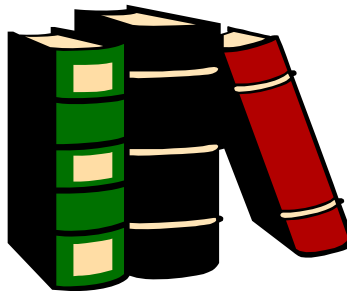




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## Department for Legal Affairs



# CRIMINAL CODE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

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**NOTE:**

- On the day of entry into force of this Criminal Code, [Criminal Code of the Federation of Bosnia and Herzegovina](#), published in the "Official Gazette of the Federation of Bosnia and Herzegovina", 43/98, shall cease to be effective.
- Corrections of the Criminal Code of the Federation of Bosnia and Herzegovina was published in the "Official Gazette of the Federation of Bosnia and Herzegovina", 37/03 and 21/04.
- [The High Representative's Decision Enacting the Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina](#) was published in the "Official Gazette of the Federation of Bosnia and Herzegovina", 69/04. This Decision has been adopted by FBH Parliament and published in the "Official Gazette of the Federation of Bosnia and Herzegovina", 18/05.
- [The Law on Changes and Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, published in the „Official Gazette of the Federation of Bosnia and Herzegovina“, 42/10, is not included in this translation.](#)

# CRIMINAL CODE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

## GENERAL PART

### I CHAPTER ONE

#### Article 1 Scope of This Code

This Code shall regulate the general part of the criminal legislation in the Federation of Bosnia and Herzegovina and criminal offences falling within the jurisdiction of the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

#### Article 2 Meaning of Terms as Used in This Code

The *criminal legislation in the Federation* comprises the criminal justice provisions contained in this Code and in other laws of the Federation of Bosnia and Herzegovina and cantonal laws.

(1) The *territory of the Federation* means the land, coastal seas and water surfaces within its borders, as well as the air space over them.

(2) An *official person* means: an elected or appointed official or other official person in legislative, executive and judicial bodies and other administrative bodies or services of the Federation, cantons, cities and municipalities, which services perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned bodies or institutions; an authorised person in a business enterprise or other legal person who has been entrusted with the execution of public authorities by law or other regulation passed on the basis of law, and who performs a certain duty within the frame of those authorities; and other person who performs a particular official duty on the basis of the authorisation given by law or other regulations passed on the basis of law.

(3) A *military person means* a soldier in the military service, cadet at a military academy, junior officer, officer and military official on active duty, as well as a reservist on military duty as serviceman, and a civilian person executing a certain military duty.

(4) When an official person or a military person has been indicated as the perpetrator of a particular criminal offence, persons referred to in paragraph 3 of this Article may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular prescript that their perpetrator may only be one of the specified persons.

(5) A *responsible person* means a person in a business enterprise or other legal person who, in the line of duty or on the basis of specific authorisation, has been entrusted with a portfolio related to the implementation of law or regulations passed on the basis of law, or general act of a business enterprise or other legal person in managing and administrating the property, or is related to managing a productive or other economic process or supervision of such process. Official persons as defined in paragraph 3 of this Article are also considered responsible persons when the actions as whose perpetrator the responsible person has been indicated are at issue, and at the same time are not stipulated as criminal offence by provision of the chapter dealing with criminal offences against official and other responsible duty, or as criminal offences of an official person stipulated under some other chapter of this Code or under other law of the Federation or of cantons.

(6) In cases when an official or responsible person has been indicated as the perpetrator of a criminal

offence, all persons referred to in paragraphs 3 and 5 of this Article may be the perpetrators of such offence provided that it does not follow from the legal characteristics of a particular criminal offence that their perpetrator may only be one of the specified persons.

(7) A *foreign official person* means a member of a legislative, executive, administrative or judicial body of foreign state, a public official of an international organisation or of its bodies, judge or other official of an international court, serving in the Federation.

(8) A *child*, as referred to in this Code, is a person who has not reached fourteen years of age.

(9) A *juvenile*, as referred to in this Code, is a person who has not reached eighteen years of age.

(10) A *legal person*, as referred to in this Code, stands for Bosnia and Herzegovina, the Federation, the Republika Srpska, the District of Brčko of Bosnia and Herzegovina, canton, city, municipality, local community, any organisational form of a business enterprise and all forms of co-operating enterprises, institution, crediting and other banking institution or insurance of property and persons institutions as well as other financial institutions, funds, political organisations, associations of citizens or other associations that may acquire funds and use them in the same way as other institutions or bodies that acquire and use funds and that are recognised by law as legal persons.

(11) A *business enterprise*, as referred to in this Code, means corporation, company, firm, partnerships and any other organizational form registered for performing economic activities.

(12) An *association* means any kind of associating three or more people.

(13) *Several persons* mean at least two persons or more.

(14) A *body of people* constitutes at least five persons or more.

(15) A *group of people* is an assemblage of at least three individuals that are associated for the purpose of habitual, recidivist, or occasional perpetration of criminal offences, while each of the individuals gives his contribution or has his part in the perpetration of the criminal offence.

(16) A *structured group* is a group that is formed, not at random, for the immediate perpetration of a criminal offence and that does not need to have formally defined roles for its members, continuity of its membership, or a developed structure.

(17) An *organised criminal group* is a structured group of at least three or more persons, existing for a period of time and acting in concert with the aim of perpetrating one or more criminal offences for which a punishment of imprisonment of three years or a more severe punishment may be imposed under the law.

(18) A *refugee or a displaced person*, as referred to in this Code, means a person, who left his or her property in the territory of the Federation, in the period between 30 April 1991 and 4 April 1998, who is presumed to be a refugee or a displaced person under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

(19) *Family members*, as referred to in this Code, are: spouse or common-law partner, ex-spouse or ex-common-law partner, lineal relative, adoptive parent and adopted child, relative in a collateral line to the third degree and in-law to the second degree.

(20) A *secret of the Federation, canton, city and municipality* means information or document that has been designated as secret by virtue of a law, some other regulation or general enactment of the competent body made on the basis of the law, and disclosure of which would cause detrimental consequences for the Federation, canton, city and municipality.

(21) A *military secret* means information or document that has been designated as a military secret by virtue of law, other regulation or an enactment passed on the basis of law of a competent body of the Federation.

- (22) An *official secret* means information or document that has been designated as official secret by virtue of law, other regulation or general act passed on the basis of law of a competent institution of the Federation, canton, city or municipality.
- (23) A *business secret* means information or document that has been designated as business secret by virtue of law, other regulation or general act of a business enterprise, institution or other legal person, and which represents a manufacturing secret, results of a research or designing work, as well as any other information whose disclosure to unauthorized person could cause detrimental consequences for the economic interests of the legal person in question.
- (24) A *professional secret* means information about personal or family life of clients or patients that attorneys, defence counsels, notaries, physicians, dentists, midwives or other medical employees, psychologists, social workers, confessors and other professionals get to know in the course of discharging their professional duties.
- (25) A *document* denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.
- (26) *Money* denotes coins and paper bank notes, which are legal tender in Bosnia and Herzegovina or in a foreign country.
- (27) *Instruments of value* also include foreign instruments of value.
- (28) A *movable object* also includes any manufactured or accumulated energy used for producing light, heat or movement, and telephone and other impulses.
- (29) A *motor vehicle* means every engine-run means for land, water and air traffic.
- (30) *Force* also includes the use of hypnotic suggestion or the use of intoxicating substances for the purpose of bringing a person against his or her will into a state of unconsciousness or incapacity for resistance.
- (31) *Narcotic drug* means any medical drug or hazardous substance with addictive and psychotropic characteristics, or any substance that can easily be converted into such substances, provided that it is subject to control under the international convention ratified by Bosnia and Herzegovina, or any substances declared as narcotic drugs by a competent institution of Bosnia and Herzegovina or by a competent institution of the Entities.
- (32) Grammatical gender terminology, male or female, is to be understood as including both genders of natural persons.

## II CHAPTER TWO

### BASIC PROVISIONS

#### Article 3

#### **Basis and Limits of Criminal Justice Compulsion**

- (1) Criminal offences and criminal sanctions shall be prescribed only for acts threatening or violating personal liberties and human rights, as well as other rights and social values guaranteed and protected by the Constitution of the Federation and international law in such a manner that their protection could not be realized without criminal justice compulsion.
- (2) The prescription of criminal offences, as well as the types and the range of criminal sanctions, shall be based upon the necessity for criminal justice compulsion and its proportionality with the degree and nature of the danger against personal liberties, human rights and other basic values.

**Article 4**  
**Principle of Legality**

- (1) Criminal offences and criminal sanctions shall be prescribed only by law.
- (2) No punishment or other criminal sanction may be imposed on any person for an act which, prior to being perpetrated, has not been defined as a criminal offence by law or international law, and for which a punishment has not been prescribed by law.

**Article 5**  
**Time Constraints Regarding Applicability**

- (1) The law that was in effect at the time when the criminal offence was perpetrated shall apply to the perpetrator of the criminal offence.
- (2) If the law has been amended on one or more occasions after the criminal offence was perpetrated, the law that is more lenient to the perpetrator shall be applied.

**Article 6**  
**Types of Criminal Sanctions**

Criminal sanctions are: punishments, warning sentences, security measures and educational measures.

**Article 7**  
**Purpose of Criminal Sanctions**

The purpose of criminal sanctions is:

- a) A preventive influence on others to honour the legal system and not to perpetrate criminal offences;
- b) Preventing perpetrators from perpetrating criminal offences and encouraging their rehabilitation.

**Article 8**  
**Restrictions on Execution of Criminal Sanctions**

In the execution of a criminal sanction, certain rights of the perpetrator of a criminal offence may be denied or restricted only to an extent commensurate with the nature and the content of the sanction, and only in a manner which provides for the respect of the perpetrator's integrity and his human dignity in compliance with international law.

**III CHAPTER THREE**

**APPLICATION OF CRIMINAL LEGISLATION IN THE FEDERATION**

**Article 9**  
**Exclusion of Applying Criminal Legislation in the Federation to Children**

The criminal legislation in the Federation shall not be applied to a child who, at the time of perpetrating a criminal offence, had not reached fourteen years of age.

**Article 10**  
**Applicability of Criminal Legislation in the Federation to Juveniles**

The criminal legislation in the Federation shall be applied to juveniles pursuant to Chapter X (*Rules Relating to Educational Recommendations, Educational Measures and Punishing Juveniles*) of this Code and other laws in the Federation.

**Article 11**  
**Applicability of Criminal Legislation in the Federation to Legal Persons**

The criminal legislation in the Federation shall be applied to legal persons pursuant to Chapter XIV (*Liability of Legal Persons for Criminal Offences*) of this Code and other laws in the Federation.

**Article 12**  
**Applicability of Criminal Legislation in the Federation to Those Perpetrating a Criminal Offence within the Territory of the Federation**

- (1) The criminal legislation in the Federation shall apply to anyone who perpetrates a criminal offence within the territory of the Federation.
- (2) The criminal legislation in the Federation shall apply to anyone who perpetrates a criminal offence aboard a domestic vessel, regardless of its location at the time of perpetration of the criminal offence.
- (3) The criminal legislation in the Federation shall apply to anyone who perpetrates a criminal offence aboard a domestic civil aircraft while in flight, or aboard a domestic military aircraft regardless of its location at the time of perpetration of the criminal offence.

**Article 13**  
**Applicability of the Criminal Legislation in the Federation for Criminal Offences Perpetrated within the Territory of Bosnia and Herzegovina**

- (1) The criminal legislation in the Federation shall apply to anyone who, within the territory of Bosnia and Herzegovina, perpetrates:
  - a) Any criminal offence against the constitutional order of the Federation prescribed in Chapter XV (*Criminal Offences against The Constitutional Order of the Federation*) of this Code;
  - b) A criminal offence against an official or responsible person, related to his duty.
- (2) The criminal legislation in the Federation shall be applied to a citizen of Bosnia and Herzegovina who, outside the territory of the Federation perpetrates a criminal offence other than those specified in paragraph 1 of this Article.
- (3) The criminal legislation in the Federation shall be applied to an alien who, outside the territory of the Federation, perpetrates against Bosnia and Herzegovina, citizen of Bosnia and Herzegovina or against the Federation or a citizen of the Federation any criminal offence which is not specified in paragraph 1 of this Article.
- (4) The criminal legislation in the Federation shall be applied to an alien who, outside the territory of the Federation, perpetrates against a foreign state or an alien a criminal offence for which, under the law in force in the place of perpetration of a criminal offence, a punishment of imprisonment for a term of five years or a more severe punishment may be imposed. Unless otherwise prescribed by law, a court may not in such a case impose harsher punishment than the punishment prescribed by the law of the country in which the criminal offence was perpetrated.
- (5) In the cases referred to in paragraphs 2 and 3 of this Article, the criminal legislation in the Federation shall be applied only if the perpetrator of the criminal offence is found within the territory of the Federation or has been extradited to the Federation, while in the case referred to in paragraph 4 of this Article, only if the perpetrator is found within the territory of the Federation and is not extradited to another state.

