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Pursuant to Article IV.4.a. of the Constitution of Bosnia and Herzegovina; at the session of the House of Representatives held on December 13, 2001; and at the session of the House of Peoples held on December 20, 2001; the Parliamentary Assembly of Bosnia and Herzegovina passed the following

Law on Identity Cards of Citizens of Bosnia and Herzegovina

Chapter I General provisions

Article 1

This Law shall regulate Identity Cards (ID Cards) of citizens of Bosnia and Herzegovina (hereinafter: "BiH").

The purpose of this Law is the establishment of the identification of citizens of BiH and the delivery to each citizen of an ID Card.

Unless otherwise prescribed by the Special Provisions set out in Chapter VIII hereof, all provisions of this Law shall apply equally to every citizen of BiH (hereinafter "citizen").

There shall be one uniform ID Card for all citizens equally valid throughout BiH.

Article 2

The ID Card is a public document serving as a proof of identity, the fact of place and date of birth, of permanent residence, or temporary residence of a displaced person, and of citizenship of BiH.

BiH citizens may use their ID Cards to cross the state border in certain circumstances and subject to conditions as regulated in bilateral agreements between BiH and other States.

Article 3

A citizen over 18 years of age who permanently resides in BiH shall possess an ID Card issued in his/her permanent place of residence.

A Displaced Person (hereinafter: DP) who temporarily resides in BiH shall possess an ID Card issued in his/her place of temporary residence.

A person who has lost his/her BiH citizenship or who no longer has permanent residence in BiH shall return his/her ID Card to the competent authority without delay.

A citizen may have only one ID Card and shall not be obliged to show his/her ID Card unless prescribed by Law.

A citizen shall not lend his/her ID Card to another person or use another person's ID Card as his/her own.

A citizen may not use another person's ID Card for the purpose of securing any type of benefit or entitlement.

Article 4

The compiling of information pursuant to this Law shall proceed in accordance with the BiH Law on the Protection of Personal Data and the BiH Law on Central Registers and Data Exchange.

Article 5

For the purpose of this Law:

- (1) **A BiH citizen** is an individual who has received BiH Citizenship in accordance with relevant legislation;
- (2) **A BiH refugee** is a person whose refugee status has been recognized under relevant legislation;
- (3) **A displaced person** is a person who has been granted DP or similar status under relevant legislation, or who has applied to obtain such status;
- (4) **Evidence of identity** shall be provided by any document showing the individual's name and date of birth and which, unless otherwise prescribed by relevant Law, was issued:
 - a. in the period between April 6, 1992 and the entry into force of this Law, in the required form and pursuant to the regulations applicable at the time, by the competent bodies, organizations or other legal entities empowered to carry out public authorizations in Bosnia and Herzegovina or;
 - b. prior to April 6, 1992 by the competent bodies of the former Socialist Federal Republic of Yugoslavia, or by the competent bodies of its former socialist republics and autonomous provinces.
- (5) **Evidence of BiH citizenship** shall be provided by a document or other instrument recognized as evidence of BiH citizenship in relevant legislation;
- (6) **Permanent residence** is the municipality or district within which an individual establishes his/her habitual place of living with the intention of residing there permanently;
- (7) **Pre-conflict permanent residence** is a citizen's place of permanent residence, as defined by previously applicable laws, which a DP or refugee left after April 30, 1991, irrespective of whether s/he de-registered or was de-registered from that residence;
- (8) **A Returnee** is a BiH refugee from abroad, or a DP, who either has returned, or who is in the process of returning to his/her pre-conflict permanent residence. Such an individual shall be considered a returnee until s/he has obtained an ID Card from the authorities in his/her pre-conflict residence. A citizen need not return to his/her pre-conflict home address in order to be considered a returnee;
- (9) **Temporary residence** is a municipality or district within which a citizen establishes his/her habitual place of living with the intention of residing there temporarily;
- (10) **Temporary residence of a DP** is a municipality or district within which a DP establishes his/her habitual place of living with the intention of residing there temporarily.

Chapter II ID Card Format

Article 6

The following information shall be collected from the citizen applying for the ID Card and will be included on the ID Card.

