

Having regard to Article VI.2 (b) of the Constitution of Bosnia and Herzegovina, the Constitutional Court of Bosnia and Herzegovina, sitting in plenary session held on 23 July 2005, makes the following:

**RULES
OF THE CONSTITUTIONAL COURT
OF BOSNIA AND HERZEGOVINA**

I. GENERAL PROVISIONS

Article 1

These Rules of the Constitutional Court of Bosnia and Herzegovina (hereinafter: the Rules) shall, according to the Constitution of Bosnia and Herzegovina (hereinafter: the Constitution), govern the organization of the Constitutional Court of Bosnia and Herzegovina (hereinafter: the Constitutional Court), the proceedings before the Constitutional Court and other issues relevant for the activities of the Constitutional Court.

Article 2

The Constitutional Court shall be autonomous and independent of all other bodies in Bosnia and Herzegovina. No body in Bosnia and Herzegovina shall enact laws, other regulations and general acts that concern the activities of the Constitutional Court and its role prescribed by the Constitution.

Article 3

1. The Constitutional Court shall exercise its rights and obligations in accordance with the Constitution, these Rules and other acts.

2. The organization and functioning of the Constitutional Court shall be based on the principle of financial independence. The Constitutional Court shall be independent in allocating approved funds from the Budget of the institutions of Bosnia and Herzegovina pursuant to its annual budget and Law on Execution of the Budget.

Article 4

The seat of the Constitutional Court shall be at Sarajevo.

Article 5

The Constitutional Court shall have its seal and other symbols in accordance with the regulations of Bosnia and Herzegovina.

Article 6

Equal use of the languages and alphabets of the peoples of Bosnia and Herzegovina shall be secured in the work of the Constitutional Court.

II. GENERAL RULES OF PROCEDURE

Article 7

The Constitutional Court shall take decisions in the plenary sessions, the sessions of the Grand Chamber composed of five judges and the sessions of the Chamber composed of three judges.

Article 8

The plenary Court shall take decisions by the majority of votes of all members of the Constitutional Court on cases arising out of its competence under Articles VI.3 (a), VI.3 (c) and IV.3 (f) of the Constitution and cases arising out of its competence under Article VI.3 (b) which are included in the agenda of the session of the Constitutional Court, as well as decisions about other issues set forth in the Constitution and these Rules.

Article 9

1. The Grand Chamber shall take decisions on cases arising out of the competence of the Constitutional Court under Article VI.3 (b) of the Constitution which are not included in the agenda of the session of the plenary Court. The Grand Chamber shall take a unanimous decision in that regard. If a unanimous decision is not taken, the case shall be referred to the plenary Court and the draft decision amended pursuant to the proposal that received support from the majority of the members of the chamber.

2. The Grand Chamber shall be composed of judges elected by the competent Entity Legislature according to the order of precedence referred to in Article 98 of these Rules with one member rotating every month. The President of the Constitutional Court shall preside at the meetings of the Grand Chamber. In the event that he/she is unable to attend, he/she shall be replaced by one of the Vice-Presidents whom he/she shall designate.

Article 10

1. The Chamber shall be composed of the President of the Constitutional Court and two Vice-Presidents from among the judges elected by the competent Entity Legislature. The President of the Constitutional Court shall preside at the meetings of the Chamber.

2. The Chamber shall take unanimous decisions about requests for the adoption of interim measures and on the occasional appointment of Judge Rapporteurs to cases as well as their release from the cases.

Article 11

1. The work of the Constitutional Court shall be public.

2. The proceedings before the Constitutional Court shall be made accessible to the general public by means of:

- informing the public about the preparations and holding of the sessions of the Constitutional Court and public hearings before the Constitutional Court;
- providing information as to the course of the proceedings;

- issuing press releases to the media;

- holding press conferences;

- allowing the participants to the proceedings and other interested parties to have access to the case-files under consideration before the Constitutional Court, to be present at the public sessions of the Constitutional Court, unless the President of the Constitutional Court, in the interest of morality, public order or national security in a democratic society, decides otherwise or to attend other occasions in which the public is not excluded under these Rules;

- publishing decisions taken;

- publishing the Bulletin of the Constitutional Court composed of more important decisions, rulings and other acts;

- in any other way determined by the Constitutional Court.

Article 12

1. The public shall be excluded from the working sessions of the Constitutional Court, including the deliberation and voting sessions.

2. The public may also be excluded when the Constitutional Court deliberates and takes decisions about issues deemed to be confidential in accordance with the law and when this is required by reasons related to the protection of morality, public order, national security, the right to privacy or personal rights.

3. The exclusion of the public referred to in paragraph 2 of this Article shall not apply to parties to the proceedings.

Article 13

1. The press releases concerning the sessions and public hearings of the Constitutional Court (time, place and agenda) shall be posted on the notice-board and website of the Constitutional Court.

2. The press releases referred to in paragraph 1 of this Article shall, as a rule, be sent to the media and posted on the website of the Constitutional Court.

Article 14

1. The official languages in the proceedings before the Constitutional Court shall be those referred to in Article 6 of these Rules. Exceptionally, at the request of a participant to the proceedings who is a member of other peoples, the Constitutional Court may grant leave for the use of another language.

2. The Constitutional Court shall provide conditions for everyone to exercise the right referred to in paragraph 1 of this Article.

1. Participants to the Proceedings

Article 15

1. The participants to the proceedings shall be as follows:

- a. the initiators of proceedings referred to in Article VI.3 (a) of the Constitution and the enactors of the acts which are the subject of dispute;
- b. the parties to the proceedings that ended in a judgment/decision challenged and the court or body that rendered the challenged judgment/decision (Article VI.3 (b) of the Constitution);
- c. the Chair of the House of Peoples, in the event of a dispute arising under Article IV.3 (f) of the Constitution;
- d. the court that referred the issue to the Constitutional Court, and the enactor of the law on whose validity the court's decision depends (Article VI.3 (c) of the Constitution).

2. The Constitutional Court may, in each particular case, designate other participants in respect of whom the principle of adversarial procedure shall be applied.

3. The Constitutional Court, Judge Rapporteur or Registrar may request other bodies and organizations to submit expert opinions in writing or other information relevant to the decision of the Constitutional Court in each individual case. Written expert opinions or information shall not be taken into account after the expiration of the time-limit specified by the Constitutional Court in a particular request.

2. Requirements for Admissibility of Appeals Arising under Article VI.3 (b) of the Constitution

Article 16

1. The Court shall examine an appeal only if all effective remedies that are available under the law against a judgment or decision challenged by the appeal are exhausted and if the appeal is filed within a time-limit of 60 days as from the date on which the decision on the last effective remedy used by the appellant was served on him/her.

2. The Constitutional Court shall reject an appeal as being manifestly (*prima facie*) ill-founded when it establishes that the request of the party to the proceedings is not justified or when the presented facts do not in any way justify the allegation of a violation of the constitutional rights and/or when the Constitutional Court establishes that the party to the proceedings is not a “victim” of a violation of the constitutional rights, so that the examination of the merits of the appeal is superfluous.

3. Exceptionally, the Constitutional Court may examine an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution of Bosnia and Herzegovina or by the international documents applied in Bosnia and Herzegovina.