**Article 14**  
**Applicability of the General Part of This Code**

- (1) The provisions of the General part of this Code shall apply to all criminal offences prescribed by the laws in the Federation.
- (2) The provisions of the General part of this Code shall apply to juveniles, unless otherwise provided for by law.
- (3) The provisions of the General part of this Code shall apply to legal persons, unless otherwise provided for in this Code.

## **IV CHAPTER FOUR**

### **STATUTE OF LIMITATIONS**

#### **Article 15**

##### **Application of Statute of Limitations Regarding the Institution of Criminal Prosecution**

- (1) Unless otherwise stipulated in this Code, criminal prosecution shall not be instituted when the following time periods have elapsed since the perpetration of a criminal offence:
  - a) Thirty-five years in the case of a criminal offence for which a punishment of long-term imprisonment is prescribed;
  - b) Twenty years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding ten years is prescribed;
  - c) Fifteen years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding five years is prescribed;
  - d) Ten years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding three years is prescribed;
  - e) Five years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding one year is prescribed;
  - f) Three years in the case of a criminal offence for which the punishment of imprisonment for a term not exceeding one year or a fine is prescribed.
- (2) If several punishments are prescribed for a single criminal offence, the period of limitation shall be determined according to the most severe punishment prescribed.

#### **Article 16**

##### **Running and Interruption of the Period Set by Statute of Limitations Regarding the Institution of Criminal Prosecution**

- (1) The running of the period set by statute of limitations to institute criminal prosecution commences on the day on which the criminal offence has been perpetrated.
- (2) The running of the period set by statute of limitations is suspended for any time during which the prosecution cannot be instituted or continued because of a provision of law.
- (3) The running of the period set by statute of limitations is interrupted by any action that relates to the prosecution of the perpetrator on account of the criminal offence perpetrated.
- (4) The running of the period set by statute of limitations is also interrupted if the perpetrator, before the period of limitation has elapsed, has perpetrated a new criminal offence of the same gravity or graver.
- (5) After each interruption, the period set by statute of limitations commences anew.

(6) The statute of limitations shall apply in any case when twice as much time lapses as is set by the statute of limitation for the initiation of criminal prosecution.

#### **Article 17**

##### **Period Set by Statute of Limitations Regarding the Execution of Punishment**

Unless otherwise stipulated in this Code, the imposed sentence shall not be executed when the following time periods have elapsed from the date of entry into force of the judgement by which a punishment has been imposed:

- a) Thirty-five years if a punishment of long-term imprisonment has been imposed;
- b) Twenty years if a punishment of imprisonment for a term exceeding ten years has been imposed;
- c) Fifteen years if the punishment of imprisonment for a term exceeding five years has been imposed;
- d) Ten years if the punishment of imprisonment for a term exceeding three years has been imposed;
- e) Five years if the punishment of imprisonment for a term exceeding one year has been imposed;
- f) Three years if the punishment of imprisonment for a term not exceeding one year or a fine has been imposed.

#### **Article 18**

##### **Period Set by Statute of Limitations Regarding the Execution of Accessory Punishment and Security Measures**

- (1) The execution of a fine as an accessory punishment shall be barred after the lapse of two years from the date of entry into force of the judgement whereby such punishment has been imposed.
- (2) The execution of the security measure of mandatory psychiatric treatment, security measure of mandatory medical treatment of addiction and the security measure of forfeiture shall be barred after the lapse of five years from the date of entry into force of the judgement whereby these measures have been ordered.
- (3) The execution of the security measure of ban on carrying out a certain occupation, activity or duty and the security measure of ban on driving motor vehicle shall be barred after the lapse of the period for which this measure has been ordered.

#### **Article 19**

##### **The Running and Interruption of the Period Set by Statute of Limitations Regarding the Execution of Punishments and Security Measures**

- (1) The running of the period set by statute of limitation to execute the punishment commences on the date of entry into force of the judgement whereby such punishment has been imposed, and in the case of the revocation of a suspended sentence, on the date of entry into force of the decision on the revocation of a suspended sentence.
- (2) The period set by statute of limitation shall not run during the time the punishment cannot be executed pursuant to law.
- (3) The running set by statute of limitation is interrupted with every action of a competent body taken in regard to execution of the punishment.
- (4) After each interruption, the period set by statute of limitation shall commence anew.
- (5) The statute of limitation shall apply in any case when twice as much time lapses as is set by the statute of limitation for the execution of punishments.
- (6) The provisions of paragraphs 2 through 5 of this Article shall also be applied to the bar to the execution



of the security measures.

**Article 20**  
**Criminal Offences not subject to the Statute of Limitations**

Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offences that, pursuant to international law, are not subject to the statute of limitations.

**V CHAPTER FIVE**

**CRIMINAL OFFENCE**

**Article 21**  
**Criminal Offence**

A criminal offence is an unlawful act that is prescribed as a criminal offence by law, the characteristics of which are specified by law and for which a criminal sanction is prescribed by law.

**Article 22**  
**Manner of Perpetrating Criminal Offence**

- (1) A criminal offence can be perpetrated by an act or an omission to act.
- (2) A criminal offence is perpetrated by omission when the perpetrator, who is legally obligated to avert the consequence of a criminal offence defined by law, fails to do so, and such failure to act is tantamount in its effect and significance to the perpetration of such a criminal offence by an act.

**Article 23**  
**Time of Perpetrating Criminal Offence**

A criminal offence is perpetrated at the time the perpetrator acts or ought to have acted, irrespective of the time when the consequences of his action or omission to act occurred.

**Article 24**  
**Place of Perpetrating Criminal Offence**

- (1) A criminal offence is perpetrated both at the place perpetrator acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially occurs.
- (2) A criminal offence in the case of a punishable attempt is perpetrated both at the place perpetrator acts or ought to have acted, and at the place where the consequence of his action or omission to act fully or partially ought to have occurred according to the perpetrator's expectation.
- (3) A criminal offence in cases of complicity is perpetrated at the place specified in paragraph 1 of this Article and at the place the accomplice acts or ought to have acted, or at the place where the consequence of his action or omission to act ought to have occurred according to the expectation of the accomplice.

**Article 25**  
**Insignificant Offence**

The act that is due to the manner of perpetrating, insignificance or absence of harmful consequences and low degree of criminal responsibility of the perpetrator an insignificant act, shall not be considered a criminal offence although it has characteristics of a statutory criminal offence.

**Article 26**  
**Necessary Defence (Self-Defence)**

- (1) An act committed in necessary defence is not considered a criminal offence.
- (2) A defence is considered necessary if it is absolutely necessary for the defender to avert a coinciding or direct and imminent illicit attack from himself or from another, and which is proportionate to the attack.
- (3) A perpetrator, who exceeded the limits of necessary defence, may be punished less severely, and if he perpetrated the excess due to strong irritation or fright caused by the attack, may be released from punishment.

**Article 27**  
**Extreme Necessity**

- (1) An act committed out of extreme necessity is not considered a criminal offence.
- (2) Extreme necessity exists when an act was committed for the purpose of averting from the perpetrator or from another a coinciding or direct and imminent unprovoked danger that could not have been averted in any other way, provided that the harm resulting from such act did not exceed the harm threatened.
- (3) A perpetrator, who himself has negligently provoked the danger, or who has exceeded the limits of extreme necessity, may be punished less severely, and if the excess was perpetrated under particularly extenuating circumstances, may be released from punishment.
- (4) There is no extreme necessity if the perpetrator was under an obligation to expose himself to the danger.

**Article 28**  
**Attempt**

- (1) Whoever intentionally commences perpetration of a criminal offence, but does not complete it, shall be punished for the attempted criminal offence when, for the criminal offence in question, the punishment of imprisonment for a term of three years or a more severe punishment may be imposed, and for the attempt of another criminal offence when the law expressly prescribes punishment for the attempt alone.
- (2) A perpetrator shall be punished for an attempt of criminal offence within the limits of the punishment prescribed for the same criminal offence completed, but may also be punished less severely.

**Article 29**  
**Inappropriate Attempt**

A perpetrator, who tries to perpetrate a criminal offence by inappropriate means or toward an inappropriate object, may be released from punishment or punished less severely.

**Article 30**  
**Voluntary Abandonment of the Attempt**

- (1) A perpetrator, who tried to perpetrate a criminal offence, but has voluntarily abandoned the perpetration of a punishable attempt, may be released from punishment.
- (2) In the event of voluntary abandonment of an attempt, the perpetrator shall be punished for those acts that constitute other separate criminal offences.

**Article 31**  
**Accomplices**

If several persons jointly perpetrate a criminal offence, by participating in the perpetration of a criminal offence or by taking some other act by which a decisive contribution can be made to its perpetration, each of them shall be punished by a punishment prescribed for that criminal offence.

**Article 32**  
**Incitement**

- (1) Whoever intentionally incites another to perpetrate a criminal offence, shall be punished as if he had perpetrated such offence.
- (2) Whoever intentionally incites another to perpetrate a criminal offence for which a punishment of imprisonment for a term of three years or a more severe punishment may be imposed, and the criminal offence has never been attempted, shall be punished as for the attempt of the criminal offence.

#### **Article 33**

##### **Accessory**

- (1) Whoever intentionally helps another in perpetration of a criminal offence, shall be punished as if he himself perpetrated such offence, but may be punished less severely.
- (2) The following, in particular, shall be considered as helping in the perpetration of a criminal offence: giving advice or instructions as to how to perpetrate a criminal offence, supplying the perpetrator with tools for perpetrating a criminal offence, removing obstacles to the perpetration of criminal offence, and promising, prior to the perpetration of the criminal offence, to conceal the existence of the criminal offence, to hide the perpetrator, the tools used for perpetrating the criminal offence, traces of the criminal offence, or items acquired by perpetration of the criminal offence.

#### **Article 34**

##### **Limitations of Criminal Responsibility and Punishability of Collaborators**

- (1) The accomplice shall be considered criminally responsible within the limits set by his own intent or negligence, and the inciter and the accessory within the limits of their own intent.
- (2) The court shall refrain from imposing a punishment on an accomplice, inciter or accessory that has voluntarily prevented perpetration of the criminal offence.
- (3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of criminal responsibility, or by reason of which it permits or provides for the remission of punishment or its mitigation may be taken into consideration only if they are inherent to such perpetrators, accomplices, inciters or accessories.

## **VI CHAPTER SIX**

### **CRIMINAL RESPONSIBILITY**

#### **Article 35**

##### **Elements of Criminal Responsibility**

- (1) A perpetrator who is mentally capable and guilty of perpetrating a criminal offence shall be held criminally responsible.
- (2) A perpetrator shall be guilty if he has perpetrated a criminal offence with intent.
- (3) A perpetrator shall also be guilty if he has perpetrated a criminal offence out of negligence only if the law explicitly prescribes so.

#### **Article 36**

##### **Mental Capacity**

- (1) A mentally incapable person is one who, at the time of perpetrating the criminal offence, was incapable of comprehending the significance of his acts or controlling his conduct due to a permanent or temporary mental disease, temporary mental disorder or retardation (mental incapacity).
- (2) If the capacity of the perpetrator to comprehend the significance of his act, and his ability to control his

conduct was considerably diminished due to any of the mental conditions referred to in paragraph 1 of this Article, he may be punished less severely (considerably diminished mental capacity).

(3) The perpetrator shall be considered criminally responsible if, by consuming alcohol or narcotic drugs or otherwise, he brought himself into such a state of not being capable to comprehend the significance of his actions or controlling his conduct, and if prior to bringing himself into such a condition, the act was intended by him, or there was negligence on his part in relation to the criminal offence in cases where criminal responsibility is prescribed by law for such an offence even if perpetrated out of negligence (voluntary intoxication).

(4) The state of considerably diminished mental capacity to which the perpetrator has brought himself in the way provided referred to in paragraph 3 of this Article may not constitute grounds for the mitigation of punishment.

#### **Article 37 Intent**

(1) A criminal offence may be perpetrated with direct or indirect intent.

(2) The perpetrator acts with direct intent when a perpetrator was aware of his deed and desired its perpetration.

(3) The perpetrator acts with indirect intent when a perpetrator was aware that a prohibited consequence might have resulted from his action or omission to act but nevertheless consented to its occurrence.

#### **Article 38 Negligence**

(1) A criminal offence may be perpetrated by advertent or inadvertent negligence.

(2) The perpetrator acts with advertent negligence when he was aware that a prohibited consequence might have occurred as a result of his action or omission to act, but carelessly assumed that it would not occur or that he would be able to avert it.