1. First Name (names);
2. Family name;

3. Date of birth;
4. Place of birth;
5. Municipality of permanent residence or temporary residence (for a DP);
6. Sex;
7. Personal identification number (JMB);
8. Photo;
9. Signature;
10. BiH Citizenship.

The document number, date of issuance, expiration date, computer-readable data and the issuing authority will also appear on the ID Card.

The citizen must provide his/her municipality of birth, country of birth, Entity citizenship, post code, street address and Entity and canton of residence, if applicable. However, this information will not appear on the ID Card.

The title on the ID-card shall be written in the Bosnian, Croat, Serb, French and English languages. The text in Bosnian, Croat and Serb shall be written in the Latin and Cyrillic alphabet, while the individual data on the ID-card Form, entered by the competent body, shall be written only in the Latin alphabet.

Name of Entity may be entered in the ID-card at the request of the person applying for the ID-card.

Chapter III Issuance of ID Card

Article 7

The issuance, annulment and replacement of the ID card shall be carried out by the Police Administration within the Cantonal Ministry of Interior throughout the BH Federation, by the public security stations within the RS Ministry of Interior throughout the RS, and by the competent authority in the Brcko District of Bosnia and Herzegovina that functionally acts as a state institution.

The ID card shall be issued by the competent authority in line with a citizen's permanent place of residence, with the exception of ID Cards issued to a DP, which shall be issued in the DP's place of temporary residence.

The competent Entity authority shall serve as a second instance body in the appellate procedure for decisions of competent authorities concerning issuance, annulment and replacement of ID-cards.

A party dissatisfied with the decision of a second instance body may appeal to the Ministry of Civil Affairs and Communication of BiH (hereinafter "MCAC").

Article 8

Upon personal application or upon the application of a properly authorized legal representative, an ID Card shall be issued to a citizen who has applied for the issuance of an ID Card or on whose behalf the legal representative applied for the issuance of an ID Card.

Upon personal application or upon the application of a citizen's parent or properly authorized legal representative, an ID Card may also be issued to a citizen over 15 but under 18 years of age, who resides permanently in BiH.

The citizen concerned must collect his/her ID Card in person.

Article 9

In the event that a citizen has not previously been issued an ID Card, he/she is obliged to apply for the issuance of an ID Card within 60 days after his/her 18th birthday or 60 days after taking up permanent residence in BiH, if s/he has reached his/her 18th birthday.

When applying for an ID Card for the first time, a citizen shall submit an application for the issuance of the ID card, providing evidence of BiH citizenship and, if requested, two photographs of an appropriate size which accurately show his/her face..

In all other cases and unless otherwise regulated by this Law, a citizen shall, when applying for the issuance of an ID Card, submit an application along with evidence of identity and evidence of BiH citizenship and, if requested, two photographs of an appropriate size accurately showing his/her face.

Article 10

Whenever a citizen applies for the issuance of an ID Card under this Law, s/he must provide correct and authentic data in the application.

Article 11

The competent authority shall issue the ID card to the applicant no later than 15 days after the application for the issuance of the ID Card was filed, if the applicant is found to be entitled to the ID card.

The competent authority shall immediately issue acknowledgment of receipt of the application for the issuance of the ID Card to the applicant.

The acknowledgment of receipt shall serve as proof that a citizen has filed the application for the issuance of an ID Card.

Article 12

No administrative fees shall be charged for the issuance of an ID card.

Chapter IV Replacement of ID Cards

Article 13

An ID Card must be replaced:

1. if it has expired;
2. upon change of the permanent residence (or upon the change of the temporary residence of a DP);
3. if the data relating to the ID Card holder, and shown on the ID Card, has changed;
4. if any data on the ID Card is inaccurate or misspelled;
5. if the ID Card has been damaged or is otherwise illegible to the extent that it can no longer serve its purpose;
6. if the appearance of the ID Card holder has changed to such an extent that it does not correspond with the photograph on the ID Card.

Article 14

A citizen who is obliged to replace his/her ID Card pursuant to the preceding Article shall submit an application to the competent authorities for its replacement and, if requested, provide two photographs of appropriate size accurately showing his/her face.

The citizen shall prove his/her identity and the correctness of the data to be written on his/her ID Card by means of the previously issued ID Card, or, if the previous ID Card does not exist, by submitting evidence of identity and evidence of BiH citizenship, unless regulated elsewhere in this Law.