4. An appeal shall also be inadmissible in any of the following cases:

1. the Constitutional Court is not competent to take a decision;
2. the appeal is anonymous;
3. the appellant has withdrawn his/her appeal;
4. the time-limit for the appeal expired;
5. the appeal was lodged by an unauthorized person;
6. the Constitutional Court has already decided about the issue concerned and the statements or evidence from the appeal do not provide sufficient grounds for a new decision;
7. the appellant abused the right to file an appeal;
8. the legal circumstances have changed;
9. the appeal is *ratione materiae* incompatible with the Constitution;
10. the appeal is *ratione personae* incompatible with the Constitution;
11. the appeal is *ratione temporis* incompatible with the Constitution;
12. the appellant has previously initiated the same proceedings before the Human Rights Chamber for Bosnia and Herzegovina;
13. the appellant failed to supplement or specify the appeal within the given time-limit;
14. the appeal is premature;
15. the appellant did not exhaust all remedies available under the law.

3. Requirements for Admissibility of Requests Arising under Articles VI.3 (a), VI.3 (c) and IV. 3 (f) of the Constitution

Article 17

A request shall be inadmissible in any of the following cases

1. the Constitutional Court is not competent to take a decision;
2. the request is anonymous;
3. the applicant has withdrawn his/her request;
4. the request was filed by an unauthorized person;
5. the Constitutional Court has already decided about the issue concerned and the statements or evidence from the request do not provide sufficient grounds for a new decision;
6. the legal circumstances have changed;
7. the applicant failed to supplement or specify the request within the given time-limit;
8. the challenged general act is no longer in force.

4. Rules of Procedure

Article 18

1. Requests for institution of proceedings before the Constitutional Court shall be delivered to the Constitutional Court either by mail or in person.

2. The submission referred to in paragraph 1 of this Article shall be deemed to have been received on the day of its receipt by the Constitutional Court or on the date of the registered mail receipt.

Article 19

1. A request for institution of proceedings arising under Article VI.3 (a) of the Constitution shall contain:

- the title of the challenged act with the name and number of the official gazette in which it was published;
- the provisions of the Constitution deemed to have been violated;
- statements, facts and evidence on which the request is founded;
- the signature of an authorized person or applicant;

2. An appeal arising under Article VI.3 (b) of the Constitution shall contain:

- the challenged judgment of the court in Bosnia and Herzegovina;
- the provisions of the Constitution and/or international documents on human rights applicable in Bosnia and Herzegovina;
- statements, facts and evidence on which the appeal is founded;
- in the absence of challenged judgment/decision, reasons adduced for the appeal;
- the signature of the appellant or the submitter of the act.

3. The appeal referred to in paragraph 2 of this Article shall be filed on a special form available in the Registry Office of the Constitutional Court or on the website of the Constitutional Court. The form is attached to these Rules and it shall make an integral part thereof.

4. A request arising under Article VI.3 (c) of the Constitution shall contain:

- the law whose review of compatibility is requested and the official gazette in which it was published;
- the provisions of the Constitution, the European Convention on Human Rights and Fundamental Freedoms and Protocols thereto and the Laws of Bosnia and Herzegovina with which the law, which is the subject of review, must be compatible, or the existence or scope of some general rule of public international law which is pertinent to the decision of the Constitutional Court;
- statements, facts and evidence on which the request is founded;
- the signature of an authorized person.

5. The applicant/appellant shall be obligated to inform the Constitutional Court about all changes as to his/her address and the legal and factual issues regarding the request/appeal, occurred after he/she filed the request or lodged the appeal with the Constitutional Court.

6. In the event that the applicant/appellant has a legal representative, a power of attorney must be supplied.

Article 20

1. In the event that a request or appeal with the Constitutional Court is incomplete or it does not contain the information necessary for the conduct of the proceedings, the Registrar shall request that the applicant/appellant make the necessary corrections within a specified time-limit not exceeding 30 days. The appeal form and the instructions for filling in the form shall be sent to the applicant/appellant.

2. If the applicant/appellant fails to make the necessary corrections within the time-limit referred to in paragraph 1 of this Article, the request/appeal shall be rejected.

Article 21

When the Constitutional Court reviews the procedural regularity of a proposed decision referred to in Article IV.3 (f) of the Constitution, a certified copy of the decision supported by the explanation of the procedure shall be enclosed with the request.

Article 22

1. The Constitutional Court shall send the request for institution of proceedings or the appeal to the enactor of the challenged act for the purpose of giving the latter an opportunity to reply or submit documents.

2. The Constitutional Court shall submit the appeal to the respondent party to the proceedings that resulted in the judgment/decision challenged by the appeal, for the purpose of giving that party an opportunity to submit a reply.

3. Failure to submit a reply shall not affect the course of the proceedings before the Constitutional Court.

4. In case of rejection of an appeal, the Constitutional Court may take a decision without previously submitting the appeal to the respondent party for the purpose of submitting a reply.

Article 23

1. The President of the Constitutional Court, the Secretary General of the Constitutional Court and the Registrar shall be informed about a request for institution of proceedings or appeal.

2. The chambers and the plenary Court shall deliberate and decide cases on the basis of a draft decision prepared by Judge Rapporteur and the Secretariat of the Constitutional Court (hereinafter: the Secretariat) insofar as decisions on admissibility are concerned.

Article 24

1. After the examination of admissibility in accordance with Articles 16 and 17 of these Rules, Judge Rapporteurs shall be designated. As a rule, the cases shall be assigned to the judges in an alphabetical order of their surnames. A list of assigned cases shall be submitted to the Judge Rapporteurs at least once a month.

2. The cases concerning the same factual and legal issues may be assigned to a single Judge Rapporteur by a decision of the President of the Constitutional Court..

3. The chamber deciding on a case may, on a proposal of Judge Rapporteur, decide on his/her release from the case.

4. The Constitutional Court may determine, given the nature of the case in question, to employ an expedited procedure. The expedited procedure shall be obligatory in cases concerning the requests filed on grounds of Article IV. 3 (f) of the Constitution, electoral rights and interim measures.

Article 25

The Judge Rapporteur or the Registrar shall fix a time-limit for submission of replies to the statements from the request/appeal.

Article 26

1. Participants to the proceedings shall have the right to inspect the case-files of the Constitutional Court. This right may also be granted to other interested parties.

2. A request/appeal and a reply thereto shall be sent to the participants to the proceedings.

3. Inspection of the draft decisions, rulings and other acts prepared for decision-making, as well as documents designated as confidential in accordance with Article 12 of these Rules shall be denied.

4. Inspection of the case-files shall be approved by the Secretary General of the Constitutional Court. It shall be carried out in the official premises of the Constitutional Court and in the presence of an authorized employee of the Constitutional Court.

Article 27

1. Participants to the proceedings and other interested parties may request copies of documents from the case files with the exception of those which shall not be made available in accordance with Article 26 paragraph 3 of these Rules.

2. The persons referred to in paragraph 1 of this Article shall bear the copying costs.

3. Making copies of documents from the case-files shall be approved by the Secretary General of the Constitutional Court. It shall be carried out in the official premises of the Constitutional Court.

Article 28

1. The Constitutional Court shall deliberate and take decisions on the basis of a draft decision.

2. Draft decision on the merits of a case shall contain:

- a. Introduction;
- b. Operative provisions;
- c. Reasons;
- d. Conclusion.