(3) The perpetrator acts with inadvertent negligence when he was unaware of the possibility that a prohibited consequence might have occurred, although, under the circumstances and according to his personal characteristics, he should and could have been aware of such possibility.

#### **Article 39 Mistake of Fact**

(1) A person is not criminally responsible if at the time of the perpetration of a criminal offence, he was not aware of one of its elements defined by law, or if he has mistakenly believed that circumstances existed which, if they had actually existed, would render such conduct permissible.

(2) If the person's mistake resulted from his negligence, he shall be criminally responsible for the criminal offence perpetrated out of negligence, provided that the criminal offence in question is punished by law when perpetrated out of negligence.

#### **Article 40 Mistake of Law**

A perpetrator of a criminal offence, who had justifiable reason for not knowing that his conduct was prohibited, may be punished less severely or released from punishment.

## **VII CHAPTER SEVEN PUNISHMENT**

**Article 41**  
**Types of Punishment**

(1) The following punishments may be imposed on perpetrators of criminal offences who are criminally responsible:

- a) Imprisonment;
- b) Fine.

(2) Imprisonment may be imposed only as principal punishment.

(3) A fine may be imposed both as a principal and as an accessory punishment.

(4) If both punishments are prescribed for a criminal offence, only one of them may be imposed as a principal punishment.

(5) For criminal offences motivated by greed, a fine may be imposed as an accessory punishment even when that is not specifically prescribed by the law or in cases where the law prescribes that the perpetrator shall be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.

**Article 42**  
**The Purpose of Punishment**

The purpose of punishment is:

- a) To express the community's condemnation of a perpetrated criminal offence;
- b) To deter the perpetrator from perpetrating criminal offences in the future;
- c) To deter others from perpetrating criminal offences; and
- d) To increase the consciousness of citizens of the danger of criminal offences and of the fairness of punishing perpetrators.

**Article 43**  
**Imprisonment**

(1) Imprisonment may not be shorter than thirty days or longer than twenty years.

(2) For the gravest forms of serious criminal offences perpetrated with intent, imprisonment for a term of twenty to forty-five years may be prescribed (long-term imprisonment).

(3) Long-term imprisonment may never be prescribed as the sole principal punishment for a particular criminal offence.

(4) Long-term imprisonment may not be imposed on a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence.

(5) Under the conditions prescribed by Chapter X (*Rules Relating to Educational Recommendations, Educational Measures and Punishing Juveniles*) of this Code, juvenile imprisonment may be imposed. Juvenile imprisonment is in its purpose, nature, duration and manner of execution a special punishment of deprivation of liberty.

(6) Imprisonment shall be imposed in full years and months; however, the punishment of imprisonment for a term not exceeding six months may also be imposed in full days. Long-term imprisonment shall be imposed only in full years.

(7) If long-term imprisonment has been imposed, amnesty or pardon may be granted only after three-fifths of the punishment has been served.

#### **Article 44 Community Service**

(1) When the court metes out and imposes imprisonment for a term not exceeding six months, at the same time it may decide that such punishment, with the consent of the accused, be replaced with community service.

(2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realise the purpose of punishment, but at the same time a suspended sentence would not be sufficient to accomplish the general purpose of criminal sanctions.

(3) Community service shall be determined for duration proportional to the imposed imprisonment, from a minimum of ten to a maximum of sixty working days. The period for performing community service shall be neither shorter than one month nor longer than one year.

(4) In assessing the duration of community service, as well as the period for its performance, the court shall take into consideration the imposed imprisonment that is being substituted and the perpetrator's possibilities regarding his personal circumstances and employment.

(5) When, upon the expiry of the determined period, the convicted person has not completed or has only partly completed the community service, the court shall render a decision on the execution of imprisonment for a period proportional to the unfulfilled community service.

(6) The substitution of imprisonment with community service may also be applied in the case of substituting a fine with imprisonment pursuant to Article 47 (*Substitution of Fine*) of this Code.

(7) Placement in community service as to the type and the place of work shall be made by the cantonal ministry in charge of justice matters pursuant to the residence or domicile of the convicted person and taking into consideration his capacities and skills.

#### **Article 45 Release on Parole**

(1) A convicted person who has served half of his sentence, and as an exception, a convicted person who has served one third of his sentence, may be released from serving the punishment of imprisonment under condition that he does not perpetrate another criminal offence before expiration of the time of the sentence (parole, conditional release).

(2) A convicted person, who has served half of his sentence, may be released from serving the punishment of imprisonment if in the course of serving his sentence his conduct has improved to the point where he can reasonably be expected to behave himself appropriately after his release from serving the punishment of imprisonment, and particularly not perpetrate criminal offences. In determining whether to release a convicted person on parole, account shall be taken of his conduct during the term of the sentence, as well as other circumstances indicating that the purpose of the punishment has been attained.

(3) A convicted person who has served one third of his sentence may be released on parole, provided that the conditions referred to in paragraph 1 of this Article exist, and provided that special circumstances relating to the personality of the convicted person manifestly indicate that the purpose of the punishment has been attained.

(4) The person sentenced to long-term imprisonment may be granted conditional release after three-fifths of the punishment have been served.

#### **Article 46 Revocation of Parole**

- (1) The court shall order revocation of parole if the convicted person, while on parole, perpetrates one or more criminal offences for which a punishment of imprisonment for a term of one year or a more severe punishment has been imposed.
- (2) The court may order revocation of parole if the parolee perpetrates one or more criminal offences for which a punishment of imprisonment for a term up to one year has been imposed. In deciding whether to revoke the parole or not, the court shall take into special consideration the similarity in the nature of the acts perpetrated, their significance, the motives out of which they were perpetrated, as well as other circumstances indicating the appropriateness of revoking parole.
- (3) When the court orders revocation of parole, it shall impose punishment considering the previously imposed sentence as an already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited toward service of the subsequent sentence, whereas the period of time spent on parole shall not be credited.
- (4) The provisions of paragraphs 1 through 3 of this Article shall also be applied when the parolee is tried for a criminal offence perpetrated prior to his release on parole.
- (5) If the parolee is convicted to imprisonment for a term not exceeding one year, and if the court does not order revocation of parole, the term of the release on parole shall be extended for a period of time the convicted person spent serving the punishment of imprisonment.

#### **Article 47** **Fines**

- (1) Fines are imposed in daily amounts and if that is not possible, then in a fixed amount.
- (2) If a fine is imposed in daily amounts, it may be a minimum of five and maximum of three hundred sixty daily amounts, whereas for criminal offences motivated by greed, a maximum imposable fine is one thousand five hundred daily amounts, except in the cases foreseen by this Code.
- (3) If a fine is imposed in a fixed amount, a minimum amount may not be less than 150 KM and a maximum one may not exceed 50.000 KM whereas for criminal offences motivated by greed, a maximum fixed amount imposable may not exceed 1.000.000 KM, except in the cases foreseen by this Code.
- (4) In imposing a fine for criminal offences motivated by greed, the court may impose a fine exceeding the maximum prescribed amount in paragraphs 2 and 3 of this Article if the value of the illegal gain acquired through the perpetration of criminal offence exceeds the amount of 1.000.000 KM. In such case, the perpetrator may be imposed a fine in an amount that may not exceed the double amount of the value of the illegal gain acquired through the perpetration of criminal offence for which he is being imposed a fine.
- (5) A number of daily amounts is determined by the court according to the general rules on meting out punishments. A daily amount is determined by the court according to the amount of the perpetrator's daily income calculated on the basis of his net salary during three months and his other income and family responsibilities. In determining the amount, the court relies on the data not older than six months at the moment when the fine is imposed.
- (6) Data referred to in paragraphs 1 through 5 that are not known to the court, shall be provided by the accused within the deadline set by the court, but not later than by the closing of the main trial in criminal proceedings. If the circumstances relevant for the determination of a daily amount of fine are not known to the court by the end of the main trial in criminal proceedings, a fine is imposed in a fixed amount whereby the general rules for meting out punishments are applied.
- (7) A minimum daily amount of fine is 1/60 and a maximum amount is 1/3 of the most recent officially published employee's average net salary in the Federation, as published by the Agency of Statistics of the Federation.
- (8) The deadline for payment of the fine is determined in the judgement, but may not be shorter than fifteen days or longer than six months, but the court may allow in justified cases that the convicted person pays the

fine in instalments, whereby the deadline for payment may not exceed two years.

(9) Fines imposed and collected under this Code shall be credited to the Budget of the Federation.

#### **Article 48 Substitution of Fine**

(1) Fine shall not be collected by force.

(2) If a fine is not paid in full or in part within the period determined in the judgement, the court shall, without delay, issue a decision to substitute the fine by imprisonment.

(3) The fine shall be substituted by imprisonment in such a way that each daily amount started, or if the fine was imposed in a fixed amount each 50 KM started, is substituted by one day of imprisonment, whereby the imprisonment may not exceed one year.

(4) If the convicted person has only paid a portion of the fine, the remaining amount will be proportionally converted into imprisonment and if he then pays the remaining amount, the execution of imprisonment ceases.

#### **Article 49 General Principles of Meting out Punishments**

(1) The court shall mete out the punishment for the perpetrator of a criminal offence within the limits prescribed by law for that criminal offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances), and in particular: the degree of criminal responsibility, the motives for perpetrating the offence, the degree of danger or injury to the protected object, the circumstances in which the offence was perpetrated, the personal history of the perpetrator prior to the perpetration, his personal situation and his conduct after the perpetration of the criminal offence, as well as other circumstances related to the person of the perpetrator.

(2) In meting out the punishment for the perpetrator of a criminal offence perpetrated in recidivism, the court shall take into special consideration whether the most recent offence is of the same type as the previous one, whether both acts were perpetrated from the same motive, and the period of time which has elapsed since the previous conviction or served or pardoned punishment.

(3) In meting out a fine, the court shall take into consideration also the situation of the perpetrator in terms of property, taking into account the amount of his salary, his other income, his assets and his family obligations.

#### **Article 50 Reduction of Punishment**

The court may met out the punishment for the perpetrator below the limit prescribed by the law, or impose a less severe type of punishment:

a) When law prescribes that the perpetrator may be punished less severely; and

b) When the court determines the existence of highly extenuating circumstances, which indicate that the purpose of punishment can be also attained by a reduced punishment.

#### **Article 51 Limitations in Reduction of Punishment**

(1) When the conditions for the reduction of punishment referred to in Article 50 (*Reduction of Punishment*) of this Code exist, the court shall reduce the punishment within the following limits:

a) If a punishment of imprisonment of ten or more years is prescribed as the lowest punishment for the



criminal offence, the punishment may be reduced to five years of imprisonment;

- b) If a punishment of imprisonment of three or more years is prescribed as the lowest punishment for the criminal offence, the punishment may be reduced to one year of imprisonment;
- c) If a punishment of imprisonment of two years is prescribed as the lowest punishment for the criminal offence, the punishment may be reduced to six months of imprisonment;
- d) If a punishment of imprisonment of one year is prescribed as the lowest punishment for the criminal offence, the punishment may be reduced to three months of imprisonment;
- e) If a punishment of imprisonment not exceeding one year is prescribed as the lowest punishment for the criminal offence, the punishment may be reduced to thirty days of imprisonment;
- f) If a punishment of imprisonment is prescribed for a criminal offence without indication of the lowest limit, a fine may be imposed instead of imprisonment;
- g) If a fine is prescribed for a criminal offence with the indication of the lowest amount, the punishment may be reduced up to five daily amounts and if it is imposed in the fixed amount, it may be reduced to 150 KM.

(2) When deciding on the extent of reducing punishment pursuant to the rules set forth in paragraph 1 of this Article, the court shall take into special consideration the lowest and the highest measure of punishment prescribed for the particular criminal offence.

#### **Article 52 Release from Punishment**

(1) The court may release the perpetrator of a criminal offence from punishment when such possibility is explicitly prescribed by law.

(2) In cases when the court is allowed to release the perpetrator of a criminal offence from punishment, the court may decide to reduce the punishment having no regard to limitations in reduction of punishment prescribed in Article 50 (*Reduction of Punishment*) of this Code.

#### **Article 53 Special Condition for Release from Punishment for Criminal Offences Perpetrated out of negligence**

The court may release from punishment the perpetrator of a criminal offence perpetrated out of negligence, when the consequences of the offence affect the perpetrator so severely that imposing a punishment would obviously not serve the purpose of punishment.

#### **Article 54 Concurrence of Criminal Offences**

(1) If the perpetrator, by a single action or by several actions, has perpetrated several criminal offences, for which he is tried at the same time, the court shall first determine the punishment for each of the criminal offences separately, and then proceed with imposing a compound punishment of imprisonment, long-term imprisonment or a compound fine for all the criminal offences taken together.