Article 15

In the circumstances referred to in Article 13 Item (1), an ID card holder shall be obliged to file an application for the replacement of his/her ID Card by, at the latest 15 days prior to the expiration date of the ID Card currently held.

In the circumstances referred to in Article 13, Items (2) and (3), an ID card holder shall be obliged to file an application for replacement of his/her ID Card within 60 days after the reason for replacement has occurred. The replacement of an ID under Item 2 by a DP or returnee is governed by Chapter VIII of this Law.

In the circumstances referred to in Article 13 Item (4), an ID card holder shall be obliged to file the application for replacement of the ID Card within 60 days of the date he/she becomes aware that the data on his/her ID Card is inaccurate or misspelled.

In the event that a competent authority determines that an ID Card needs to be replaced due to the reasons set out in Article 13 Items (5) and (6), the competent authority shall determine the deadline by which the ID Card holder shall be obliged to file the application for replacement of the ID Card. The deadline may not be less than 15 days from the date on which the competent authority decided that the ID Card needed to be replaced.

If the ID Card holder has not applied for the replacement of the ID Card within the time specified in this Article, the ID Card currently held shall become invalid, with the exception of Article 15(1). If the ID Card holder has failed to apply for the replacement of his/her ID Card in accordance with Article 15(1), the ID Card shall become invalid as of the date of expiration.

Article 16

The competent authority shall immediately issue acknowledgment of receipt of the application for replacement of the ID Card to the applicant.

The acknowledgment of receipt shall serve as proof that an individual has filed the application for replacement of an ID Card.

The competent authority shall replace the ID card immediately or no later than 15 days after the application for replacement of the ID Card has been filed, if the applicant is found to be entitled to the replacement of the ID Card. The replaced ID Card shall be annulled and, if requested by the applicant, returned to him/her.

Chapter V Validity of ID card

Article 17

A citizen over 18 years of age shall be issued an ID Card with a validity of 10 years.

A citizen over 15 and under 18 years of age shall be issued an ID Card with a validity of two years.

A citizen over 60 years of age shall be issued a permanent ID Card.

Article 18

If, for reasons justified under the BiH Law on Travel Documents, a court or the body competent under that Law to regulate travel documents prohibits the issuance of travel documents to a citizen, the court/body shall instruct the relevant competent authority to prohibit an individual from using his/her ID Card for crossing the State border.

The competent authority shall issue a decision enforcing such ban, and it shall accordingly inform the court or body which has requested such a decision. The ban shall be recorded on the ID Card in the manner prescribed by the MCAC.

An appeal against a decision referred to in paragraph (2) of this Article shall not delay its enforcement.

Article 19

The competent court or body referred to in the first paragraph of the preceding Article shall immediately inform the competent authority of the cessation of the reasons for the prohibition against the use of an ID Card to cross the State border.

When the conditions set out in the preceding paragraph are met, the competent authority shall delete the prohibition against the use of the ID Card to cross the State border.

Chapter VI Loss of ID Card

Article 20

A citizen who has lost his/her ID Card, whose ID Card has been stolen, destroyed, or who has been left without his/her ID Card in any other way, shall be obliged to report the fact in person to the nearest police station or competent authority without delay. The police shall be obliged to inform the competent authority immediately.

A citizen who is required to possess an ID Card under this law and who has lost his/her ID Card while abroad shall notify the closest Diplomatic-consular office of BiH abroad (DCM) and submit an application for a new ID Card. The DCM shall inform the MCAC of the loss and, accordingly, the MCAC shall inform the competent authority that issued the individual's ID Card. The competent authority shall issue a new ID Card to the individual through the MCAC and the DCM.

The competent authority shall, in the circumstances referred to in paragraph (1) of this Article, issue a decision annulling the ID Card.

Article 21

In the event that a citizen, in the circumstances referred to in Article 20 paragraph (1), no longer possesses his/her ID card, s/he shall be bound to file an application for issuance of a new ID Card within 60 days of reporting the matter to the police. The report from the police shall be attached to the application along with evidence of his/her identity, evidence of BiH Citizenship and, if requested, two photographs accurately showing his/her face,

If a citizen who has been issued a new ID Card under this Article subsequently recovers possession of his/her previous ID Card, s/he shall submit such ID Card to the nearest competent authority without delay.