3. Introduction shall contain the following: constitutional grounds and relevant provisions of the Rules; the designation: "Constitutional Court of Bosnia and Herzegovina"; case number, the name or the designation of the applicant or appellant; the composition of the deciding body (the names of the judges who participated in the decision-making according to the order referred to in Article 98 of these Rules without stating their academic titles); the date of the session and the type of the decision.

4. Operative provisions shall contain the following: decision of the Constitutional Court in the matter concerned and information as to whether that decision shall be published in the official gazettes.

5. Reasons adduced for the decisions taken on the basis of Article VI.3 (b) shall contain the following: introduction; proceedings before the Constitutional Court; facts of the case; appeal - (a) statements from the appeal; (b) statements from the reply to the appeal; relevant domestic law; admissibility; merits and conclusion.

6. Reasons adduced for the decisions taken on the basis of Article VI.3 (a), VI.3 (c) and IV.3 (f) shall contain the following: introduction; proceedings before the Constitutional Court; request - a) statements from the request; b) statements from the reply to the request; relevant domestic law; admissibility; merits and conclusion.

7. Reasons adduced for the other draft decisions of the Constitutional Court shall contain relevant components, depending on the type of the decision concerned.

Article 29

1. Information about the course of the proceedings pending before the Constitutional Court shall be given by the President of the Constitutional Court or the Registrar of the Constitutional Court.

2. No person shall have the right to request information regarding the Judge Rapporteur and the legal advisor assigned to the case, or any other information pertaining to taking of the decision in the case concerned.

Article 30

Acts of the Constitutional Court, summonses and other documents shall be served on the persons they refer to either by registered mail or in person with a delivery slip.

Article 31

1. When the Constitutional Court receives several requests within its competence concerning the same matter, the chamber that decides on the case shall, as a rule, take a decision on the joinder of cases in which the Constitutional Court or the Chambers shall conduct one set of proceedings and take a single decision.

2. Requests shall not be joined, as referred to in paragraph 1 of this Article, if this would prolong the proceedings to a considerable extent.

Article 32

During the decision-making procedure, the Constitutional Court shall examine only those violations that are stated in the request/appeal.

Article 33

At the request of the Constitutional Court, the institutions of Bosnia and Herzegovina, the Entity institutions, legal and natural persons and others shall be obligated to submit data and information necessary for the work of the Constitutional Court. They shall also be obligated to carry out, on a directive of the Constitutional Court, actions relevant for the proceedings in question.

5. Sessions of the Constitutional Court

Article 34

1. Sessions of the Constitutional Court sitting in chambers and in plenary shall be held as necessary.

2. Sessions of the Constitutional Court shall, as a rule, be held at the seat of the Constitutional Court. However, the Constitutional Court may decide to hold its sessions outside the seat.

Article 35

1. The sessions of the plenary Court shall be attended by the judges, the Secretary General of the Constitutional Court, the Registrar and the person responsible for public relations.

2. The sessions of the chambers shall be attended by the judges, the Registrar and the person responsible for public relations. The President of the Constitutional Court or the President of one of the chambers may decide on the attendance of the Secretary General and other qualified persons at the session.

3. The sessions of the Constitutional Court sitting in plenary or in chambers may be attended by the legal advisor who worked on the case deliberated on at the session and by other qualified persons designated by the President of the Constitutional Court or the President of one of the chambers.

4. The Assistant Secretary General of the Constitutional Court may attend sessions of the plenary Court or the chambers if administrative and financial issues are to be discussed.

Article 36

1. The President of the Constitutional Court or the President of one of the chambers shall convene a session, propose agenda and chair the session of the plenary Court or the chambers. The President of the Constitutional Court may authorize one of the Vice-Presidents to preside at the meetings of the Chambers.

2. The President of the Constitutional Court or the President of the chambers shall convene a session when:

- the plenary Court or one of the chambers decide to hold a session;

- a judge requests a session to discuss matters arising under the jurisdiction of the Constitutional Court;
- a working body of the Constitutional Court or one of the chambers requests that a session be held.

3. The President of the Constitutional Court or the President of one of the chambers shall propose the agenda and chair the sessions.

4. Any judge may propose amendments to the session's agenda.

5. The agenda of the session shall be determined by the plenary Court or the Chambers.

6. The President of the Constitutional Court shall convene an extraordinary session in the event that:

- the plenary Court or the chambers decide to hold a session;
- a judge requests a session of the plenary Court to discuss matters arising under the jurisdiction of the Constitutional Court.

7. In the event referred to in paragraph 2 item 2 and paragraph 6 item 2 of this Article, a request in writing supported by an explanation shall be submitted to the President of the Constitutional Court.

Article 37

1. The summonses for a session of the plenary Court, the case-files and other documents to be deliberated on that session shall be submitted to the judges not later than eight days before the session.

2. The Secretariat shall make timely submissions of draft decisions to the Judge Rapporteurs in cases to which they are assigned.

3. Exceptionally, in urgent cases, the invitation for a session of the plenary Court and the chambers, case-files and other documents to be deliberated on at that session may be submitted within a shorter period.

4. The Judge Rapporteur shall approve the draft decision to be presented at the session of a chamber by either signing his initials thereon or by supplying a written note.

Article 38

1. The Judge Rapporteur shall, prior to the deliberation and voting regarding a particular case on the agenda of the session of the plenary Court or the Grand Chamber, outline a brief account of the facts and legal issues of the case relevant for the deliberation and decision-making and he or she shall give a proposal of the decision.

2. The Judge Rapporteur may request that the Registrar present the facts of the case and provides information as to the relevant domestic law and constitutional jurisprudence.

3. If a legal advisor is present at the session of the plenary Court or the chambers, he or she may answer questions with regard to the facts of the case being the subject of deliberation and provide information on the relevant domestic laws which are significant for the case.

4. After the presentation of the Judge Rapporteur or the Registrar, the floor shall be given to the judges in the order in which they asked permission to speak.

5. The Secretary General of the Constitutional Court may also take part in the deliberation referred to in paragraph 1 of this Article.

Article 39

The Constitutional Court may adjourn or discontinue the deliberation of a case for the purpose of obtaining new data and information or for any other purpose.

Article 40

1. Following the deliberation of a case, the plenary Court or the chambers shall take a decision.

2. The decisions of the plenary Court shall be taken by the majority of votes of all nine judges of the Constitutional Court.

3. The decisions of the Grand Chamber shall be taken unanimously.

4. The decisions of the Chamber shall be taken unanimously.

5. The voting shall be taken by a show of hands.

6. The Constitutional Court may decide to take a decision by secret ballot.

7. The voting shall be taken in the order in which the proposals were presented. Before the voting is taken, the preliminary voting on a draft decision or parts of it may be taken. The proposal that receives the majority in the preliminary voting shall be the first proposal on which a vote shall be taken in accordance with paragraph 1 of this Article.

8. In other events, the proposal of the Judge Rapporteur shall be considered to be the first proposal on which a vote shall be taken, unless he/she makes a different proposal.

Article 41

1. The judges shall not abstain from voting.

2. Any judge who has taken part in the deliberation of the case shall be entitled to state his/her opinion, concurring with or dissenting from the decision, or a bare statement of dissent or joining a separate opinion.

3. Any judge shall have the right and obligation to present and explain reasons for his/her separate opinion in writing within 15 days.

4. A separate opinion of a judge shall be attached to the minutes of the session and enclosed with the case-file. This shall be duly noted in the rendered decision and ruling.

