

Bosnia and Herzegovina – national procedures for transfer of sentenced
persons
Updated 29/08/2014

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

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:</p>	<p>Ministry of Justice of Bosnia and Herzegovina Department for Mutual Legal Assistance and Cooperation Address: Trg BiH 1 Telephone: 0038733281556 Fax: 0038733 nikola.sladoje@mpr.gov.ba neven.kurtovic@mpr.gov.ba dragan.simic@mpr.gov.ba</p>
<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):</p>	<p>The request shall be sent to the Ministry of Justice. Details stated above.</p>
<p>If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):</p>	<p>- Ministry of Security of Bosnia and Herzegovina, Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, Sector for International operative police cooperation Department NCB INTERPOL SARAJEVO Address: Aleja Bosne Srebrene bb, Sarajevo - Border Police of Bosnia and Herzegovina Address: Reufa Muhica 2 A, Sarajevo Tel. 033/755-300, e-mail: granpol@granpol.gov.ba</p>

Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	Rogatory letter and other documents shall be submitted/received through the Ministry of Justice. When foreign county requests rogatory letter and other documents shall be submitted/received through diplomatic channels.
Means of communication (e.g. by post, fax, e-mail ¹):	By letter rogatory.

Language requirements:	In accordance with Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina, Article 3 Para 3, requests for legal assistance and documents must be supported by the translation into one of the official languages in Bosnia and Herzegovina (Bosnian, Croatian, Serbian). Translation must be certified by a court interpreter.
Documentation required:	Rogatory letter shall be accompanied by the original or certified transcript of the foreign criminal judgement; information about convicted person (citizenship, date of birth, residence etc); information about sentence – including information about time spent in custody and transcript of legal provisions that were applied.
Continued enforcement or conversion of the sentence ² :	In a case of transfer of sentenced persons judicial authorities apply the conversion of penalty procedure. Conversion of the sentence is done during deciding on request for transfer.

¹ Please indicate if encryption or electronic signature is required.

² In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	<p>Transfer of sentenced person or transfer of enforcement of penal sanction of foreign criminal court is possible only when it comes to penalties of imprisonment or other measure entailing deprivation of liberty.</p>
<p>General rules on early release:</p>	<p>In accordance with Criminal Code of Bosnia and Herzegovina the court may conditionally release convicted person who has served one half, exceptionally one third of his/her prison sentence, under condition that he/she refrain from committing new criminal offence until the expiry of the prison sentence. When deciding on conditional release, consideration shall be given to his/her conduct during service of their sentence, as well as other circumstances indicating that the purpose of punishment has been achieved.</p> <p>Persons convicted on sentence of long-term imprisonment may be conditionally released when they served three-fifths of the sentence.</p> <p>Also, Criminal Code sets the rules for amnesty and pardon. Parliamentary Assembly decides on amnesty and the Presidency of Bosnia and Herzegovina on pardon.</p>
<p>Scope of application with regard to transfer of mentally disordered persons:</p>	<p>Transfer of mentally disordered persons is not possible, because Bosnia and Herzegovina does not have adequate prison facilities. Those facilities are in preparation.</p>
<p>Scope of application with regard to nationals and/or residents:</p>	<p>According to Article 62 Paragraph 3 of the Law on mutual legal assistance in criminal matters of Bosnia and Herzegovina criminal sanction, presuming prison sentence, issued by the competent court of the requesting party can be executed in following cases:</p> <p>1) in case of a request of the foreign state, when convict is unavailable to that state, and is a citizen of Bosnia and</p>

	<p>Herzegovina and possess a residence in Bosnia and Herzegovina or just has a residence in Bosnia and Herzegovina;</p> <p>2) in case of a request of the Bosnia and Herzegovina's citizen who is serving a criminal sanction in form of a prison sentence in sentencing state for a transfer in Bosnia and Herzegovina.</p>
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Other particularly relevant information (such as practice regarding time limits or revocation of consent):	According to the Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina consent, once given, is irrevocable.
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Links to national legislation, national guides on procedure:	<p>www.mpr.gov.ba</p> <p>www.sudbih.gov.ba</p> <p>www.msb.gov.ba</p>
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Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	
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For Parties to the Additional Protocol	
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Information on the implementation of Article 2 (e.g. interpretation of "by fleeing to"):	
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Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	
Documentation required:	
Other relevant information:	