The competent authority shall issue the ID Card to the applicant no later than 15 days after the application for issuance of the ID Card was filed, if the applicant is found to be entitled to the ID Card.

The competent authority shall immediately issue acknowledgment of receipt of the application for the issuance of the ID Card to the applicant.

The acknowledgment of receipt shall serve as proof that an individual has filed the application for the issuance of an ID Card.

Chapter VII ID Cards Register

Article 22

In accordance with the Law on Central Registers and Data Exchange, the MCAC shall, by computer data processing, keep and maintain a central register containing issued, replaced and annulled ID Cards (hereinafter "Central Register").

Entity Ministries of Interior may maintain computer-processed registers of ID cards issued, replaced and annulled in the territory of the entity.

The competent authority shall, by computer data processing, keep and maintain a local register of issued, replaced and annulled ID Cards within its jurisdiction (hereinafter “local register”).

Article 23

The central, entity and local registers shall contain the following personal data:

- a. the data contained in Article 6(1)-(3);
- b. any details related to the loss of an ID Card as provided for in Chapter VI of this Law;
- c. a note related to the ban on use of an ID Card for crossing the State border as provided for in Article 18 of this Law.

Article 24

The competent authority shall be obliged to provide the MCAC with the data kept in its local register on a regular basis.

The MCAC may provide the competent authority with the data kept in the central register for the purpose of enabling the competent authority to carry out its duties under the Law.

Article 25

The authorities authorized to keep and maintain central, entity and local registers referred to in Article 22 may only collect, process, store and use personal data contained in the registers for the purpose of the implementation of this Law, unless otherwise prescribed by law.

Data recorded under Article 23 shall be deleted when a new ID Card is issued, or five years after an ID Card has expired.

Exceptionally to paragraph 2 of this Article, the note on ban on the use of an ID Card for crossing the State border as provided for in Article 18 shall be deleted one year after the reason for recording the note has ceased to exist.

Article 26

A BiH Citizen shall have the right to be informed as to whether personal data relating to him/her is stored in the central, entity and local registers and shall have the right to have such data communicated to him/her in an intelligible form.

In case such data is found to have been processed illegally or incorrectly, the citizen concerned shall have the right to have such data corrected or erased as appropriate. Such correction and erasure of the data shall be free of charge for the citizen concerned.

The citizen concerned shall have the right to initiate an administrative dispute should the authorities in question not comply with the provisions of this Article.

Article 27

The MCAC and the competent authorities shall be required to undertake sufficient security measures to ensure the protection of all data contained in the central and local registers, as well as all data forwarded to other authorized bodies, in accordance with the Law on Central Registers and Data Exchange.

Chapter VIII Special provisions

Article 28

The persons covered by the provisions contained in this Chapter are DPs and returnees.

Article 29

A DP shall be issued an ID Card according to his/her place of temporary residence.

A DP shall apply for the issuance of an ID Card within 60 days after s/he has taken up temporary residence.

An ID Card issued in the temporary place of residence shall be valid for two years

Article 30

Whenever applying for issuance of an ID Card pursuant to the provisions of this Chapter, a DP shall file an application for the ID Card and, if requested, shall provide evidence of identity and two photographs of appropriate size accurately showing his/her face.

Article 31

A returnee to his/her pre-conflict residence shall have the right to replace an ID Card that was previously issued under this Law in the returnee's place of temporary residence, as provided for in this Chapter, with an ID Card issued by the competent authority in the pre-conflict place of permanent residence.

Article 32

A returnee who has the right to replace his/her ID Card as provided for under this Chapter shall file an application for such replacement within 60 days of returning to his/her pre-conflict permanent residence.

Whenever applying for the replacement of an ID Card pursuant to the provisions of this Chapter, a returnee shall file an application for replacement of the ID Card and, if requested, shall provide evidence of identity and two photographs of appropriate size accurately showing his/her face.

If a returnee does not possess an ID Card issued in his/her former temporary place of residence, s/he shall submit an application for the issuance of an ID Card pursuant to Chapter III of this Law.

Article 33

If any documentary or other evidence or information relating to an application for issuance or replacement of an ID Card under the provisions of this Chapter should not be available or accessible or cannot be obtained within a reasonable period of time, the competent authority shall allow the applicant to supply such evidence or information by other means, including statements made by or in support of the applicant.