(2) The court shall adhere to the following rules in imposing compound punishment:

- a) If the court has determined punishment of long-term imprisonment for one of concurrent criminal offences, it shall impose only that punishment;
- b) If the court has determined punishment of imprisonment for the concurrent criminal offences, the compound punishment must be higher than each of the individual punishments, but may not be as high as the sum of all incurred punishments, nor may it exceed a period of twenty years;

- c) If for each of the concurrent criminal offences a punishment of imprisonment not exceeding three years is prescribed, the compound punishment may not exceed eight years;
- d) If fines only have been determined by court for the concurrent criminal offences, the compound punishment must be higher than any individual determined fine, but it may not exceed the sum of all determined fines.

(3) If the court has determined punishments of imprisonment for some of the concurrent criminal offences, and fines for other concurrent criminal offences, it shall impose the compound punishment of imprisonment and the compound fine, pursuant to the provisions set forth in paragraph 2, items b) through d) of this Article.

(4) The court shall impose an accessory punishment if it is determined for at least one of the concurrent criminal offences, and if the court has determined several fines, it shall impose the compound fine pursuant to the provisions set forth in paragraph 2, item d) of this Article.

(5) If the court has determined punishments of imprisonment and juvenile imprisonments for the concurrent criminal offences, it shall impose the compound punishment pursuant to the provisions set forth in paragraph 2, items b) and c) of this Article.

#### **Article 55 Continued Criminal Offence**

(1) The provisions of this Code regarding concurrence of criminal offences shall not apply to a criminal offence arising out of the same transaction.

(2) A criminal offence arises out of the same transaction when the perpetrator intentionally perpetrates a number of identical criminal offences or offences of the same type which, according to the manner of perpetration, the temporal connection and other material circumstances connecting them constitute a whole.

(3) When a criminal offence arising of the same transaction comprises offences of the same legal description, the court shall choose the type and the range of the punishment prescribed for such a criminal offence. If criminal offences of the same type are at issue, the court shall choose the type and the range of punishment prescribed for the most serious of these offences.

#### **Article 56 Meting out Punishment for a Convicted Person**

(1) If a convicted person is tried for a criminal offence perpetrated before commencing to serve the previous sentence, or for a criminal offence perpetrated while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose a compound punishment for all the criminal offences applying provisions set forth in Article 53\* (*Concurrence of Criminal Offences*) of this Code, taking the punishment from the earlier sentence as an already fixed punishment. The sentence or part of the sentence, which the convicted person had already served, shall be credited toward the imposed sentence of imprisonment or long-term imprisonment.

(2) For a criminal offence perpetrated during the course of serving the punishment of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose to the perpetrator the punishment independently of the punishment from the earlier sentence, in cases when the application of the provisions set forth in Article 53\* of this Code would lead to failure to achieve the purpose of punishment considering the duration of non-served portion of the previous sentence.

(3) To a convicted person who, while serving the punishment of imprisonment, long-term imprisonment or juvenile imprisonment, perpetrates a criminal offence for which the law prescribes a fine or punishment of

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\* Should be 54.

\* Should be 54.

imprisonment for a term not exceeding one year, a disciplinary measure shall be applied.

#### **Article 57**

#### **Credit for the Period Spent in Custody and Credit for Punishment under an Earlier Sentence**

(1) The time spent in custody pending trial, as well as any deprivation of freedom related to the criminal offence, shall be counted as part of the imposed punishment of imprisonment, long-term imprisonment, juvenile imprisonment or fine.

(2) The fine paid or prison term served upon conviction for a minor offence shall be counted in the punishment imposed a criminal offence whose characteristics are the same as characteristics of the minor offence.

(3) In each counting of the credit, one day spent in custody pending trial, one day of deprivation of freedom, one day of juvenile imprisonment, one day of imprisonment, one day of long-term imprisonment and the amount of 50 KM, shall be deemed equal.

#### **Article 58**

#### **Credit for the Detention and Sentence Served Abroad**

The detention, deprivation of freedom in the course of an extradition procedure, as well as the punishment which the perpetrator served upon a judgement of a foreign court, shall be counted in the punishment imposed by the domestic court for the same criminal offence, whereas if the punishments are not of the same kind, the credit for the punishment served abroad shall be effected in a way the court finds fit.

### **V I I I C H A P T E R E I G H T**

#### **WARNING SENTENCES (NON-CUSTODIAL MEASURES)**

#### **Article 59**

#### **Types of Warning Sentences**

Warning sentences are:

- a) Judicial admonition;
- b) Suspended sentence.

#### **Article 60**

#### **Purpose of Warning Sentences**

(1) The purpose of judicial admonition is to give to a criminally responsible perpetrator a reprimand, when a punishment does not need to be imposed to achieve the purpose of criminal sanctions nor to ensure criminal justice protection.

(2) The purpose of a suspended sentence is to give to a perpetrator of a criminal offence a reprimand with a threat of punishment, which achieves the purpose of criminal sanctions by pronouncing a punishment without executing it, when the execution of punishment is not necessary to ensure criminal justice protection.

#### **Article 61**

#### **Judicial Admonition**

(1) A judicial admonition may be pronounced for criminal offences for which a punishment of imprisonment for a term not exceeding one year or a fine is prescribed, which have been perpetrated under such extenuating circumstances which render them particularly minor, when, given all the circumstances regarding the perpetrator, his attitude toward the injured party and compensation for the damage caused by the criminal offence in particular, all requirements have been met for achieving the purpose of criminal

sanctions without punishment.

(2) A judicial admonition may be pronounced also for a particular criminal offence for which a punishment of imprisonment for a term not exceeding three years is prescribed, under conditions prescribed by law and when the other conditions referred to in paragraph 1 of this Article are met.

(3) Judicial admonition may be pronounced also for concurrent criminal offences, if for each of those offences the conditions referred to in paragraphs 1 and 2 of this Article are met.

(4) In deciding whether to pronounce a judicial admonition, the court shall, taking into account the purpose of judicial admonition, give special consideration to the personality of the perpetrator, his personal history prior to the perpetration, his conduct after the perpetration of the criminal offence, the degree of criminal responsibility and other circumstances under which the criminal offence has been perpetrated.

(5) A judicial admonition may not be pronounced to military persons for criminal offences against the armed forces of the Federation.

## **Article 62** **Suspended Sentence**

(1) By a suspended sentence the court determines a punishment for the perpetrator of criminal offence, but at the same time orders that it shall not be executed if the convicted person does not perpetrate another criminal offence over a period of time established by the court, which may not be shorter than one or longer than five years (probation period).

(2) In deciding whether to pronounce a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, give special consideration to the personality of the perpetrator, his personal history prior to the perpetration, his conduct after the perpetration of the criminal offence, the degree of criminal responsibility and other circumstances under which the criminal offence has been perpetrated.

(3) A suspended sentence may be imposed when a punishment of imprisonment for a term not exceeding two years or a fine has been determined for the perpetrator.

(4) A suspended sentence may be pronounced for criminal offences for which the punishment of imprisonment for a term of ten years or a more severe punishment may be imposed, only if a punishment referred to in paragraph 3 of this Article has been determined by reduction of the punishment prescribed by law.

(5) A suspended sentence may not be pronounced for criminal offences for which even after a reduction of the punishment, a punishment of imprisonment for a term not exceeding one year may not be imposed.

(6) If both a punishment of imprisonment and a fine have been determined for the perpetrator, the suspended sentence may be pronounced either for both punishments or only for the punishment of imprisonment.

(7) Security measures, ordered alongside a suspended sentence, shall be executed.

## **Article 63** **Obligations of the Person under Suspended Sentence**

(1) In a suspended sentence, the court may order the following obligations: that the convicted person shall make a restitution of the gain acquired by the perpetration of the criminal offence, that the convicted person shall compensate for the damage caused by the perpetration of the criminal offence, or that the convicted person shall fulfil other obligations provided for in criminal legislation in the Federation.

(2) For the fulfilment of an obligation referred to in paragraph 1 of this Article, the court shall determine the period, which period shall be within the determined probation period.

## **Article 64** **Revocation of Suspended Sentence because of a New Criminal Offence**

(1) The court shall revoke the suspended sentence if the convicted person perpetrates one or more criminal offences for which a punishment of imprisonment for a term of two years or a more severe punishment had been imposed before the probation period expired.

(2) If the convicted person perpetrates one or more criminal offences during the probation period for which the punishment of imprisonment for a term not exceeding two years or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the criminal offences perpetrated as well as to the perpetrator, particularly the possible similarity of the perpetrated offences, their significance and motives from which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment for a term exceeding two years (Article 62, *Suspended Sentence*, paragraph 3 of this Code) needs to be imposed on the perpetrator for the criminal offence for which the suspended sentence was imposed and for new criminal offences.

(3) In the event of revocation of the suspended sentence, the court shall impose one compound punishment both for the previously perpetrated and the new criminal offence, pursuant to the provisions of Article 54 (*Concurrence of Criminal Offences*) of this Code, taking the revoked suspended sentence as an already fixed punishment.

(4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court decides that a suspended sentence should be imposed for the newly perpetrated criminal offence as well, the court shall apply provisions set forth under Article 54 of this Code to impose one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine one compound probation period, which may not be shorter than one or longer than five years, commencing on the day the new sentence became effective. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously perpetrated criminal offence.

#### **Article 65**

##### **Revocation of Suspended Sentence because of Previously Perpetrated Criminal Offence**

(1) The court shall revoke a suspended sentence in case that, after it was imposed, it learned that the perpetrator had perpetrated a criminal offence prior to the imposition of the suspended sentence, and the court deems that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that criminal offence been known. In such a case, the provision set forth under Article 64 (*Revocation of Suspended Sentence Because of a New Criminal Offence*) paragraph 3 of this Code shall be applied.

(2) If the court does not revoke a suspended sentence, it shall apply the provision set forth under Article 64, paragraph 4 of this Code.

#### **Article 66**

##### **Revocation of Suspended Sentence caused by Failure to Fulfil Particular Obligations**

(1) The court shall revoke the suspended sentence and order the execution of the imposed punishment if the convicted person, within the course of the determined probation period, does not fulfil the obligations imposed on him in cases where he could have fulfilled them.

(2) In the case of the impossibility of fulfilling the obligations, the court may extend the deadline for the fulfilling of the obligations, or may replace such obligations with other obligations provided for in criminal legislation in the Federation, or relieve the convicted person of the obligations.

#### **Article 67**

##### **Deadlines for Revocation of Suspended Sentence**

(1) A suspended sentence may be revoked during the probation period.

(2) If a convicted person perpetrates a criminal offence entailing revocation of the suspended sentence

during this period, but it is established by judgement only after the expiration of the probation period, the suspended sentence may be revoked at the latest one year after the probation period has expired.

(3) If a convicted person fails to fulfil a certain obligation referred to in Article 63 (*Obligations of the Person under Suspended Sentence*) paragraph 1 of this Code within the determined deadline, the court may revoke the suspended sentence no later than one year after the expiration of the probation period, and order execution of the punishment imposed as the suspended sentence.

### **Article 68** **Suspended Sentence with Protective Guardianship**

(1) The court may order that a perpetrator, who has been subject to a suspended sentence, be placed under protective guardianship if, upon having considered the circumstances of the criminal offence, personality of the perpetrator, his personal history prior to the perpetration and his conduct after perpetrating the criminal offence, it came to the conclusion that it would contribute to achieving more efficiently the purpose of suspended sentencing and social rehabilitation.

(2) Protective guardianship encompasses measures of assistance, care, supervision and protection outlined under this Code, provided that the protective guardianship may not last less than six months nor it may exceed two years.

### **Article 69** **Contents of Protective Guardianship**

Protective guardianship may include the following obligations:

- a) Treatment in an appropriate health institution;
- b) Refraining from intake of alcoholic drinks or opiates (intoxicating drugs);
- c) Attending particular psychiatric, psychological or other counselling centres and acting in accordance with their instructions;
- d) Training for a certain profession;
- e) Accepting employment which is appropriate to the skills and abilities of the perpetrator;
- f) Disposing with the salary or other income and property in an appropriate way and in accordance with marital or family obligations.

### **Article 70** **Ordering Protective Guardianship**

(1) The court orders in a judgement one or several obligations set forth under Article 69 (*Contents of Protective Guardianship*) of this Code, determining what exactly they cover.

(2) When ordering the obligations referred to in Article 69 of this Code, the court shall take into special consideration the age of the perpetrator, his general physical and mental condition, his life inclinations and habits, especially at home, in school or at work, the motives out of which the criminal offence has been perpetrated and his conduct after perpetrating the criminal offence, his personal history prior to the perpetration, personal and family circumstances, as well as other circumstances related to the person of the perpetrator, which are important for selecting the obligations within protective guardianship and their duration.

(3) If, during protective guardianship, the court establishes that the purpose of the protective guardianship has been attained, it may terminate the protective guardianship before the expiration of determined period.