5. A separate opinion shall be annexed to the decision. This decision, together with the separate opinion, shall be published in official gazettes and the Bulletin of the Constitutional Court.

Article 42

1. Only the judge who was present at the session at which the deliberation of the case to be decided about was completed may participate in taking of the decision of the Constitutional Court.

2. A session of the plenary Court shall be adjourned if no judges from one of the constituent peoples are present. If the same situation occurs again without a justified reason, the next session shall be held.

Article 43

1. The sessions of the plenary Court and chambers shall be recorded.

2. The Minutes of a session of the plenary Court and the chambers shall be taken.

3. A shorthand or tape recording shall be attached to the Minutes and it shall make an integral part thereof.

Article 44

1. The Minutes of a session of the Constitutional Court shall contain the following:

- the date of the session;
- the names of judges who are present and those who are absent;
- the names of other persons present at the session;
- the subject of deliberation and decision-making procedure;
- the operative provisions of the decision taken;
- the results of voting indicating the judges who voted against the decision or delivered a separate opinion;
- other conclusions reached with regard to the deliberation of the case.

2. If the public is excluded from a session or part of it, this shall be also noted in the Minutes.

Article 45

1. As a rule, the Minutes of a session of the Constitutional Court shall be adopted at the next session.

2. The verified Minutes of the session of the plenary Court shall be signed by the President of the Constitutional Court or Vice-President of the Constitutional Court and the Secretary General of the Constitutional Court whereas the verified Minutes of the sessions of the chambers shall be signed by the President of one of the chambers and the Registrar.

3. The Minutes shall make an integral part of the archives of the Constitutional Court and they shall be safeguarded in accordance with the Law on Archives.

4. The use of a shorthand or tape recording shall be regulated more closely by a special decision of the Constitutional Court.

6. Public Hearing

Article 46

1. If it becomes necessary during the proceedings before the Constitutional Court to discuss an issue relevant for taking of a decision, the plenary Court shall hold a public hearing.

2. The plenary Court shall take a decision on the need to hold a public hearing.

Article 47

1. Participants to the proceedings shall be invited to attend the public hearing.

2. If necessary, the Constitutional Court shall also invite persons who may submit expert opinions and statements relevant for taking of a decision.

3. The Constitutional Court shall decide whether to invite the persons referred to in paragraph 2 of this Article on a proposal of the Judge Rapporteur.

Article 48

1. The summonses to attend a public hearing and the necessary materials shall be served not later than eight days prior to the public hearing.

2. Exceptionally, the summonses to attend a public hearing may be served within a shorter period.

Article 49

1. Public hearings shall be held at the seat of the Constitutional Court.

2. In the event of special reasons, the Constitutional Court may decide to hold a public hearing outside its seat.

Article 50

The absence of participants to the proceedings at a public hearing shall not prevent the Constitutional Court from holding the public hearing and taking a respective decision.

Article 51

1. When necessary, the Constitutional Court may adjourn or discontinue a public hearing in order to obtain the necessary data and information or for other justified reasons.

2. In situations referred to in paragraph 1 of this Article, the President of the Constitutional Court shall inform the participants to the proceedings and other summoned persons as to when the public hearing shall be held or resumed.

Article 52

1. The President of the Constitutional Court shall open a public hearing and announce the subject matter of the hearing.

2. The Secretary General of the Constitutional Court shall inform the Constitutional Court as to the presence of the participants to the proceedings and other persons summoned.

Article 53

1. At the public hearing, a Judge Rapporteur shall outline the facts and the disputable legal issues relevant for the deliberation, without stating his/her position on taking of a decision.

2. Following the statement of the Judge Rapporteur, participants to the proceedings shall present and support their positions and give replies to the statements made at the hearing while other summoned persons shall present their opinions of significance for the clarification of the factual situation.

Article 54

1. The President of the Constitutional Court shall maintain the order at a public hearing.

2. In maintaining order, he/she may:

- warn any person who disturbs the order;
- take the floor away from a person offending the Constitutional Court or someone else or who is abusing the floor given to him/her in any other way;
- evict from the public hearing any person who, although warned, continues to disturb the course of the public hearing.

Article 55

When the presentations of the participants to the proceedings and other invited persons are completed and there are no questions for clarification of any issue relating to the case, the President of the Constitutional Court shall conclude the public hearing and inform the participants to the proceedings and other invited persons of the time and manner of announcement of the decision of the Constitutional Court.

Article 56

1. The Constitutional Court shall, in principle, hold a session for deliberation and voting immediately upon the conclusion of a public hearing.

2. In the proceedings for deliberation, the Judge Rapporteur shall be the first to present his or her opinion and position on the case at issue.

3. Following the statement of the Judge Rapporteur, the judges shall present their opinions and positions in the order in which they requested the floor.

4. After the completion of the deliberation, the voting shall be taken.

5. The sessions for deliberation and voting shall be attended by the judges who participated in the public hearing, the Secretary General, the Registrar, the recording secretary and the person responsible for public relations.

Article 57

1. After the deliberation and voting session, the President of the Constitutional Court shall, as a rule, announce the decision of the Constitutional Court and indicate principal reasons for taking that decision.

2. The decision of the Constitutional Court shall be served on participants to the proceedings within 30 days as from the date on which it was taken.

Article 58

1. Minutes of a public hearing shall be taken.

2. The Minutes of a public hearing shall include information referred to in Article 44 of these Rules.

3. If there was no shorthand or taped recording of a public hearing, the Minutes shall include a summary of the statements of the participants to the proceedings and of other persons present.

4. The written statement of the Judge Rapporteur as well as the statements of participants to the proceedings and other persons present, who may submit their written statements to the Constitutional Court, shall be attached to the Minutes of the public hearing.

7. Acts of the Constitutional Court

Article 59

1. Following the deliberation and voting, the Constitutional Court shall take decisions.
2. The Constitutional shall take the following decisions:
 - on admissibility of a request/appeal;
 - on the merits of a request/appeal (full or partial);
 - on repeal of a provision which is incompatible with the Constitution;
 - on termination of the proceedings;
 - on an interim measure.
3. If need be, the Constitutional Court may render rulings and conclusions in both proceedings before the Constitutional Court and on the internal matters of the Constitutional Court.

Article 60

The Constitutional Court shall take a decision on admissibility when rejecting a request/appeal in accordance with the conditions laid down in Articles 16, 17 and 20 of these Rules.

Article 61

1. The Constitutional Court shall take a decision on the merits of a case when granting or rejecting a request/appeal.
2. The Constitutional Court shall grant a request/appeal when, in accordance with its competences arising under Articles VI.3 (a), VI.3 (b) it establishes a violation of the Constitution, or in accordance with its competence arising under Article VI.3 (c) it establishes a violation of the Constitution and laws of Bosnia and Herzegovina or if it establishes incompatibility as to the existence or the scope of a general rule of public international law pertinent to the decision of the Constitutional Court.
3. The Constitutional Court shall reject a request/appeal when, in accordance with its competence under Articles VI.3 (a) and VI.3 (b), it establishes that there is no violation of the Constitution or there is no violation within the meaning of the competence of the Constitutional Court arising under Article VI.3 (c) of the Constitution.
4. The Constitutional Court shall grant a request when it establishes that the procedural regularity of the request was observed when it was filed in accordance with Article IV.3 (f) of the Constitution.

5. The Constitutional Court shall dismiss a request when it establishes that the procedural regularity of the request was not observed when it was filed in accordance with Article IV.3 (f) of the Constitution.

