to the criminal offence of genocide crime of aggression, crime against humanity, war crimes, or other criminal offences which pursuant to international law are not subject to the statute of limitations</p>
<p>Provisions concerning extradition of nationals:</p>	<p>Extradition shall not be allowed if the person sought is a national of Bosnia and Herzegovina. Where there is bilateral Agreement that regulates this issue, extradition might be approved.</p>

Surrender (e.g. deadlines):	<p>Competent authorities for enforcement of the decision on extradition are Bureau for Cooperation with Interpol (organization within the Ministry of Security of Bosnia and Herzegovina) and Border Police of Bosnia and Herzegovina.</p> <p>Bureau for Cooperation with Interpol shall agree with the Interpol of the requesting state on the place and time for surrender of the defendant or the convicted person. The surrender of the extradite is performed by Border police of Bosnia and Herzegovina, with assistance of the Bureau.</p> <p>Surrender shall be done within period of 30 days from the date when decision on extradition is made. This deadline may be extended up to 15 days on the express and justified request of the requesting state.</p> <p>If the requesting state, without justified reason, does not take over the extradite, within five days from the agreed date of surrender, the extradite will be released.</p>
Other particularly relevant information (such as, specific requirements concerning double criminality):	<p>Related to the judgments in absentia, extradition shall be granted only if requesting state gives guaranties in writing that the proceeding will be repeated.</p> <p>Extradition shall not be allowed if the offence for which extradition is claimed is not a criminal offence in both domestic law and the law of the state in which it was committed.</p>
Links to national legislation, national guides on procedure,	<p><a href="http://www.mpr.gov.ba">www.mpr.gov.ba</a></p> <p><a href="http://www.sudbih.gov.ba">http://www.sudbih.gov.ba</a></p>