(4) If a convicted person to whom the protective guardianship has been ordered fails to fulfil obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or

extend the protective guardianship within the probation period, or may revoke the suspended sentence.

## **IX C H A P T E R   N I N E**

### **SECURITY MEASURES**

#### **Article 71**

##### **Types of Security Measures**

The following security measures may be imposed on perpetrators of criminal offences:

- a) Mandatory psychiatric treatment;
- b) Mandatory medical treatment of addiction;
- c) Ban on carrying out a certain occupation, activity or duty;
- d) Ban on driving a motor vehicle;
- e) Forfeiture.

#### **Article 72**

##### **Purpose of Security Measures**

The purpose of security measures is to remove situations or conditions that might influence a perpetrator to perpetrate criminal offences in the future.

#### **Article 73**

##### **Imposing Security Measures**

The court may impose one or several security measures on a perpetrator of a criminal offence, when grounds for imposing them exist under this Code.

#### **Article 74**

##### **Mandatory Psychiatric Treatment**

- (1) The security measure of mandatory psychiatric treatment shall be imposed on a perpetrator who perpetrates a criminal offence in a state of considerably diminished mental capacity or diminished mental capacity, if there is a danger that the causes of such a state may in the future also induce the perpetrator to perpetrate another criminal offence.
- (2) The security measure of mandatory psychiatric treatment may, under the conditions provided for in paragraph 1 of this Article, be executed along with serving the punishment of imprisonment, community service or a suspended sentence.
- (3) The security measure of mandatory psychiatric treatment shall last until the termination of the reason for which it has been imposed, but in any event no longer than the serving of the punishment of imprisonment or the completion of community service or the expiry of the probation period accompanying a suspended sentence.
- (4) As in the case referred to in Article 44 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered to the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to undergo mandatory psychiatric treatment.
- (5) Under the conditions provided for in paragraph 2 of this Article, after a convicted person has been conditionally released, his mandatory psychiatric treatment may continue outside the medical institution. If the convicted person does not continue the treatment, his conditional release shall be revoked.

(6) The perpetrator of a criminal offence, who does not undergo psychiatric treatment during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 66 (*Revocation of Suspended Sentence caused by Failure to Fulfil Particular Obligations*) of this Code.

#### **Article 75**

##### **Mandatory Medical Treatment of Addiction**

(1) The security measure of mandatory medical treatment of addiction may be imposed on a perpetrator who perpetrates a criminal offence under the decisive influence of addiction to alcohol or to narcotic drugs, if there is a danger that due to such an addiction he will repeat the offence.

(2) The security measure of mandatory medical treatment of addiction, under the conditions provided for in paragraph 1 of this Article, may be imposed along with the same criminal sanctions, for the same duration, and in the same manner as prescribed for the security measure of mandatory psychiatric treatment by this Code.

(3) As in the case referred to in Article 44 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered to the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to undergo mandatory treatment of addiction.

(4) Under the conditions provided for in Article 74 (*Mandatory Psychiatric Treatment*) paragraph 2 of this Code, after a convicted person has been conditionally released, his mandatory treatment of addiction may continue outside the medical institution. If the convicted person does not continue the treatment, his conditional release shall be revoked.

(5) The perpetrator of a criminal offence, who does not undergo the treatment of addiction during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 65\* (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

#### **Article 76**

##### **Ban on Carrying out a Certain Occupation, Activity or Duty**

(1) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed on a perpetrator who perpetrates a criminal offence with regard to property entrusted or accessible to him by virtue of his occupation, activity or duty, if there is a danger that such role could induce the perpetrator to perpetrate another criminal offence through the abuse of the occupation, activity or duty with regard to the property entrusted or accessible to him.

(2) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed for a term not less than one but not exceeding ten years, counting from the date the decision becomes final, with the provision that the time spent serving the punishment of imprisonment shall not be credited toward the term of this security measure.

(3) As in the case referred to in Article 44 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered to the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to act in accordance with the ban on carrying out a certain occupation, activity or duty.

(4) The perpetrator of a criminal offence who does not act in accordance with the ban on carrying out a certain occupation, activity or duty during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 66 (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*) of this Code.

#### **Article 77**

##### **Ban on Driving Motor Vehicle**

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\* Should be 66.



(1) The security measure of ban on driving a motor vehicle may be imposed to a perpetrator of a criminal offence against traffic safety, if there is a danger that he will, by driving a motor vehicle, perpetrate such criminal offence again.

(2) Under the conditions referred to in paragraph 1 of this Article, the ban on driving a motor vehicle may be imposed regarding only a certain type or regarding any type of a motor vehicle.

(3) The security measure of ban on driving a motor vehicle may be imposed for a term not less than three months nor more than five years, counting from the date the decision becomes final, with the provision that the time spent serving the punishment of imprisonment shall not be credited toward the term of this security measure.

(4) To the perpetrator of a criminal offence to whom driving a motor vehicle has been banned along with the substitution of the punishment of imprisonment or suspended sentence, if he does not comply with the ban, the provisions of Article 44 (*Community Service*) paragraph 5 and Article 66 (*Revocation of Suspended Sentence caused by Failure to Fulfil Particular Obligations*) paragraph 5 of this Code shall be applied.

#### **Article 78 Forfeiture of objects**

(1) Objects used or destined for use in the perpetration of a criminal offence, or those that resulted from the perpetration of a criminal offence, shall be forfeited, if there is a danger that they will be used again for the perpetration of a criminal offence, or if the purpose of protecting the public safety or moral reasons make the forfeiture absolutely necessary, if those objects are owned by the perpetrator.

(2) Objects referred to in paragraph 1 of this Article may be forfeited even if not owned by the perpetrator, if consideration of public safety or moral reasons so require, but such forfeiture does not affect the rights of third parties to obtain damage compensation from the perpetrator.

(3) In the cases referred to in paragraph 2 of this Article, the law may prescribe mandatory forfeiture.

### **X C H A P T E R   T E N**

#### **RULES RELATING TO EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHING JUVENILES**

##### **Article 79 Application of Special Criminal Provisions to Juveniles**

(1) To juvenile perpetrators of criminal offences the provisions of Articles 79 through 109 of this Code shall apply, while other criminal provisions set forth in the other laws shall apply to juveniles only insofar as they do not exceed the boundaries defined by special provisions for juvenile perpetrators of criminal offences.

(2) Special provisions for juvenile perpetrators of criminal offences are also applied under conditions set forth in the provisions of Articles 79 through 109 of this Code to adults, who are being tried for criminal offences that they have perpetrated as juveniles, and exceptionally to persons who have perpetrated a criminal offence as young adults.

##### **Article 80 Conditions for Applying Educational Recommendations**

(1) To a juvenile perpetrator of a criminal offence, educational recommendations may be applied for criminal offences for which a fine or a punishment of imprisonment for a term not exceeding three years is prescribed.

(2) The educational recommendations may be applied to a juvenile by a competent prosecutor or court\* for juvenile perpetrators.

(3) The conditions for application of educational recommendations are: the juvenile's admission that he has perpetrated the criminal offence, and his expressed willingness to make amends with the injured party.

### **Article 81** **Purpose of Educational Recommendations**

The purpose of educational recommendations is:

- a) To avoid initiation of criminal proceedings against juvenile perpetrator of a criminal offence; and
- b) To influence juveniles, by the application of educational recommendations, not to perpetrate criminal offences in future.

### **Article 82** **Types of Educational Recommendations**

(1) Educational recommendations are:

- a) Personal apology to the injured party;
- b) Compensation of damage to the injured party;
- c) Regular school attendance;
- d) Working for a humanitarian organisation or local community;
- e) Accepting an appropriate job;
- f) Being placed in another family, home or institution;
- g) Treatment in an adequate health institution;
- h) Attending instructive, educational, psychological and other forms of counselling.

(2) Educational recommendations referred to in paragraph 1, items a) through c) and h) of this Article shall be applied by the competent prosecutor, while the educational recommendations referred to in items d) through g) shall be applied by the court for juveniles\*.

### **Article 83** **Selection of Educational Recommendations**

(1) When deciding which particular educational recommendation to apply, the competent prosecutor or court\* for juveniles shall take into consideration the overall interests of the juvenile and the injured party. In doing so, he shall pay special attention not to jeopardise the juvenile's regular schooling or work by applied educational recommendations.

(2) Educational recommendations may not last longer than one year.

(3) Educational recommendations may be, during their execution, replaced with another or cancelled.

(4) The selection and application of educational recommendations shall be done in co-operation with the

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\* Should be "judge".

\* Should be "by the juvenile judge".

\* Should be "judge".

juvenile's parents or guardians and institutions of social welfare.

#### **Article 84** **Criminal Sanctions for Juveniles**

- (1) To a juvenile perpetrator of a criminal offence educational measures and certain security measures may be imposed, while to a senior juvenile the punishment of juvenile imprisonment may be exceptionally imposed.
- (2) To a juvenile who at the time of perpetration of a criminal offence had reached fourteen years of age but had not reached sixteen years of age (a junior juvenile) only educational measures may be imposed.
- (3) To a juvenile who at the time of perpetration of a criminal offence had reached sixteen years of age but had not yet reached eighteen years of age (a senior juvenile) educational measures may be imposed under conditions prescribed by this Code, and exceptionally a punishment of juvenile imprisonment may be imposed.
- (4) Security measures may be imposed on a juvenile under the conditions prescribed by this Code.
- (5) A suspended sentence or judicial admonition may not be imposed on a juvenile.

#### **Article 85** **Purposes of Educational Measures and Juvenile Imprisonment**

The purpose of educational measures and of juvenile imprisonment is to ensure the education, rehabilitation and proper development of juveniles who have perpetrated criminal offences by extending protection, assistance and supervision to them, providing them with vocational training and developing their personal responsibility. In addition, the purpose of juvenile imprisonment is to exercise special influence on a juvenile perpetrator in order not to perpetrate criminal offences in the future, as well as to deter other juveniles from perpetrating criminal offences.

#### **Article 86** **Types of Educational Measures**

- (1) Educational measures are:
  - a) Disciplinary measures;
  - b) Measures of intensified supervision;
  - c) Institutional measures.
- (2) Disciplinary measures shall be imposed on a juvenile perpetrator of a criminal offence, who does not need to be submitted to extended educational or reformatory measures, in particular if he has perpetrated a criminal offence out of thoughtlessness or frivolity.
- (3) Measures of intensified supervision shall be imposed on a juvenile perpetrator of a criminal offence, who needs to be submitted to extended measures of education, rehabilitation or treatment under adequate supervision, but where it is not necessary to completely isolate him from the old environment.
- (4) Institutional measures shall be imposed on a juvenile perpetrator of a criminal offence, who needs to be submitted to extended measures of education, rehabilitation or treatment, as well as completely detached from his old environment. Institutional measures may not last more than five years.

#### **Article 87** **Educational Measures**

On a juvenile perpetrator of a criminal offence, the following educational measures may be imposed:

- a) Disciplinary measure of committal to a disciplinary centre for juveniles;

b) Measures of intensified supervision: on the part of the parents, adoptive parent or guardian, in a foster home, or on the part of a competent social welfare body;

c) Institutional measures: committal to an educational institution, to an educational-reformatory home or some other training establishment.

### **Article 88** **Selection of Educational Measures**

When selecting an educational measure, the court shall take into account the age of the juvenile, the degree of his mental development, his psychological traits, his propensities, the motives from which he perpetrated the deed, the education and upbringing he was as yet provided with, his environment and living conditions, the gravity of his deed, whether an educational measure or punishment has previously been imposed to him, and all other circumstances relevant to the imposition of educational measure.

### **Article 89** **Committal to Disciplinary Centre for Juveniles**

(1) The court shall impose the educational measure of committal to a disciplinary centre for juveniles when it is necessary to exert an influence on the personality and conduct of a juvenile perpetrator of criminal offence by means of appropriate short-term measures.

(2) A juvenile to whom a measure referred to in paragraph 1 of this Article has been imposed may be committed by the court to the disciplinary centre:

- a) For a specified number of hours on holidays, but for not more than four consecutive days of a holiday;
- b) For a specified number of hours during a day, but for not more than one month;
- c) For a continuous stay over a specified number of days, totalling to not more than twenty days.

(3) In imposing a measure referred to in paragraph 1 of this Article, the court shall take account that the juvenile does not fall behind in his regular studies or work due to the enforcement of the measure.

(4) The juvenile may be employed in the disciplinary centre with useful labour appropriate to his age, if he or his legal guardian consents to the labour.

(5) In imposing the educational measure of committal to the disciplinary centre for juveniles, the court may also impose the educational measure of intensified supervision on the part of the competent social welfare body, which will be executed after the execution of the educational measure of committal to the disciplinary centre for juveniles.