Article 62

The Constitutional Court may take a partial decision if a request contains several issues and if the nature of the case in question makes that possible.

Article 63

1. The Constitutional Court shall, in the decision granting a request, decide on its legal effect (*ex tunc, ex nunc*).

2. In a decision establishing incompatibility under Article VI.3 (a) and VI.3 (c), the Constitutional Court may quash the general act or some of its provisions, partially or entirely.

3. The quashed general act or its quashed provisions shall cease to be in force on the first day following the date of publication of the decision in the Official Gazette of Bosnia and Herzegovina.

4. Exceptionally, the Constitutional Court may by its decision establishing the incompatibility under Article VI.3 (a) and VI. 3 (c) of the Constitution, grant a time-limit for harmonization, which shall not exceed six months.

5. If the established incompatibility is not removed within the time-limit referred to in paragraph 4 of this Article, the Constitutional Court shall, by a further decision, declare that the incompatible provisions cease to be in force.

6. The incompatible provisions shall cease to be in force on the first day following the date of publication of the decision referred to in paragraph 4 of this Article in the Official Gazette of Bosnia and Herzegovina.

Article 64

1. In a decision granting an appeal, the Constitutional Court shall quash the challenged decision and refer the case back to the court or to the body which took that decision, for renewed proceedings. If the law regulating the competence for acting in the respective legal matter was amended prior to taking of a decision by the Constitutional Court, the court or the body which took the quashed decision is obligated to refer the case to the competent court or body without delay.

2. Exceptionally, if the Constitutional Court finds that an appeal is well-founded, it may depending on the nature of the constitutionally established rights and fundamental freedoms, decide on the merits of a case and refer the decision to the competent body in order for that body to secure the appellant's constitutional rights that have been violated.

3. The Constitutional Court may decide on the merits referred to in paragraph 2 of this Article only if an opportunity was given to the other party to the proceedings to present its views under Article 22 paragraph 2 of these Rules.

4. In reasons adduced for its decision, the Constitutional Court shall specify which constitutional right has been violated and it shall give an explanation of the violation.

5. The court or the body whose decision has been quashed is obligated to take another decision and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the rights guaranteed under the Constitution and the fundamental freedoms of the appellant.

6. The proceedings before the court or before the body referred to in paragraph 5 of this Article shall be expedited.

Article 65

1. The Constitutional Court shall take a decision on terminating the proceedings when during the proceedings:

1. the unconstitutionality of the challenged act is removed;
2. the challenged general act ceases to be in force;
3. the appellant died or, in case when the appellant is a legal person, the appellant no longer exists;
4. the prerequisites for the proceedings to be conducted no longer exist or the Constitutional Court establishes that it would be irrelevant to proceed with further procedure provided that human rights are respected.

2. In cases referred to in items 1 and 2 of paragraph 1 of this Article, the Constitutional Court shall continue proceedings if there is a manifest violation of the provisions of Article II of the Constitution or if the consequences of the violation of the rights and fundamental freedoms have not been removed and, in case referred to in item 3 of paragraph 1 of this Article, if the heir or legal successor submits a request in writing to charge oneself with the continuation of the proceedings within 30 days from the date of death or cessation of the existence of the legal person or change of its status.

Article 66

A decision on the adoption of an interim measure shall be taken in the cases referred to in Article 77 of these Rules.

Article 67

Everyone whose right was violated by a final or legally binding individual act, which was issued in accordance with provisions that ceased to be in force within meaning of Article 63 of these Rules, shall have the right to request the competent body to alter that individual act

while the competent body is obligated to renew proceedings and harmonize the act with the decision of the Constitutional Court.

Article 68

A request for altering a final or legally binding act referred to in Article 67 of these Rules, may be filed within six months as from the date of the publication of the decision in the Official Gazette of Bosnia and Herzegovina, provided that not more than five years have elapsed between the enactment of the act and the decision of the Constitutional Court.

Article 69

1. The Constitutional Court shall examine draft decisions at the sessions of the plenary Court, the Grand Chamber or the Chamber.

2. The proofreading of the text of the decision shall be carried out by the Editorial Commission.

3. The President of the Editorial Commission and the Registrar shall confirm the final texts of all decisions by their respective signatures.

4. The decisions to be published shall be proofread and published in all three official languages of Bosnia and Herzegovina, whereas more significant decisions shall be translated into the English language after being proofread.

5. The decisions and rulings not to be published shall be served on parties in the language and alphabet of Bosnia and Herzegovina requested.

8. Request for Revision

Article 70

1. A party may, in the event of the discovery of a fact which might by its nature have a decisive influence on the outcome of the dispute concerned and which, when a decision was taken, was unknown to the Constitutional Court and could not reasonably have been known to the party referred to in Article 15 paragraph 1 item (b) of these Rules, request the Constitutional Court, within a period of six months after that party acquired knowledge of the fact, to revise that decision.

2. The request referred to in paragraph 1 of this Article shall mention the decision of which revision is requested and shall contain the information necessary to show that the conditions laid down in paragraph 1 of this Article have been complied with. It shall be accompanied by all supporting documents. The request and supporting documents shall be filed with the Office of the Registrar.

3. A judge may, on his or her own motion, submit in writing the reasoned request referred to in paragraph 1 of this Article.

4. A request for revision of a decision shall first be examined by the Office of the Registrar which shall forward the request to the original Chamber that took the decision whose revision is requested, accompanied by a draft decision. Where it is not possible to constitute the original Chamber, the President of the Constitutional Court shall decide on the manner in which the Chamber shall be composed.

5. The original Chamber may decide to refuse the request on the ground that there is no reason to warrant considering it. In such event, the Office of the Registrar shall inform the applicant in writing.

6. If the original Chamber does not refuse the request, the subject of revision shall be examined in accordance with the rules applicable in regular proceedings before the Constitutional Court.

7. If the Grand Chamber as the original chamber fails to take a decision, the request shall be referred to the Constitutional Court sitting in plenary session.

8. The revision of a decision of the Constitutional Court shall not be possible if more than one year elapsed as from the date on which that decision was taken.

Article 71

1. The original decision of the Constitutional Court shall be signed by the President and the Registrar. The decision shall be published with the signature of the President of the Constitutional Court only.

2. A legal advisor shall, through the Registrar, submit the decisions to the President of the Constitutional Court for his or her signature.

3. The Secretary General of the Constitutional Court shall certify copies of the decisions.

Article 72

1. If the original decision contains clerical errors or if the published text is not identical to the original, the Secretary General of the Constitutional Court shall rectify the errors based on a conclusion of the Constitutional Court.

2. The rectification shall be submitted to the participants to the proceedings and it shall be published in the same manner as the decision.

Article 73

1. The decisions of the Constitutional Court on the merits shall be published in the Official Gazette of Bosnia and Herzegovina and official gazettes of the Entities and the Brcko District of Bosnia and Herzegovina.

2. The Constitutional Court may decide to publish other decisions in the manner referred to in paragraph 1 of this Article.

3. A decision on appeal, published according to paragraphs 1 and 2 of this Article, shall contain the names of the appellant or legal person and other parties to the proceedings referred to in Article 22 paragraph 2 of these Rules, unless otherwise requested by the appellant or the respondent party during the proceedings before the Constitutional Court.

