

RULEBOOK ON DISCIPLINARY PROCEDURES AND RESPONSIBILITIES OF PARTY MEMBERS

ZAJEDNO

I INTRODUCTORY PROVISIONS

Article 1

This Rulebook determines the Party authorities, prerogatives, disciplinary measures, as well as the course of the disciplinary procedure for the members of the ZAJEDNO political party (hereinafter: the Party).

Disciplinary proceedings will be carried out against a member who does not respect the legal acts of the Party and the decisions of Party bodies or who, through dishonorable acts and offensive actions, does not respect the Statute and programmatic principles and goals of the Party, and thus damages the reputation of the Party.

Article 2

Disciplinary proceedings are carried out for those actions that the member commits by his/her actions within the Party or when performing duties in public office to which he/she was appointed by the Party.

A criminal or minor offence legal proceedings against a member for the acts referred to in paragraph 1 of this article cannot be the basis for starting a Party disciplinary proceeding until a legally binding judgment is passed.

During the course of the proceedings referred to in paragraph 2 of this article, the statute of limitations does not begin to run.

II AUTHORITIES IN DISCIPLINARY PROCEDURE

Authorities for initiating disciplinary proceedings

Article 3

Disciplinary proceedings are initiated by a Motion to open disciplinary proceedings. The Motion can be submitted by the Co-Presidents of the Party, the Presidency of the Party with a majority of votes, the Heads of the bodies of the Autonomous Organization, the Council of Cities and Municipalities with a majority of votes and the Presidency of the local committee with a majority of votes.

Authorities for conducting disciplinary proceedings in the first instance

Article 4

The Disciplinary Commission consists of:

- a member delegated by the Executive Committee.
- a member delegated by the Party Presidency.
- a member delegated by the Council of Municipalities and Cities.
- one member delegated by each Autonomous Organization.

All members of the Disciplinary Commission must have a law degree.

The Commission member delegated by the Executive Board convenes the Disciplinary Commission, chooses a deputy from among the other delegated members, and manages/chairs the commission sessions, except when otherwise prevented, when the deputy takes over.

The Disciplinary Commission arrives to its decisions by a simple majority of votes from the total number of Commission members.

When the convocation of the Commission is undecided (half-half), the vote of the member of the Commission delegated by the Executive Committee has the deciding vote.

The mandate of the members of the Disciplinary Commission lasts for the duration of the mandate of the body that delegated it or until the withdrawal of the member of the Commission i.e. her/his resignation when the competent body of the party elects a new member of the Commission.

The Disciplinary Commission is responsible for all disciplinary procedures in the first instance in the Party.

Authorities for conducting disciplinary proceedings in the second degree

Article 5

The Statutory Commission of the Party, which is elected by the Party Assembly for a term of four years, is responsible for all disciplinary proceedings in the second degree in the Party.

III DISCIPLINARY MEASURES

Article 6

The available disciplinary measures are: warning notice, suspension of membership rights from 3 to 12 months and expulsion from the Party.

When imposing the measure, the severity of the offence is taken into account, as well as all the circumstances of the case.

Warning notice

Article 7

Warnings are issued for minor violations of the Legal Acts of the Party and non-compliance with the decisions of Party bodies that damage the reputation of the Party.

Suspension of membership rights

Article 8

The suspension of membership rights is imposed for serious violations of the Party's legal acts and non-compliance with the decisions of the Party bodies, the Statute and the Party programmatic principles and goals by committing offensive and dishonorable actions that harm the reputation of the Party.

During the period of suspension, the member/s to whom the suspension has been issued are denied the use of membership rights.

The member/s to whom the measure of suspension has been declared, the membership rights are denied from the moment of the declaration of the final decision.

Expulsion

Article 9

Expulsion from the Party is declared for the most serious violations of the Party's legal acts and non-compliance with the decisions of the Party bodies, the Statute and the Party programmatic principles and goals by committing offensive and dishonorable actions that harm the reputation of the Party.

A member/s to whom the measure of suspension has been declared, membership rights are denied from the moment of the declaration of the final decision.

A member who has been expelled from the Party acquires the right to re-apply for membership after two years from the date of expulsion.

