

Bosnia and Herzegovina – national procedures for mutual legal assistance in
criminal matters
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 mutual legal assistance:	<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>neven.kurtovic@mpr.gov.ba</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):	<p>The competent authority is the Ministry of Justice of Bosnia and Herzegovina, with contact information as stated above.</p>
Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):	<p>According to Article 4 of the Law on mutual legal assistance in criminal matters of Bosnia and Herzegovina (BiH Official Gazette, No.53/09) letters rogatory and supporting documents shall be transmitted to the national judicial authority through the Ministry of Justice of Bosnia and Herzegovina, and vice versa.</p> <p>In urgent cases, and when provided by International Treaty, Ministry of Justice may transmit and receive letters rogatory through the Interpol. Exceptionally, and when provided by International Treaty on force, domestic judicial authority may transmit letter rogatory directly to the foreign judicial authority. In both mentioned cases domestic judicial authority shall submit copy of the rogatory letter to the Ministry of Justice.</p> <p>The Ministry of Justice shall transmit and receive letters rogatory through diplomatic channels (via Ministry of Foreign Affairs) to/from foreign state when there is no</p>

	International Treaty in force on subject matter, as well as in cases when an International Treaty envisages use of special diplomatic channels.
Means of communication (e.g. by post, fax, e-mail ¹):	In principle by post. But, according to Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina, Article 4 Par 6 - when provided by International Treaty, letters rogatory 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 and the original of the 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. Where there is bilateral Agreement translation might not be needed.
Double criminality requirement, if applicable:	Double criminality is condition that applies to all forms of legal assistance in criminal matters. Thereby, legal name or type of crime is not important, it is important that the factual description indicates that it is an offence, or that the acts of committing are sanctioned as offence.
Limitation of use of evidence obtained:	Ministry of Justice of Bosnia and Herzegovina and competent judicial authorities shall, on a request of the foreign judicial authority, safeguard confidentiality of

¹ Please indicate if encryption or electronic signature is required.

	<p>information contained in the request for mutual legal assistance, except in the extent required for its execution.</p> <p>If it is not possible to safeguard confidentiality, Ministry of Justice of Bosnia and Herzegovina or competent judicial authority shall, without delay, inform about that fact foreign judicial authority.</p>
<p>Other particularly relevant information (e.g. documentation required for special types of assistance):</p>	<p>Rogatory letter for transfer of criminal prosecution shall be accompanied by the original or certified transcript of criminal files.</p> <p>Rogatory letter for execution of foreign criminal judgement 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.</p>
<p>Links to national legislation, national guides on procedure:</p>	<p>www.mpr.gov.ba</p> <p>www.sudbih.gov.ba</p>
<p>Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests</p>	