9. Enforcement of Decisions

Article 74

1. The decisions of the Constitutional Court shall be final and binding. Every physical and legal person shall be obligated to respect them.

2. All bodies shall be obligated to enforce the decisions of the Constitutional Court within their competences established by the Constitution and law.

3. Every person who has a legal interest may seek enforcement of a decision of the Constitutional Court.

4. The Constitutional Court may specify in its decision the manner of and time-limit for the enforcement of the decision of the Constitutional Court.

5. Within the time-limit referred to in paragraph 4 of this Article, the body obligated to enforce the decision of the Constitutional Court shall be obligated to submit information about the measures taken to enforce the decision of the Constitutional Court, as required by the decision.

6. In the event of a failure to enforce a decision, or a delay in enforcement or in giving information to the Constitutional Court about the measures taken, the Constitutional Court shall render a ruling in which it shall establish that its decision has not been enforced and it may determine the manner of enforcement of the decision. This ruling shall be transmitted to the competent prosecutor or another body competent to enforce the decision, as designated by the Constitutional Court.

Article 75

Enforcement of final or legally binding individual acts which have been enacted in accordance with the provisions that ceased to be in force pursuant to Article 63 of these Rules can neither be ordered nor carried out. The enforcement shall be discontinued in the event it has commenced.

Article 76

1. If it is established that the consequences of the application of provisions which were declared incompatible cannot be remedied by altering an individual act, the Constitutional Court may, at the request of an interested party, decide to remedy the consequences by ordering *restitutio in integrum*, compensation of damage or in any other way.

2. In a decision granting an appeal, the Constitutional Court may exceptionally award compensation for non-pecuniary damages on the appellant's request.

10. Interim Measures

Article 77

1. The Chamber may, at the request of an applicant or appellant, adopt any interim measure it deems necessary in the interest of the parties or the proper conduct of the proceedings before the Constitutional Court.
2. Exceptionally, the President of the Constitutional Court may, if it is not possible to convene the Chamber, adopt an interim measure such as is referred to in paragraph 1 of this Article.
3. The Constitutional Court sitting in plenary or the Grand Chamber may, on its own initiative or initiative of the party, adopt an interim measure such as is referred to in paragraph 1 of this Article.
4. A decision on an interim measure such as is referred to in paragraph 1 of this Article shall be submitted immediately to the enactor of the challenged act and to the parties to the proceedings.
5. The Chamber or the President of the Constitutional Court, if they find it appropriate, may also decide to transmit a decision on a measure such as is referred to in paragraph 1 of this Article to other bodies.
6. The decision on an interim measure such as is referred to in paragraph 1 of this Article shall elicit legal effect until the plenary Court or the Grand Chamber takes a different decision.
7. The Chamber or the President of the Constitutional Court may request information from the parties on every issue relating to an interim measure.
8. The proceedings concerning the adoption of an interim measure shall be expedited and a decision granting a request for the adoption of an interim measure shall be binding until the Constitutional Court takes a final decision.

11. Special Provisions

Article 78

1. If summons, decisions or rulings of the Constitutional Court cannot be served for any reason on the participants to the proceedings, except requests for a reply referred to in Article 22 paragraph 2 of these Rules, the service shall be effected by posting summons, decisions or rulings on the notice-board of the Constitutional Court.
2. The submission shall be considered effected upon expiration of eight days after summons, decisions or rulings have been posted on the notice-board of the Constitutional Court.

Article 79

The Constitutional Court shall decide in each individual case on any issue regarding the proceedings before the Constitutional Court not regulated by these Rules.

III. ORGANIZATION OF THE CONSTITUTIONAL COURT

1. Rights and Obligations of the Constitutional Court

Article 80

1. In addition to its functions exercised in accordance with the provisions of the Constitution, the Constitutional Court shall also decide on:

- the election of the President and Vice-Presidents;
- the status and immunity rights of the President and judges;
- the internal organization of the Constitutional Court and the Secretariat of the Constitutional Court;
- the working bodies of the Constitutional Court;
- status issues of the Secretary General of the Constitutional Court, the Registrar, Head of the Office of the President, the Assistant Secretary General of the Constitutional Court, the legal advisor to a judge and a legal advisor to the President of the Constitutional Court for international relations;
- the work schedule of the Constitutional Court and its execution;
- the financial needs of the Constitutional Court;
- adoption of the annual budget;
- other issues within the competence of the Constitutional Court.

2. In the exercise of its financial independence, the Constitutional Court shall:

- draw up a draft budget required for the carrying out of the Constitutional Court's competences and submit it to the Presidency of Bosnia and Herzegovina for the purpose of having it included in the Draft Budget pursuant to Article VIII of the Constitution;
- adopt a financial plan for the Constitutional Court in which it plans and takes decisions on the expected revenues and expenditures in the current year;
- adopt an annual budget;

- decide on the use of grants and other sources of revenues.

Article 81

1. In addition to the President of the Constitutional Court and the judges, the Secretary General of the Constitutional Court and the Registrar shall also attend the sessions of the Constitutional Court when matters under Article 80 of these Rules are being decided upon.

2. In the event that the issue referred to in paragraph 1, lines 3, 4, 6, 7 and 8 and paragraph 2 of Article 80 of these Rules are discussed, the Assistant Secretary General of the Constitutional Court and the professional persons designated by the President of the Constitutional Court shall also attend the sessions of the Constitutional Court.

Article 82

1. The Constitutional Court shall co-operate with other constitutional courts.
2. The Constitutional Court may organize and participate at the meetings and conferences when issues of interest to the work of the Constitutional Court are discussed.

2. President of the Constitutional Court and Judges

Article 83

1. The judges of the Constitutional Court shall be elected in accordance with Article VI.1 of the Constitution.
2. The judges shall be distinguished lawyers of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court for Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighbouring states.
3. Each judge shall act in the Constitutional Court in his or her own capacity.

Article 84

The Constitutional Court shall elect its President and Vice-Presidents from among the judges.

Article 85

Before taking up office, each elected judge shall, at the first sitting of the plenary Court at which the judge is present or in case of need, before the President of the Constitutional Court, take the following oath or make the following solemn declaration:

“I solemnly declare that in the performance of my function as Judge of the Constitutional Court of Bosnia and Herzegovina, I will uphold the Constitution and Laws of Bosnia and Herzegovina and that I will exercise my functions as a judge honorably and impartially and that I will keep secret all deliberations.”

Article 86

1. The Constitutional Court shall elect its President by secret ballot by the majority of all judges.
2. If no judge receives the majority in the first round of voting, ballot shall take place between the two judges who have received most votes and the judge who receives more votes in the second round of voting shall be elected.
3. Lots shall be drawn in the event that no judge receives a majority of votes in the second round of voting.

Article 87

The President of the Constitutional Court shall be elected by rotation of the judges from among the constituent peoples of Bosnia and Herzegovina. He/she may not be a member of the same constituent people in two consecutive terms.

Article 88

1. The term of office of President of the Constitutional Court shall be three years and it shall commence upon election.
2. If a President of the Constitutional Court ceases to be a member of the Constitutional Court or resigns from office before the end of his/her regular term of office, the plenary Court shall elect a successor for the remainder of the term of office from among the members of the same constituent people.

Article 89

The President of the Constitutional Court shall organize, direct and supervise the activities of the Constitutional Court, convene and chair the sessions and public hearings, represent the Constitutional Court, sign the decisions of the Constitutional Court, be responsible for co-operation with other institutions, issue individual acts and carry out other duties specified in these Rules and other acts of the Constitutional Court.