IV THE PROCEEDINGS

First instance procedure

Article 10

The proposal to open disciplinary proceedings, which is submitted to the Disciplinary Commission by one of the authorities responsible for opening disciplinary proceedings, must contain:

1. name of the applicant: name, surname and position in the Party ;
2. name and surname of the member against whom disciplinary proceedings are initiated;
3. description of the committed violation, day and place, qualification of the committed violation ;
4. evidence: statements, files and the like ;
5. possible proposal of a disciplinary measure ;
6. signature of the applicant .

The proposal for opening disciplinary proceedings is submitted to the member against whom the proceedings are being conducted as well as to the Disciplinary Commission.

If there is a justified reason for opening a disciplinary procedure, a proposal for the same or similar situation can be filed jointly by several persons.

Article 11

On the basis of the proposal for opening of disciplinary proceedings the President of the Commission schedules a hearing.

The member against whom disciplinary proceedings are being conducted is summoned to attend the hearing or to submit a written defense instead.

The period from sending the summons to holding the hearing cannot be shorter than seven days.

On the basis of the proposal or according to free judgment, other persons important for clarifying the circumstances of the case, can be summoned to the hearing.

Article 12

The member against whom disciplinary proceedings is conducted, is summoned by sending a subpoena to his/her registered e-mail address in the central membership database and the day of delivery will be considered the day after the day of sending the message.

At the same time, the local committee will notify the member in another convenient way (SMS, phone call, Viber , etc.), in order to ensure that the member is informed in a timely manner that disciplinary proceedings are being conducted against him/her, but this notification has no effect on deadlines.

Article 13

The procedure before the Disciplinary Commission begins with the reading of the proposal for opening the disciplinary procedure and learning about the actions taken in the previous proceedings, if there was one.

If the president of the body in charge of the proceedings considers it appropriate, after reading the proposal, he/she gives the floor to the person submitting the disciplinary proposal.

After the actions referred to in paragraph 1 of this article, the president opens the debate.

After the opening of the hearing, the member against whom the disciplinary procedure is being conducted is invited to make a statement about the allegations in the proposal.

Evidence is presented during the hearing.

A member against whom disciplinary proceedings are being conducted may propose the presentation of evidence.

President of the Commission decides on the presentation of evidence at the proposal of the member against whom the proceedings are being conducted.

The proposals of the member against whom the proceedings are being conducted for the presentation of evidence as well as the decision of the president of the authority on the presentation of such evidence, must be entered in the minutes.

After the evidence procedure is completed, the president closes the hearing.

After the end of the evidence procedure, the president can give the floor to the applicant.

After the statement of the applicant, the member against whom disciplinary proceedings are being conducted has the right to present his/her closing words.

Article 14

A member against whom disciplinary proceedings are being conducted may give a written authorization to another member of the Party or a lawyer to represent him/her in the proceedings.

The power of attorney is submitted before the opening of the hearing and must be certified in accordance with the law that regulates the certification of signatures, i.e. with a lawyer's stamp if the representative is a lawyer.

If the representative is a lawyer and is not a member of the Party, she/he must also attach a written statement that he/she will not publicly present the information obtained during the disciplinary procedure. The statement has to be certified with his/her seal, otherwise he/she will be denied the right to representation.

Article 15

The Disciplinary Commission decides in a closed session on the disciplinary accountability of the Party member. Members against whom the proceedings are being conducted, as well as the applicant of the disciplinary report, cannot attend the sessions .

At the closed session, a discussion is opened on the disciplinary accountability of the member against whom disciplinary proceedings are being conducted with consideration of disciplinary measures against the member .

After the conclusion of the discussion, the president proposes a decision that is made by majority of votes in accordance with Article 4 of this Rulebook.

Article 16

When making a decision, the Commission is bound by the facts stated in the proposal for opening the disciplinary proceedings. If during the discussion it is established that there are some other facts that indicate the existence of disciplinary accountability, the authorized applicant will submit a proposal for opening a new disciplinary procedure.

Article 17

The first-instance disciplinary body can:

- reject the proposal to initiate disciplinary proceedings due to statute of limitations or lack of jurisdiction;
- reject the proposal as unfounded;
- determine that the member is accountable.

Article 18.