### **Article 90** **Intensified Supervision on the Part of Parents, Adoptive Parent or Guardian**

(1) The educational measure of intensified supervision on the part of parents, adoptive parent or guardian, shall be imposed by the court if the parents, adoptive parent or guardian have failed in supervising the juvenile, although they are capable of exercising such supervision.

(2) When imposing the educational measure referred to in paragraph 1 of this Article, the court may give necessary instructions to the parent, adoptive parent or guardian, and order them to carry out particular duties with respect to measures that need to be undertaken toward the education of the juvenile, toward his medical treatment and averting harmful influences upon him.

(3) In imposing the educational measure referred to in paragraph 1 of this Article, the court may make an order upon the competent social welfare body to check its enforcement and render assistance to the parent, adoptive parent or guardian. The court shall subsequently decide on the termination of this control, with the provision that it may not be shorter than one or longer than three years.

**Article 91**  
**Intensified Supervision in a Foster Home**

(1) If the parents, adoptive parent or guardian of a juvenile are in no position to intensively supervise the juvenile, or if they cannot be reasonably expected to do so, the court shall impose on the juvenile the educational measure of intensified supervision in a foster home accommodating him with another family that is willing to accommodate him and that has the ability to exercise an intensified supervision over him.

(2) The enforcement of the educational measure referred to in paragraph 1 of this Article shall be discontinued when it becomes possible for the parents, adoptive parent or guardian to exercise intensified supervision over the juvenile, or when as a result of the education process the intensified supervision becomes no longer required.

(3) In imposing the educational measure referred to in paragraph 1 of this Article, the court shall make an order upon the competent social welfare body to check, throughout the duration of the measure, its enforcement, as well as to render necessary assistance to the family with which the juvenile has been accommodated.

**Article 92**  
**Intensified Supervision on the Part of the Competent Social Welfare Body**

(1) If the parents, adoptive parent or guardian are in no position to intensively supervise the juvenile, and if the conditions for imposing the educational measure of intensified supervision in a foster home do not exist, the court shall impose to the juvenile the educational measure of intensified supervision on the part of the competent social welfare body.

(2) The court shall subsequently decide on the date of discontinuation of the educational measure referred to in paragraph 1 of this Article, providing that its duration may not be shorter than one year or longer than three years. During the enforcement of the measure, the juvenile shall stay with his parents, adoptive parent or guardian, while the intensified supervision over him shall be exercised by an authorised person of the competent social welfare body.

(3) The authorised person of the competent social welfare body shall take care of the juvenile's studies, his employment, his detachment from the environment affecting him in a harmful way, his necessary medical treatment and the improvement of his living conditions.

**Article 93**  
**Special Obligations in Conjunction with Measures of Intensified Supervision**

(1) In imposing an educational measure of intensified supervision referred to in Article 90 (*Intensified Supervision on the Part of Parents, Adoptive Parent or Guardian*), 91 (*Intensified Supervision in a Foster Home*) and 92 (*Intensified Supervision on the Part of the Competent Social Welfare Body*) of this Code, the court may order to a juvenile one or more special obligations, if necessary for the successful enforcement of the measure, provided that the obligations cannot last longer than the educational measure itself.

(2) The court may order to the juvenile the following obligations in particular: that he should personally apologise to the injured party, pay for the damage within his abilities, go to school regularly, undergo training for a job suitable for his capabilities and propensities, restrain from using alcoholic drinks and intoxicating drugs, visit an appropriate health institution or counselling office, and not to associate with persons who have bad influence on him.

(3) The court may subsequently cancel or modify obligations it has ordered.

(4) In the event that the obligations referred to in paragraph 2 of this Article are not fulfilled, the court may substitute the imposed measure of intensified supervision with some other educational measure.

(5) In ordering the obligations referred to in paragraph 2 of this Article, the court shall alert a juvenile to the consequences referred to in paragraph 4 of this Article.

**Article 94**  
**Committal to Educational Institution**

(1) The court shall impose the educational measure of committal to an educational institution on a juvenile who has to be submitted to lasting supervision on the part of trained educators in the institution for the education of juveniles.

(2) The juvenile shall remain in the educational institution for a term not shorter than six months and not longer than three years. When imposing this measure, the court shall not determine its duration, but shall subsequently decide thereupon (Article 97, *Discontinuance and Modification of Decision on Educational Measures*, paragraph 2 of this Code).

**Article 95**  
**Committal to an Educational-Reformatory Home**

(1) The court shall impose the educational measure of committal to an educational-reformatory home for juvenile perpetrators to a juvenile to whom intensified reformatory measures have to be applied.

(2) In deciding whether to impose the educational measure referred to in paragraph 1 of this Article, the court shall take into particular consideration the gravity and nature of the criminal offence perpetrated, as well as the circumstance whether educational measures or juvenile imprisonment have already been imposed on the juvenile.

(3) The juvenile shall remain in the educational-reformatory home for a term not shorter than one year or longer than five years. When imposing the educational measure referred to in paragraph 1 of this Article, the court shall not determine its duration, but shall subsequently decide thereupon (Article 97, *Discontinuance and Modification of Decision on Educational Measures*, paragraph 2 of this Code).

**Article 96**  
**Committal to Another Training Institution**

(1) To a juvenile whose mental or physical development is impeded the court may impose the educational measure of committal to another training institution in lieu of the educational measure of committal to an educational institution or the educational measure of committal to an educational-reformatory home.

(2) The juvenile shall remain in the training institution as long as necessary for his medical treatment or rehabilitation, but when the juvenile comes of age the need for his further stay in the institution shall be reassessed.

**Article 97**  
**Discontinuance and Modification of Decisions on Educational Measures**

(1) If after the decision on imposing an educational measure of intensified supervision or an institutional educational measure, circumstances appear which had not existed at the time of the decision or had then been unknown, but might have affected the making of the decision, the enforcement of the measure imposed may be discontinued, or the measure imposed may be substituted with another educational measure of intensified supervision or an institutional educational measure.

(2) In addition to the cases referred to in paragraph 1 of this Article, unless otherwise prescribed for certain measures, the enforcement of educational measures of intensified supervision or institutional educational measures may be discontinued due to the success achieved in the educational process, or these measures may be substituted by other such measures better suited to attainment of the purpose of educational measures.

(3) The discontinuance or substitution of an institutional educational measure by another type of institutional educational measure shall be subject to the following restrictions:

- a) Enforcement of the educational measure of committal to an educational institution may not be discontinued before the expiration of a term of six months, and until such time may only be substituted by the educational measure of committal to an educational-reformatory home or the

educational measure of committal to some other training institution;

- b) Enforcement of the educational measure of committal to an educational-reformatory home may not be discontinued before the expiration of a term of one year, and before such time may only be substituted by the educational measure of a committal to some other training institution.

(4) Exceptionally, enforcement of the educational measure of committal to educational institution or the educational measure of committal to an educational-reformatory home may be discontinued or be substituted by some other measure even before the expiration of the deadlines referred to in paragraph 3, items a) and b) of this Article if special circumstances that relate to the personality of the juvenile manifestly show that the purpose of these measures has been attained.

#### **Article 98**

##### **Reconsideration of Educational Measures**

(1) The court shall reconsider the need of enforcing the educational measure imposed if more than one year has elapsed since the day when the decision imposing an educational measure of intensified supervision or an institutional educational measure came into force, and if until such time the enforcement of the measure has not commenced. Reconsidering it, the court may decide that the previously imposed measure be enforced, not enforced or substituted with another measure.

(2) The educational measure of committal to a disciplinary centre for juveniles shall not be executed if more than six months have elapsed since the day when the decision imposing the measure came into force, and if the enforcement of the measure has not yet commenced.

#### **Article 99**

##### **Punishment of Senior Juveniles**

Punished may be only a criminally responsible senior juvenile, who has perpetrated a criminal offence for which a punishment of imprisonment for a term exceeding five years has been prescribed and if it would not be justifiable to apply an educational measure because of the grave consequences of the offence perpetrated and the high degree of criminal responsibility.

#### **Article 100**

##### **Juvenile Imprisonment**

(1) The duration of the punishment of juvenile imprisonment may not be shorter than one or longer than ten years, and shall be imposed in full years or half-years.

(2) In meting out punishment for a senior juvenile for a criminal offence, the court may not impose juvenile imprisonment for a term exceeding that of imprisonment prescribed for that particular criminal offence, but the court shall not be bound by the minimal measure of that punishment prescribed.

#### **Article 101**

##### **Meting Out Juvenile Imprisonment**

In meting out juvenile imprisonment for a senior juvenile, the court shall take into consideration all circumstances that may influence the punishment being longer or shorter (Article 49, *General Principles of Meting out Punishments*), paying special attention to level of mental development of the juvenile and time needed for his correction and occupational training.

#### **Article 102**

##### **Imposing Educational Measures and Juvenile Imprisonment for Concurrent Criminal Offences**

(1) For concurrent criminal offences the court shall impose to a juvenile only one educational measure or only a punishment of juvenile imprisonment, when legal conditions exist for that punishment to be imposed and when the court finds that it should be imposed.

(2) The court shall proceed pursuant to provision of paragraph 1 of this Article also in case it establishes that

a juvenile had perpetrated a criminal offence prior or after an educational measure or juvenile imprisonment has been imposed.

**Article 103**  
**Statute of Limitations on Execution of the Juvenile Imprisonment**

The execution of juvenile imprisonment is barred when the following time periods have elapsed from the date of entering into force of the judgement by which the punishment has been imposed:

- a) Ten years if the punishment of juvenile imprisonment for a term exceeding five years has been imposed;
- b) Five years if the punishment of juvenile imprisonment for a term exceeding three years has been imposed;
- c) Three years if the punishment of juvenile imprisonment for a term not exceeding three years has been imposed.

**Article 104**  
**Imposing Criminal Sanctions on Adults for Offences They Have Perpetrated as Juveniles**

- (1) An adult who has reached twenty-one years of age may not be tried for a criminal offence he perpetrated as a junior juvenile.
- (2) If an adult has not reached twenty-one years of age at the time of the trial, he may be tried only for criminal offences for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may impose on such a person only the appropriate institutional educational measure, taking into account, when considering whether to impose such a measure or not, all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since the perpetration, the conduct of the perpetrator and the purpose of the educational measure.
- (3) An appropriate institutional educational measure may be imposed on an adult for a criminal offence he perpetrated as a senior juvenile, and under conditions referred to in Article 100 (*Juvenile Imprisonment*) of this Code, a punishment of juvenile imprisonment may also be imposed. In deciding whether to impose a sanction and which of the sanctions to impose, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since its perpetration, the conduct of the perpetrator, as well as the purpose of these sanctions.
- (4) As an exception to the provision of paragraph 3 of this Article, in lieu of juvenile imprisonment the court may impose a punishment of imprisonment or suspended sentence on an adult who has reached twenty-one years of age at the time of the trial. Regarding rehabilitation, deleting the sentence and legal consequences of the sentence, the sentence of imprisonment in this case shall have the same legal effect as a sentence to juvenile imprisonment.

**Article 105**  
**Imposing Educational Measures on Young Adults**

- (1) The court may impose an appropriate institutional measure on a perpetrator who has perpetrated a criminal offence as an adult, but who has not reached twenty-one years of age at the time of trial, if, given his personality and circumstances in which he perpetrated the criminal offence, it may reasonably be expected that the educational measure would have the same result as an imprisonment sentence.
- (2) Under the conditions prescribed by this Code, the court may impose on a young adult on whom it had imposed an educational measure any security measure prescribed in this Code, other than the security measure of prohibition to carry out a certain occupation, activity or duty.
- (3) The educational measure imposed may last only until the perpetrator reaches twenty-three years of age.

**Article 106**



### **Imposing Security Measures to a Juvenile**

- (1) Security measures referred to in Article 71 (*Types of Security Measures*), items a), b) and e) of this Code may, under conditions defined in law, be imposed on a juvenile perpetrator to whom an educational measure or a sentence to juvenile imprisonment has been imposed.
- (2) A security measure of mandatory treatment of addiction may not be imposed together with a disciplinary measure.
- (3) Instead of a security measure of mandatory psychiatric treatment, an educational measure of committal to another training establishment may be imposed if the treatment and the supervision may be enforced in that institution and thus the purpose of the security measure attained. In addition, the security measure of forfeiture may also be imposed.

### **Article 107**

#### **Impact of Punishment on Educational Measures**

- (1) If the court imposes a punishment of juvenile imprisonment on a senior juvenile during the course of an educational measure, such educational measure shall terminate with commencement of the service of the punishment.
- (2) If the court imposes on an adult a punishment of juvenile imprisonment or imprisonment for a term of at least one year during the course of an educational measure, such educational measure shall terminate with commencement of the service of the punishment.
- (3) If the court imposes on an adult a punishment of imprisonment for a term shorter than one year during the course of an educational measure, the court shall decide in the judgement whether upon the completion of the punishment the educational measure would be continued or cancelled.