Article 90

1. The Constitutional Court shall elect three Vice-Presidents at the same session when President of the Constitutional Court is being elected.
2. The Vice-Presidents of the Constitutional Court shall be elected from among all judges.
3. The President of the Constitutional Court and Vice-Presidents of the Constitutional Court shall not be members of the same people.
4. The term of office of the Vice-Presidents of the Constitutional Court shall be the same as that of President of the Constitutional Court.

5. The voting for the Vice-Presidents shall be carried out in the same manner as for the President of the Constitutional Court.

6. The provisions of Article 88 paragraph 2 of these Rules shall also apply to the Vice-Presidents of the Constitutional Court.

Article 91

1. In the event of his/her absence or prevention, the President of the Constitutional Court shall designate a Vice-President to act on his/her behalf.

2. In the event that the President of the Constitutional Court is unable to designate a Vice-President to represent him or her, the Constitutional Court shall determine which of the elected Vice-Presidents shall represent the President of the Constitutional Court within the meaning of paragraph 1 of this Article.

Article 92

1. Each judge shall have the right and obligation to participate in the work and decision-making by the Constitutional Court and those of its working bodies of which he or she is a member.

2. In the event that at least two judges reside in the area outside the seat of the Constitutional Court, the Constitutional Court may decide to establish an office at the place of their residence.

Article 93

1. The President of the Constitutional Court or a judge shall not participate in the work and the decision-making process relating to a request for institution of proceedings or an appeal if:

- he/she has a personal interest in the case;
- he/she was involved in the taking of the decision which is the subject of the dispute, as a judge, party to the proceedings or a representative of a party or was involved in the rendering of the judgment which is the subject of the appeal or the law of which review of constitutionality is requested (under Article VI.3 of the Constitution) as well as in a review of procedural regularity of the proposed decision of the Parliamentary Assembly of Bosnia and Herzegovina (Article VI.3 (f) of the Constitution); or
- there are other circumstances which raise doubt as to his or her impartiality.

2. A judge whose exemption is being decided on may give a reply to the proposal for exemption.

3. A decision on exemption referred to in paragraph 2 of this Article shall be taken by the majority of votes of all judges, on a proposal of the President of the Constitutional Court or a judge.

Article 94

1. The judges shall be obliged to perform the function of a judge conscientiously.
2. The judges shall uphold the reputation and dignity of the Constitutional Court and the reputation and dignity of a judge.

Article 95

The judges shall have the right to propose issues for consideration at the sessions of the Constitutional Court.

Article 96

1. The judges shall have the right to be updated about all issues of importance for carrying out of the functions of the Constitutional Court.
2. The President and the Secretary General of the Constitutional Court shall be responsible for keeping the judges informed.

3. Incompatibility of the Office of Judge of the Constitutional Court, Immunity and Termination of the Office of Judge of the Constitutional Court

Article 97

1. The position of a judge shall be incompatible with:
 - membership in a political party or a political organization in Bosnia and Herzegovina,
 - membership in a legislative, executive and other judicial authority in Bosnia and Herzegovina or the Entities,
 - any other position which could affect the impartiality of the judge.
2. The judges elected by the Entity Legislature shall not be members of an administrative or supervisory committee of public or private companies or other legal persons.
3. A university professor (assistant professor, full or associate professor) of law elected as a judge of the Constitutional Court may, on a reduced scale, continue to teach and work at the university as a professor of law.
4. For the purpose of this Article, other scientific or professional work or membership in institutes or associations of lawyers as well as humanitarian, cultural, sporting or other associations shall not be considered a public or professional duty, unless those activities are associated with the activities of a political party.

5. Each judge shall declare to the President of the Constitutional Court any additional activity. In the event of a disagreement between the President of the Constitutional Court and the judge concerned, any question arising shall be decided by the plenary Court.

Article 98

1. The judges or Vice-Presidents shall take precedence after the President of the Constitutional Court according to the date of their election.

2. The judges elected to office on the same date shall take precedence according to age.

Article 99

1. Each judge shall be entitled to immunity in exercising his or her functions.

2. A judge of the Constitutional Court shall not be held criminally or civilly liable for any action taken within his/her office. A judge of the Constitutional Court shall not be held criminally liable, detained or sentenced for an opinion expressed or a vote cast at the Constitutional Court.

3. The entitlement to immunity shall not prevent or postpone investigation in criminal or civil proceedings conducted against a judge of the Constitutional Court according to law.

4. A judge of the Constitutional Court shall not be detained nor shall an indictment be brought against him/her without the consent given by the Constitutional Court.

5. A judge of the Constitutional Court may be detained, without the consent of the Constitutional Court, only if he/she was caught in the criminal offence punishable by a prison term exceeding five years. In that event, the competent body which imposed detention on the judge of the Constitutional Court shall be obligated to inform the Constitutional Court immediately.

6. The plenary Court may decide by the majority of votes that the judge of the Constitutional Court, for whom the Constitutional Court approved the continuation of criminal proceedings and against whom the indictment was confirmed by the competent court, may be temporarily suspended from his/her office at the Constitutional Court pending the outcome of the proceedings. In such event, that judge shall be entitled to salary.

7. The judges of the Constitutional Court shall be given immunity cards with their photos and necessary information relating to their immunity rights.

Article 100

1. When the requirements for detention or institution of criminal proceeding are met, the competent body shall be obligated to request a previous consent of the Constitutional Court.

2. The request for consent referred to in paragraph 1 of this Article shall be submitted to the Constitutional Court for consideration.

3. At the session of the plenary Court the judges shall, by the majority of votes of all members, with the exception of the judge against whom criminal proceedings have been instituted, take a decision on giving of consent or a decision on refusing the request for giving consent to detention or institution of proceedings against the judge of the Constitutional Court. The decision shall be submitted to the body that filed the request.

Article 101

1. A judge may be dismissed from office before the end of his/her term in the following cases:

- if he/she requests it;
- if he/she is sentenced to an unsuspended prison sentence for committing a criminal offence that makes him or her unsuitable for the office;
- if he/she permanently loses the ability to perform his or her functions;
- if the circumstances indicated in Article 97 of these Rules occur;
- if he/she fails to perform the function of a judge in accordance with Article 94 of these Rules.

2. The Constitutional Court shall establish the existence of reasons referred to in paragraph 1 of this Article and it shall dismiss the judge from office on the basis of a consensus of other judges and inform the body which elected that judge.

Article 102

1. The Constitutional Court shall issue an official identity card to the President of the Constitutional Court and the judges.

2. The form and manner of issuance of the official identity cards shall be prescribed by the Constitutional Court.

Article 103

The President of the Constitutional Court, the judges, the Secretary General and the Registrar shall be obligated to wear official attire at public hearings. At other sessions the attire shall be worn in accordance with the decision of the President of the Constitutional Court.

4. Procedure for the Election of a New Judge

Article 104

1. The President of the Constitutional Court shall institute proceedings for the election of a judge in accordance with Article VI.1 (a) of the Constitution not later than six months prior to the expiration of the term of office of a judge due to his/her age.

2. In the event of resignation or dismissal of a judge from office, the President of the Constitutional Court shall institute proceedings for the election of a judge as from the date of taking of the decision of the plenary Court.

