**Ministry of Justice of Bosnia and Herzegovina**

**LEGAL TEXT**

**Relevant to question 2**

**Article 21 of the Law on Civil Procedure Before the Court of BiH:**

In Article 21, paragraph (1), words "a breach of personal rights" shall be inserted after word "relations".

After paragraph (2), new paragraphs (3) and (4)shall be added to read as follows:

"(3) A complaint for fact-finding may be filed in order to find the existence or non-existence of a fact, if it is provided for by a law or a regulation."

(4) A complaint for finding a violation of personal rights may be filed regardless of whether the claim for damages or another claim, in accordance with a law ".

Current paragraph (3) shall become paragraph (5).

In the current paragraph (4), which becomes paragraph (6), number "3" shall be replaced by number ''5''.

**Article 190 of BiH CC**

Torture and Other Forms of Cruel and Inhuman Treatment

(1) An official in the institutions of Bosnia and Herzegovina or any other person acting in the capacity of an official in the institutions of Bosnia and Herzegovina who, acting upon the order, instigation or with the explicit or implicit consent of a official person in the institutions of Bosnia and Herzegovina or any other person acting in the capacity of an official in the institutions of Bosnia and Herzegovina, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a confession, or to punish him for a criminal offence he or a third person has perpetrated or is suspected of having perpetrated or who intimidates or coerces him for any other reason based on discrimination of any kind, shall be punished by imprisonment for a term of not less than six years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced against an official in the institutions of Bosnia and Herzegovina or any other person acting in the capacity of an official in the institutions of Bosnia and Herzegovina who ordered or instigated the perpetration of the criminal offense, or who gave his explicit consent or knew about and implicitly consented with the perpetration of the criminal offense referred to in paragraph (1) of this Article.

**Article 172** **of BiH CC**

Crimes against Humanity

 In Article 172, paragraph (1), subparagraph g), the words: “by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him,” shall be deleted.

**Article 173** **of BiH CC**

War Crimes against Civilians

In Article 173, paragraph (1), subparagraph e), the words: “by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him,” shall be deleted..

**Article 190 of BiH CC**

 Enforced Disappearance

(1) An official in the institutions of Bosnia and Herzegovina or any other person acting in the capacity of an official in the institutions of Bosnia and Herzegovina who, acting upon the order, instigation or with the explicit or implicit consent of a official person in the institutions of Bosnia and Herzegovina, incarcerates another person, keeps him/her incarcerated or deprives him/her of freedom of movement and in the process refuses to admit that he deprived him/her of freedom or withholds information on destiny or location of such person thus putting him/her outside the protection of the law, shall be punished by imprisonment for a term of not less than eight years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced against an official in the institutions of Bosnia and Herzegovina who ordered or instigated the perpetration of the criminal offense, or who gave his explicit consent or knew about and implicitly consented with the perpetration of the criminal offense referred to in paragraph (1) of this Article.

(3) Whoever, as a superior, knew about or consciously neglected an information that his subordinate perpetrator had perpetrated the criminal offense referred to in paragraph (1) of this Article or that he is about to perpetrate the criminal offense, and who was responsible and had the control over the actions related to perpetration of the criminal offense referred to in paragraph (1) of this Article, but did not take all required and reasonable measures within his power to prevent or disenable the perpetration of the criminal offense referred to in paragraph (1) of this Article, or to refer that issue to the state authorities for the investigation and criminal prosecution, shall be punished by imprisonment for a term of not less than eight years.

(4) The fact that a person acted pursuant to an order of a Government or of a superior shall not relieve him of guilt, but may be considered in mitigation of punishment if the court determines that the interests of justice so require. Person who refuses to execute such order shall not be punished.