Article 34

A DP who voluntarily decides to take up permanent residence in a place other than his/her pre-conflict permanent residence shall have the right to replace the ID Card previously issued in his/her place of temporary residence as provided in this Chapter, with an ID Card issued by the competent authority in his/her new place of permanent residence.

Chapter IX Penalty provisions

Article 35

The proceedings referred to in this Chapter shall be conducted in accordance with relevant legislation on minor offenses.

Article 36

A responsible official in the competent authority shall be fined in an amount between 200 KM and 1000 KM for the following minor offences:

1. if, immediately or not later than 15 days after an application for the issuance of the ID Card is filed, s/he does not issue the ID Card to an applicant who is found to be entitled to the ID card, including DPs applying for temporary residence and returnees to their pre-conflict place of permanent residence;
2. if s/he does not issue an acknowledgment of receipt to the applicant in a case where s/he has not immediately issued an ID Card to the applicant ;
3. if, immediately or not later than 15 days after the application for replacement of an ID Card is filed, s/he does not replace the ID Card of an applicant who is found to be entitled to such replacement;
4. if s/he collects, processes, stores, uses or forwards the data in the register contrary to Articles 25 and 26 of this Law;
5. if, immediately or not later than 15 days after an application is filed, s/he does not provide an ID Card issued in a temporary place of residence of a DP;
6. if, immediately or not later than 15 days after an application is filed, s/he does not issue an ID Card to a returnee in his/her pre-conflict place of permanent residence;
7. if s/he does not permit information in support of an ID Card application to be supplied by other means, including statements made by the applicant or by other persons in support of the applicant pursuant to the provisions of Chapter VIII of this Law.

Article 37

A citizen shall be fined in an amount between 10 KM and 100 KM for the following minor offenses:

1. if s/he holds more than one ID Card issued pursuant to this Law;
2. if s/he does not apply for the issuance of an ID Card when obliged to do so under Chapter III;
3. if s/he intentionally provides incorrect and/or false data when applying for the issuance of an ID Card;
4. if s/he does not report the loss of her/his ID Card without delay;
5. if s/he lends his/her ID Card to another person or uses another person's ID Card as his/her own;
6. if s/he takes another person's ID Card for the purpose of securing any kind of benefit or entitlement.

Chapter X Transitional and final provisions

Article 38

When all necessary conditions for the start of the procedure for issuance of ID Cards have been completed, the Minister of Civil Affairs and Communications shall issue a Decision to that effect.

Article 39

If an ID Card is acquired by any fraudulent means, false information or concealment of any relevant fact attributable to the applicant, it shall be confiscated and annulled.

Article 40

The MCAC shall supervise the implementation of this Law by:

- a. controlling the legality of administrative documents and the activities of the competent authorities;

- b. proposing or initiating the procedure for establishing the legality of administrative documents of the competent authorities, in accordance with the law;
- c. instructing the competent authorities to carry out obligations stipulated by this Law;
- d. issuing instructions and guidelines to ensure harmonized activities of the competent authorities.

Within 90 days after the day on which this Law is published in the BiH Official Gazette, the MCAC shall issue by-laws on the following:

- a. a single application form for the issuance and replacement of an ID Card;
- b. the details related to the format of the ID Card and the data contained in the ID Card;
- c. a rule book concerning the cost of ID Cards;
- d. a rule book concerning the supervision of the enforcement of this Law;
- e. a by-law on the note on an ID Card, indicating that the Card has been banned for the purpose of crossing the state border;
- f. all other matters necessary to implement this Law.

Article 41

All laws and regulations, which hitherto served as the basis for regulating the ID cards of citizens, shall cease to be valid as of the issuance of the Decision by the MCAC under Article 38(1) of this Law.

Article 42

This Law shall enter into force 30 days after the date on which it is published in the BiH Official Gazette, and shall also be published in the Official Gazettes of the Entities and the Official Gazette of Brcko District.

Parliamentary Assembly of BiH, No. 70/01
October 20, 2001
Sarajevo

Sejfudin Tokic
Speaker of the House of Peoples

Zeljko Mirjanic
Speaker of the House of Representatives