3. In the event referred to in paragraph 1 and 2 of this Article, the President of the Constitutional Court shall inform the Chair of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or the Chair of the National Assembly of the Republika Srpska, the Presidency of Bosnia and Herzegovina and the President of the European Court for Human Rights.

4. The competent body for election of a judge of the Constitutional Court in accordance with Article VI.1 of the Constitution shall be obligated to obtain a written opinion of the Constitutional Court on the proposed candidates.

5. In cases referred to in paragraph 1 of this Article, a newly elected judge shall assume office after the end of term of office of the judge whose term ended due to his/her age after the receipt of the acts of the competent body.

6. A newly elected judge, who is elected in place of a judge who resigned or was dismissed from office, shall assume office after the decision on the election has been published in the official gazettes or after the appropriate act of the President of the European Court for Human Rights has been received.

7. The decisions referred to in this Article shall be published in the Official Gazette of Bosnia and Herzegovina and in the Official Gazettes of the Entities and of the Brcko District of Bosnia and Herzegovina.

5. Working bodies of the Court

Article 105

1. The work of the Constitutional Court shall be carried out through permanent and *ad hoc* commissions and other bodies of the Constitutional Court.

2. The permanent commissions shall be:

- the Editorial Commission;
- the Commission for Administrative Affairs;
- the Commission for Publications and Information;
- the Commission for Electronic Equipment and Information Systems.

3. *Ad hoc* commissions shall be established for the purpose of drafting general acts, expert documents, analyses and for other purposes.

Article 106

The Editorial Commission shall carry out the proofreading of the texts of decisions and other acts of the Constitutional Court .

Article 107

The Commission for Administrative Affairs shall supervise and analyze the organization of the work of the Constitutional Court, prepare the proposal of the financial plan and annual financial statement and make proposals and deliver opinions for resolving other issues relating to the judges, the Secretary General of the Constitutional Court and persons who are appointed and dismissed by the Constitutional Court.

Article 108

The Commission for Publications and Information of the Constitutional Court shall publish the Bulletin and other publications of the Constitutional Court, updates the appropriate professional literature as well as articles on the work of constitutional courts in the media, scientific and professional publications and shall decide on the purchase of professional literature.

Article 109

The Commission for Electronic Equipment and Information Systems of the Constitutional Court shall be responsible for the use and improvement of the information system, carrying out the development program of the system and inclusion of the system into information network both in the country and abroad.

Article 110

1. A permanent commission shall, as a rule, consist of the President and three members.
2. The President and one member shall always be elected from among the judges.
3. If required, the commission shall elect a secretary.
4. The President and the members of the permanent commissions shall be elected for a period of three years. They may be re-elected upon expiration of this period.

6. Secretariat of the Constitutional Court

Article 111

1. The Secretariat of the Constitutional Court of Bosnia and Herzegovina (hereinafter: the Secretariat) shall assist the Constitutional Court in performing its professional and other duties.

2. Departments, the scope of whose work shall be established by a Decision on the Organization of the Secretariat taken by the Constitutional Court sitting in plenary, shall be formed within the Secretariat.

3. The Secretariat shall be managed by the Secretary General who shall assist the Constitutional Court in the performance of its functions and be responsible for the organization and activities of the Secretariat under the authorization of the President of the Constitutional Court.

Article 112

1. In addition to the Secretary General of the Constitutional Court, the most complex professional duties relating to the realization of rights and duties of the Constitutional Court shall be carried out by the Registrar, the Head of Office of the President of the Constitutional Court, the legal advisor to the President of the Constitutional Court for international relations, the Assistant Secretary General of the Constitutional Court, legal advisors who are appointed and dismissed by the Constitutional Court sitting in plenary.

2. The Secretary General of the Constitutional Court, the Head of Office of the President, the Registrar, the Assistant Secretary General of the Constitutional Court, legal advisors to the judges and the advisor for international relations may be appointed from among distinguished lawyers with the experience in the same or similar legal activities and in accordance with the conditions prescribed by a special act of the Constitutional Court.

3. The Registrar shall perform duties of the Deputy Secretary General in the event he/she is absent or otherwise prevented.

4. The categories within the range of offices of legal advisors shall be established by a decision referred to in Article 111 paragraph 2 of these Rules.

Article 113

1. Before taking up office, the persons referred to in Article 112 paragraph 1 of these Rules shall make and sign the following declaration before the plenary Court or, in case of need, before the President of the Constitutional Court:

“I solemnly declare that I will exercise loyally, discreetly and conscientiously the functions conferred upon me and that I will keep secret all deliberations and voting.”

2. Other employees of the Constitutional Court shall take and sign the oath referred to in paragraph 1 of this Article before the President of the Constitutional Court and the Secretary General of the Constitutional Court.

Article 114

The decision referred to in Article 111 paragraph 2 of these Rules shall provide a more detailed regulation of the organization and tasks of the Secretariat, the conditions for the realization of the tasks, the number of the employees and other issues of importance for the work of the Secretariat and the realization of the rights, duties and responsibilities of the employees.

Article 115

1. The President of the Constitutional Court shall issue individual acts in accordance with the decision referred to in Article 111 of these Rules.

2. The President of the Constitutional Court may authorize the Secretary General of the Constitutional Court to issue individual acts referred to in paragraph 1 of this Article.

Article 116

1. The Constitutional Court shall, within its constitutional competencies, maintain the registry of the cases: "U" and "AP".

2. The actions concerning the cases and documents referred to in this Article shall be regulated by a special act of the Constitutional Court.

IV. OTHER PROVISIONS

Article 117

The laws applicable to the authorities in Bosnia and Herzegovina shall also apply to the employment status of the employees of the Secretariat as well as to the material and financial operations of the Constitutional Court, unless these Rules and other acts of the Constitutional Court issued pursuant to the Rules stipulate otherwise.

Article 118

1. The Constitutional Court shall, by a separate act, regulate the salaries and other forms of compensation for the judges and the persons it appoints.

2. On a proposal by the Secretary General of the Constitutional Court, the Constitutional Court shall issue an act regulating the salaries and other forms of compensation for the employees of the Secretariat.

Article 119

The regulations on office operation, working hours and house rules applicable to the authorities of Bosnia and Herzegovina shall as such be applied to the Constitutional Court, unless otherwise stipulated by an act of the Constitutional Court.

Article 120

1. The general acts of the Constitutional Court shall be issued by the majority of votes of all judges.

2. These Rules of the Constitutional Court shall be published in the Official Gazette of Bosnia and Herzegovina and the official gazettes of the Entities and of the Brcko District of Bosnia and Herzegovina while other general acts and the act on the election of the President

of the Constitutional Court and Vice-Presidents shall be published in the manner as regulated by the Constitutional Court.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 121

The proceedings in cases that commenced before the date on which these Rules of the Constitutional Court entered into force, shall be completed in accordance with these Rules.

Article 122

On the date when these Rules enter into force, the Rules of Procedure of the Constitutional Court of Bosnia and Herzegovina – New Amended Text (Official Gazette of BiH, no. 2/04) shall cease to be in force.

Article 123

These Rules shall enter into force on the day following the date of their publication in the Official Gazette of Bosnia and Herzegovina. These Rules shall also be published in the official gazettes of the entities and of the Brcko District of Bosnia and Herzegovina.

No. P-337/05
23 July 2005
Sarajevo

Tudor Pantiru
Vice-President Constitutional Court
of Bosnia and Herzegovina