### **Article 108**

#### **Effect of Educational Measures and Sentencing to Juvenile Imprisonment**

- (1) Educational measures and juvenile imprisonment do not entail the legal consequences consisting of the bar to acquire certain rights as set under Article 118 (*Types of Legal Consequences Incident to Conviction*), paragraph 2 of this Code.
- (2) The provisions of Article 112 (*Labour by Convicted Persons*) of this Code shall also apply to the persons serving the educational measure of committal to an educational-reformatory home or sentence of juvenile imprisonment.

### **Article 109**

#### **Records on Educational Measures Imposed**

- (1) Records on educational measures imposed are to be kept with competent social welfare bodies pursuant to regulations adopted by the body in charge of social welfare in the Federation.
- (2) Data on educational measures imposed may be revealed only to the court, prosecutor's office, internal affairs bodies and social welfare bodies in relation to criminal proceedings against persons on whom the educational measures were imposed.

## **X I C H A P T E R   E L E V E N**

### **GENERAL PROVISIONS ON EXECUTION OF CRIMINAL SANCTIONS**

### **Article 110**

#### **Execution of Sentence of Imprisonment**

- (1) The sentence of imprisonment or juvenile imprisonment shall be executed in closed, semi-open or open institutions for the execution of punishments.
- (2) The sentence of long-term imprisonment shall be executed in the closed-type institution for execution of punishments.

**Article 111**  
**Limits as to the Execution of Punishments**

A person against whom a punishment is to be executed shall be deprived of his rights or have his rights restricted pursuant to the law only insofar as it may be necessary to achieve the purpose of the particular sentence.

**Article 112**  
**Labour by Convicted Persons**

- (1) A person sentenced to imprisonment, long-term imprisonment or juvenile imprisonment, if able to work, may work if he consents to it.
- (2) If a convicted person requests or consents to work, carrying out of such work shall be enabled.
- (3) The work of convicted persons should be useful and should correspond as much as possible to the contemporary way of performing the same kind of work at liberty, and to the professional and other abilities of the convicted persons.

**Article 113**  
**Execution of Sentence of Juvenile Imprisonment**

- (1) The sentence of juvenile imprisonment is served by senior juveniles in special institutions for juvenile offenders, where they are to stay until they reach eighteen years of age. Those who have reached eighteen but who have not reached twenty-three years of age (younger adults) shall serve the sentence of juvenile imprisonment in special institutions for younger adults or in a special department of the institution where adults are serving sentence, where measures are to be taken in order to ensure that contact of younger adults and older convicted persons is prevented. If a person has not completed serving the punishment until the time he reached twenty-three years of age, he shall be sent to prison for adults.
- (2) A younger adult may stay in the institution for juvenile offenders as long as it is necessary in order to complete his schooling or training. However, a younger adult may not stay, under any circumstances, in the institution for juvenile offenders if this would be detrimental, in any way, for juveniles serving the sentence there.
- (3) The choice of occupation for a convicted juvenile shall be made in accordance with his abilities and inclinations toward particular occupation, aiming to occupational training and in accordance with the possibilities available at the institution for juvenile offenders. Younger adult shall also have the possibility for education and training regardless of whether he is serving the sentence in special institutions or in special departments of prisons for adults.
- (4) Working hours of the convicted juvenile shall be set so to enable schooling and training, and to leave enough time for physical exercise and entertainment.
- (5) The convicted juvenile can be released on parole if he has served one third of his sentence, but not before one year of the time to be spent in the institution for juvenile offenders has elapsed. During the parole, the court may order the measure of intensified supervision by a competent social welfare body. Revocation of parole shall be done in accordance with the provisions of Article 46 (*Revocation of Parole*) of this Code.
- (6) The convicted juvenile, except in special circumstances, shall be entitled to maintain contacts with his family through letters and visits.

## **XII C H A P T E R T W E L V E**

### **CONFISCATION OF MATERIAL GAIN ACQUIRED THROUGH PERPETRATION OF A CRIMINAL OFFENCE AND LEGAL CONSEQUENCES INCIDENT TO CONVICTION**

#### **Article 114**

##### **The Basis of the Confiscation of Material Gain**

- (1) Nobody is allowed to retain material gain acquired by the perpetration of a criminal offence.
- (2) The gain referred to in paragraph 1 of this Article shall be confiscated by the court decision, which established the perpetration of a criminal offence, under the terms set forth under this Code.
- (3) The court may also confiscate the gain referred to in paragraph 1 of this Article in a separate proceeding if there is a justifiable reason to believe that the gain derives from a criminal offence and the owner or possessor is not able to prove that the gain was acquired legally.

#### **Article 115**

##### **Ways of Confiscating Material Gain**

- (1) All the money, valuable objects and every other material gain acquired by the perpetration of a criminal offence shall be confiscated from the perpetrator, and in case the confiscation is not feasible - the perpetrator shall be obligated to pay an amount of money which corresponds to the acquired material gain. Material gain acquired by perpetration of a criminal offence may be confiscated from a person to whom it has been transferred without compensation or with a compensation which does not correspond to the real value, if the person knew or should have known that the material gain had been acquired by the perpetration of a criminal offence.
- (2) If a material gain acquired through the perpetration of criminal offence has been intermingled with property acquired in a legal way, such property may be liable to confiscation not exceeding the assessed value of the intermingled proceeds of criminal offence.
- (3) Income or other benefits derived from the material gain acquired through the perpetration of criminal offence or from the property into which proceeds of criminal offence have been converted or from property with which proceeds of criminal offence have been intermingled, shall also be liable to the measures referred to in this Article, in the same manner and extent as the proceeds of the criminal offence.

#### **Article 116**

##### **Protection of Injured Party**

- (1) If criminal proceedings have resulted in awarding property claims to the injured party, the court shall order the confiscation of material gain if it exceeds the awarded property claim of the injured party.
- (2) The injured party who has been directed to initiate civil litigation in the course of criminal proceedings regarding his property claim, may demand that he be reimbursed from the amount of the confiscated value, provided that the civil case starts within six months from the day when the decision by which he has been directed to litigate entered into force and if he demands to be compensated from the confiscated value within three months from the day of entering into force of the decision whereby his claim was legally established.
- (3) An injured party who did not report a property claim during the course of a criminal proceedings may demand compensation from the confiscated value, if he has begun litigating his claims within three months from the day when he found out about the judgement which confiscates a material gain, but no longer than within two years from the day when the decision on the confiscation of material gain entered into force, and if within three months from the day of entering into force of the decision by which his claim was legally established he demands compensation from the confiscated value.

#### **Article 117**

##### **Taking Effect of the Legal Consequences Incident to Conviction**

- (1) Sentences for particular criminal offences may entail as legal consequences the termination or loss of certain rights, or ban on gaining certain rights.
- (2) Legal consequences incident to conviction may not occur when the perpetrator of a criminal offence has been imposed a fine, judicial admonition or a suspended sentence, or when the perpetrator was released from punishment.
- (3) Legal consequences incident to conviction may be prescribed only by law and they take effect by the force of the law in which they were set forth.

**Article 118**  
**Types of Legal Consequences Incident to Conviction**

- (1) Legal consequences incident to conviction relating to the termination or loss of certain rights are the following:
  - a) Cessation of the performance of particular jobs or functions in government agencies, business enterprises or other legal persons;
  - b) Termination of employment or cessation of the performance of a particular profession, occupation or activity;
  - c) Deprivation of decorations.
- (2) Legal consequences incident to conviction which consist of a ban on gaining particular rights are as follows:
  - a) Ban on the performance of certain jobs or functions in government agencies, business enterprises or other legal persons;
  - b) Ban on the acquisition of a particular office, title, position or promotion in service;
  - c) Ban on the acquisition of particular permits or licenses that are issued by a decision of government agencies.

**Article 119**  
**Beginning and Duration of Legal Consequences Incident to Conviction**

- (1) The legal consequences incident to conviction take effect on the day of entering into force of the judgment.
- (2) The legal consequences incident to conviction which consist of a ban on gaining particular right last not more than ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation if, for certain legal consequences, a shorter duration is not prescribed by law .
- (3) The legal consequences incident to conviction cease by the deletion of the sentence.

**Article 120**  
**Termination of Security Measures and Legal Consequences Incident to Conviction on the Basis of the Court Decision**

- (1) The court may decide to discontinue the application of the security measure of a ban to carry out a certain occupation, activity or duty, if three years have elapsed from the day on which the security measure was imposed.
- (2) The court may decide to terminate the legal consequence incident to conviction consisting in the ban on gaining certain right after the lapse of three years from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitation.

(3) In deciding whether to order the termination of a security measure or a legal consequence incident to conviction, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate damage caused by the perpetration of a criminal offence and to return material gain acquired through the perpetration of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or a legal consequence incident to conviction.

(4) The termination of legal consequences incident to conviction in no way affects the rights of third parties originating from the judgement.

## **X I I I C H A P T E R T H I R T E E N**

### **REHABILITATION, AMNESTY, PARDON AND DELETION OF CONVICTION**

#### **Article 121 Rehabilitation**

(1) Following release from the institution where they had served sentences of imprisonment, long-term imprisonment or juvenile imprisonment or after being pardoned or amnestied, or after the punishment was barred by the statute of limitation, convicted persons shall freely enjoy all rights provided by the constitution, law and other regulations, and may gain all rights other than those whose exercise is limited as a result of a security measure imposed on them or a legal consequence incident to conviction.

(2) The provision of paragraph 1 of this Article shall also apply to persons on parole, unless their rights are limited by special provisions on release on parole.

#### **Article 122 Amnesty**

(1) By an amnesty, to the persons covered by it, a release from criminal prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or cancellation of legal consequences incident to conviction is given.

(2) An amnesty for the criminal offences prescribed under this Code and other laws of the Federation, may be granted by the Parliament of the Federation, and for the criminal offences prescribed under cantonal laws an amnesty may be granted by Cantonal Assembly.

(3) Amnesty shall be granted by law.

#### **Article 123<sup>1</sup> Pardon**

(1) By means of pardon, to the specifically designated persons, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or annulment or shortening of the duration of the security measure of ban on carrying out a certain occupation, activity or duty, or a certain legal consequence incident to conviction is given.

(2) A pardon for the criminal offences *falling within the jurisdiction of the Federation* may be granted by the decision of the President of the Federation *pursuant to a special law*.

#### **Article 124**

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<sup>1</sup> Amended by High Representative Decision 302/04, published in the Official Gazete of FBH 69/04

## **Impact of Amnesty and Pardon on Rights of Third Parties**

Granting amnesty or pardon shall in no way affect the rights of third parties that stem from the sentence.

### **Article 125 Deleting Conviction**

- (1) A sentence by which a person who has perpetrated a criminal offence has been pronounced judicial admonition or released from punishment shall be deleted from the criminal record, provided the convicted person does not perpetrate a new criminal offence within the period of one year from the date of entry into force of the decision.
- (2) A suspended sentence shall be deleted from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the convicted person has perpetrated another criminal offence within that period.
- (3) A sentence of a fine shall be deleted from the criminal record after the lapse of the period of three years from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitation, provided the convicted person does not perpetrate another criminal offence within that period.
- (4) The sentences to imprisonment for a term not exceeding one year or to juvenile imprisonment for a term not exceeding one year, shall be deleted from the criminal record after the lapse of the period of five years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitation, provided that the convicted person does not perpetrate another criminal offence within that period.
- (5) Upon appeal by a convicted person, the court may decide to delete a sentence of imprisonment for a term between one year and three years from the criminal record, if a period of five years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitation, provided that the convicted person has not perpetrated another criminal offence within that period. In deciding on deleting the sentence, the court shall take into account the conduct of the convicted person after serving his sentence, the nature of the criminal offence, and other circumstances that might be relevant for the evaluation of the justifiability of the deletion.
- (6) A sentence may not be deleted from criminal records for as long as a security measure is applied.
- (7) If, during the period set for deletion of sentence, the convicted person has been imposed the punishment of imprisonment for a term exceeding three years, neither previous nor subsequent sentence shall be deleted from criminal record.
- (8) Several sentences which have been imposed on the same person may be deleted from the criminal record only simultaneously, and only if conditions exist for each of the sentences to be deleted.

## **XIV C H A P T E R F O U R T E E N**

### **LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES**

#### **Article 126 Liability of Legal Person**

- (1) This Chapter regulates criminal liability of a legal person, with the exclusion of Bosnia and Herzegovina, the Federation, the Republika Srpska, the District of Brčko of Bosnia and Herzegovina, canton, city, municipality and local community, for a criminal offence perpetrated by the perpetrator in the name of, for account of or in favour of the legal person.
- (2) This Chapter regulates punishments and other criminal sanctions that may be imposed on a legal person, as well as legal consequences incident to conviction of a legal person for a criminal offence.

