

RELATIONSHIP OF LAWYTH AND ILLEGAL EVIDENCE IN THE PENALTY PROCEDURE OF BOSNIA AND HERZEGOVINA

Summary: *The issue of legality and/or illegality of evidence is not new in the doctrine of criminal law. The harmonized criminal procedure legislation in BiH from 2003 regulated the issue of methods and legality of the concept of evidence and evidentiary standards in a different way than before. It is quite clear that legality in the concept of evidence is very important, especially due to the fact that procedural legislation in BiH has accepted the absolute exclusion of illegal evidence. The court can not base its decision on evidence obtained through violations of human rights and freedom prescribed by the constitution and international treaties ratified by BiH, nor on evidence obtained through significant violations of the law (Article 10, paragraph 2 of the CPC of BiH), i.e. illegal evidence. This paper presents a brief overview of the relationship to illegal evidence in FR Germany and the Republic of Croatia, at the same time attaching interesting examples from practice. Also, the relationship between legal and illegal evidence in the criminal procedure of BiH is stated from a theoretical, normative and practical point of view, with special attention being paid to the expressed, valid position and to the more recent practice of the Supreme Court of the FBiH and the Court of BiH, which is elaborated through the explanations of individual judgments and solutions, with the addition of his own comments and references to them.*

Keywords: *criminal procedure, legal evidence, illegal evidence, Supreme Court of FBiH, Court of Bosnia and Herzegovina*