If the committee determines that a member of the Party is disciplinarily accountable, the president proposes a measure, if it was not recommended in the proposal for opening disciplinary proceedings.

If the proposed measure does not receive the required majority, the president proposes another measure and the vote is repeated.

In the event that no measure receives the majority of the committee's votes, the mildest foreseen measure is imposed on the Party member.

Article 19

The decision on imposing a disciplinary measure must contain:

- a preamble: name of the authorized body, date of the session, name of the president, the legal basis for making the decision;
- the verdict: name, surname, address of the member whose disciplinary accountability is being decided on, description of the committed violation, the decision and declared disciplinary measure;
- explanation: description of the committed disciplinary violation with the specified evidence, facts that have been proven and which have not been proven, aggravating and mitigating circumstances, explanation of the act of the Party or the decision of Party authorities which were violated and detailed description of possible damage caused to the Party.
- instruction on legal remedy: deadline for submitting an appeal to the Statutory Commission.

Article 20

The Disciplinary Commission is obliged to send the decision on the imposed disciplinary measure to the member/s against whom the proceedings were held, the applicant and to the Executive Committee within 7 days from the date of adoption. No more than 60 days may pass from the date of submission of the Proposal for the opening of disciplinary proceedings until the adoption of the first-instance decision.

Second instance procedure

Article 21

An appeal against the decision of the Disciplinary Commission can be filed by: the member to whom the measure was imposed and the applicant.

The appeal is submitted to the Statutory Commission within 7 days from the date of delivery of the decision.

The Statutory Commission is obliged to forward a copy of the Complaint to the Disciplinary Commission within 7 days from receiving the complaint.

Article 22

Upon receiving a copy of the appeal, the Disciplinary Commission is obliged to submit all documents (statements, minutes of the hearing, decision on disciplinary measure, etc.), as well as a response to the allegations from the appeal, to the Statutory Commission within 7 days.

Article 23

As a rule, the Statutory Commission decides on the appeal, without the presence of the parties.

In order to clarify certain circumstances, the Statutory Commission may summon certain persons or request a written statement or documents.

The Statutory Commission can:

- reject the complaint as untimely or filed by an unauthorized person;
- reject the appeal and confirm the first-instance decision;
- accept the appeal by:
 - a) cancelling the first-instance decision and return it for new deliberation,
 - b) change the decision on disciplinary measure,
 - c) release the member from responsibility.

The Statutory Commission will obligatorily cancel the decision if it determines that:

- the member against whom the proceedings were conducted were not granted the right to defend themselves;
- decisions were not made by the necessary majority.

The Statutory Commission is obliged to decide on the appeal within 60 days from the day of receiving it.

Article 24

Decisions of the Disciplinary Commission against no appeal has been filed within the stipulated period as well as the decision of the Statutory Commission are final.

The final decisions on the disciplinary measure are delivered to: the Party member/s against whom the procedure was conducted, the applicant, the Executive Committee and the local party committee.

The information on the final disciplinary measure is entered in the central membership database.

V THE MINUTES

Article 25

Minutes are kept during the proceedings.

The minutes contain the time and place of the meeting, the number and names of the members present, a brief content of the deliberations, voting results and content of the decision.

The minutes are signed by the president of the body and the clerk.

VI THE PUBLIC

Article 26

It is not allowed to publish information about the course of the disciplinary procedure.

The Executive Committee shall make a decision on notifying the public that the disciplinary procedure has been opened and on the final decision.

VII STATUTE OF LIMITATIONS

Article 27

The possibility to initiate disciplinary proceedings expires within one year from the date of the disciplinary violation.

The absolute statute of limitations for conducting disciplinary proceedings expires after two years from the date of the disciplinary violation.

If the disciplinary proceedings is in progress, the presiding president of the Commission, makes a written decision suspending the procedure.

An appeal is allowed against this decision in accordance with the rule on appeals against first-instance disciplinary decisions.

VII TRANSITIONAL AND FINAL PROVISIONS

Article 28

Until the adoption of amendments to the Party Statute that will enable the appointment of the Disciplinary Commission, the work entrusted to the Disciplinary Commission by this Rulebook will be performed by the Party's Executive Committee.

Article 29.

This Rulebook enters into force on the day of its adoption.