(3) For certain legal persons, the application of some punishments or other criminal sanctions that may be imposed on legal persons may be excluded or limited under the conditions stipulated by a law.

(4) The criminal proceedings against business enterprises\* shall be conducted pursuant to the Criminal Procedure Code of Bosnia and Herzegovina\* .

#### **Article 127**

##### **Territorial Applicability of this Code regarding Criminal Liability of Legal Persons**

(1) A domestic and foreign legal person shall be, in accordance with this Code, liable for criminal offences perpetrated within the territory of the Federation.

(2) A domestic and foreign legal person who have their seat or carry out their activities in the territory of the Federation shall, in accordance with this Code, also be liable for a criminal offence perpetrated outside the territory of the Federation, if the criminal offence was perpetrated against Bosnia and Herzegovina, the Federation, its citizens or domestic legal persons.

(3) A domestic legal person shall, in accordance with this Code, also be liable for a criminal offence perpetrated outside the territory of the Federation against a foreign state, foreign citizens or foreign legal persons, subject to the conditions referred to in Article 13 (*Applicability of Criminal Legislation of the Federation for Offences Perpetrated within the Territory of Bosnia and Herzegovina*) of this Code.

#### **Article 128**

##### **Basis of Liability of a Legal Person**

For a criminal offence that the perpetrator has perpetrated in the name of, for the account of or for the benefit of the legal person, the legal person shall be liable:

a) When the purpose of the criminal offence is arising from the conclusion, order or permission of the managerial or supervisory bodies of a legal person; or

b) When the managerial or supervisory bodies of a legal person have influenced the perpetrator or enabled him to perpetrate the criminal offence; or

c) When a legal person disposes of illegally acquired material gain or uses objects obtained through the criminal offence; or

d) When the managerial or supervisory bodies of a legal person have failed to carry out due supervision over the legality of work of the employees.

#### **Article 129**

##### **Limits of Liability of a Legal Person**

(1) With the conditions referred to in Article 128 (*Basis of Liability of a Legal Person*) of this Code, a legal person shall also be liable for a criminal offence when the perpetrator is not criminally liable for the perpetrated criminal offence.

(2) Liability of the legal person shall not exclude criminal responsibility of physical or responsible persons for the perpetrated criminal offence.

(3) For criminal offences perpetrated out of negligence, a legal person may be liable under the conditions referred to in Article 128, item d) of this Code, and in that case the legal person may be punished less severely.

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\* Should be "legal persons".

\* Should be "the Criminal Procedure Code of the Federation".

(4) When in the legal person, except from the perpetrator, there is no other person or body that could direct or supervise the perpetrator, the legal person shall be liable for the criminal offence within the limits of the perpetrator's responsibility.

#### **Article 130**

##### **Liability Incident to the Change of Status of a Legal Person**

(1) A legal person under bankruptcy may be criminally liable for a criminal offence regardless of whether the criminal offence was perpetrated before the beginning of the bankruptcy proceedings or in the meantime, but no punishment may be imposed on a legal person under bankruptcy, but only the security measure of forfeiture or the confiscation of material gain.

(2) In the event that the legal person has ceased to exist before the final completion of the criminal proceedings, and in the criminal proceedings that legal person was found liable, punishments and other criminal sanctions shall be imposed on the legal person which is the legal successor of the legal person whose criminal liability was established, if its managerial or supervisory bodies had knowledge of the perpetrated criminal offence before the cessation of existence of the legal person.

(3) The security measure of forfeiture or the confiscation of material gain shall be imposed upon the legal person, which is the legal successor of the legal person whose criminal liability was established, if its management or supervision bodies had knowledge of the perpetrated criminal offence.

(4) In the event the legal person has ceased to exist upon the final completion of the criminal proceedings, the imposed criminal sanction shall be executed pursuant to the provisions of paragraphs 2 and 3 of this Article.

#### **Article 131**

##### **Liability of a Legal Person for an Attempt**

(1) If the perpetrator commences the execution of a planned criminal offence, but does not complete such offence, the legal person shall be liable under the terms of Article 128 (*Basis of Liability of a Legal Person*) of this Code if the law prescribes that the attempt is punishable.

(2) The legal person shall be punished for an attempt equally as if it were for the completed criminal offence but may nevertheless be punished less severely.

(3) If the managerial or supervisory bodies of the legal person have prevented the perpetrator from completing the commenced criminal offence, the legal person may be released from punishment.

#### **Article 132**

##### **Continued Criminal Offence and Criminal Liability of Legal Person**

Where the same grounds for criminal liability of the legal person exist concerning several same-type and time-related criminal offences perpetrated by several perpetrators, such legal person shall be liable as if a single criminal offence has been perpetrated.

#### **Article 133**

##### **Complicity of Legal Persons**

(1) In the event that two or more legal persons are found to have partaken in the perpetration of a criminal offence, each shall be subject to liability pursuant to Article 128 (*Basis of Liability of a Legal Person*) of this Code.

(2) Where there is complicity of legal persons referred to in paragraph 1 of this Article, each legal person shall be held accountable as if it were the only legal person criminally liable for the criminal offence.

#### **Article 134**



## **General Reasoning for Less Severe Punishment of Legal Person or Release from Punishment**

- (1) A legal person, whose managerial or supervisory body has willingly reported on the perpetrator upon a criminal offence perpetrated, may be punished less severely.
- (2) A legal person whose managerial or supervisory body, following the perpetration of a criminal offence, decides to return the illegally acquired material gain or to remove the caused harmful effects or to communicate the information concerning the grounds for holding other legal persons liable, may be released from punishment.

### **Article 135 Punishments for Legal Persons**

The following punishments may be imposed upon legal persons for criminal offences:

- a) Fine;
- b) Seizure of property;
- c) Dissolution of the legal person.

### **Article 136 Fine for Legal Persons**

- (1) Fine imposable on a legal person shall be no less than 5,000 KM and shall not exceed 5.000,000 KM.
- (2) In the event that, by the criminal offence perpetrated by the legal person, a material damage has been caused to another party or illegal material gain has been acquired, the maximum measure of the imposed fine may be twice as much as the amount of this damage or gain.

### **Article 136 Seizure of Property**

- (1) Seizure of property may be imposed for criminal offences for which a punishment of imprisonment for a term of five years or more severe punishment is prescribed.
- (2) From a legal person at least half of the property or the major part of the property or the entire property may be seized.
- (3) In the event of bankruptcy proceedings being brought about as a consequence of the imposed punishment of the seizure of property, the creditors shall be permitted to settle their claims out of the mass of the seized bankruptcy assets.

### **Article 138 Dissolution of a Legal Person**

- (1) Dissolution of a legal person may be imposed in the case that its activities were entirely or on a major part being used for the purpose of perpetrating criminal offences.
- (2) In addition to the dissolution of a legal person, the punishment of seizure of property may be imposed.
- (3) Together with the imposed dissolution of a legal person, the court shall propose the opening of a liquidation procedure.
- (4) Creditors may be paid out from the property of the legal person against which the punishment of dissolution of legal person has been imposed.

### **Article 139**

### **Meting out Punishment for a Legal Person**

(1) When meting out punishment for a legal person, in addition to the general rules of meting out punishments referred to in Article 49 (*General Principles of Meting out Punishments*) of this Code, the economic power of the legal person shall also be taken into account.

(2) When meting out the fine for criminal offences for which, in addition to a fine also a punishment of seizure of property is imposed, the imposed punishment may not exceed a half of the amount of the legal person's property.

### **Article 140**

#### **Imposing a Suspended Sentence to a Legal Person**

(1) The court may impose on the legal person for a criminal offence a suspended sentence instead of a fine.

(2) In a suspended sentence, the court may determine to the legal person a fine not exceeding 1.500.000 KM, but at the same time decide that it shall not be executed unless the legal person becomes liable for other criminal offence within the period of time not shorter than one year or longer than five years.

### **Article 141**

#### **Security Measures for Legal Persons**

In addition to the security measure of forfeiture referred to in Article 78 (*Forfeiture*) of this Code, the following security measures may be imposed on a legal person for a criminal offence:

- a) A publication of judgement;
- b) A ban on performing a certain economic activity.

### **Article 142**

#### **Publication of Judgement**

(1) The security measure of a publication of judgement shall be imposed in case it would be useful for the public to learn about the judgement, especially if the publication of judgement would be useful in order to remove a threat to life or health of people or to provide for safety of traffic or to obtain certain benefits for economy.

(2) Concerning the significance of a criminal offence and the need for the public to learn about the judgement, the court shall asses whether the judgement shall be published in the printed media, by way of radio or television or in several aforesaid media altogether, and at the same time whether the grounds of the judgement shall be published entirely or as an abstract, taking into account that the applied method of publication allows that all those who would benefit from the publication of the judgement be informed.

### **Article 143**

#### **Ban on Performing a Certain Economic Activity**

(1) By the security measure of a ban on performing a certain economic activity, the court may prohibit a legal person from manufacturing certain products or performing certain businesses, or prohibit a legal person from performing certain activities of trade in commodities or from performing other economic activity.

(2) The security measure referred to in paragraph 1 of this Article may be imposed on a legal person if its further performing of a certain economic activity would present a threat to life and health of people or be detrimental to the economic and financial operation of other legal persons or detrimental to the economy, or if the legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the perpetrated criminal offence.

(3) The security measure referred to in paragraph 1 of this Article may be imposed for a period of six months to five years, commencing on the day of the entering into force of the judgement.

**Article 144**  
**Confiscating Material Gain from a Legal Person**

If a legal person acquires material gain through the perpetrated criminal offence, the material gain acquired by the perpetration of a criminal offence shall be confiscated from the legal person.

**Article 145**  
**Legal Consequences Incident to Conviction for a Legal Person**

- (1) Legal consequences incident to conviction for a legal person are:
- a) Ban on work based on a permit, authorisation or concession issued by the authorities of foreign countries;
  - b) Ban on work based on a permit, authorisation or concession issued by the institutions in the Federation.
- (2) Legal consequences incident to conviction for a legal person may take effect even when a fine has been imposed on a legal person for the perpetration of a criminal offence.

**Article 146**  
**Application of Statute of Limitations Regarding the Institution of Criminal Prosecution and Execution of Criminal Sanctions Imposed on Legal Persons**

- (1) Article 15 (*Application of Statute of Limitations Regarding the Institution of Criminal Prosecution*) of this Code shall be applied with respect to statute of limitations regarding the institution of criminal prosecution of a legal person.
- (2) The execution of the punishment imposed on the legal person shall become time-barred when the following periods from the date of the entry into force of the judgement whereby such punishment has been imposed have elapsed:
- a) Three years for execution of a fine;
  - b) Five years for execution of the punishment of seizure of property and of the punishment of dissolution of legal person.
- (3) The execution of a security measure shall become time-barred after the lapse of:
- a) Six months from the date of entry into force of the judgement whereby the security measure of the publication of judgement was imposed;
  - b) The period that equals the time for which the security measure of ban on performing certain economic activity was imposed.

**Article 147**  
**Laws Prescribing the Criminal Offences of Legal Persons**

Legal persons may be held criminally liable for criminal offences defined in this Code and other criminal offences defined by laws in the Federation.

**Article 148**  
**Punishments for Criminal Offences**

- (1) For criminal offences for which a fine or imprisonment for a term not exceeding three years is prescribed, a legal person shall be punished by a fine of not exceeding 850.000 KM or not exceeding ten times the amount of the damage caused or material gain acquired through the perpetration of a criminal offence.
- (2) For criminal offences for which imprisonment for a term not less than three years is prescribed, a legal

person shall be punished by a fine of not exceeding 2.500.000 KM or not exceeding twenty times the amount of the damage caused or material gain acquired through the perpetration of a criminal offence.

(3) For criminal offences for which imprisonment for a term of five years or more is prescribed, to a legal person a punishment of seizure of property may be imposed instead of a fine.

(4) For criminal offences referred to in paragraph 1 of this Article a punishment of dissolution of the legal person may be imposed on a legal person instead of the fine, under the conditions referred to in Article 138 (*Dissolution of a Legal Person*) of this Code.

## **SPECIAL PART**

### **X V C H A P T E R F I F T E E N**

#### **CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER OF THE FEDERATION**

##### **Article 149**

##### **Attack on the Constitutional Order of the Federation**

Whoever, by physical force or threat of physical force, attempts to change the constitutional order of the Federation, or to overthrow its highest institutions,

shall be punished by imprisonment for a term not less than five years.

##### **Article 150**

##### **Endangering Territorial Integrity of the Federation**

Whoever, by use of force or by threat of force, attempts to detach a part of the territory of the Federation, or to conjoin a part of its territory with another Entity,

shall be punished by imprisonment for a term not less than five years.

##### **Article 151**

##### **Getting the Federation in the Position of Subjugation or Dependency**

A citizen of the Federation, who attempts to get the Federation in the position of subjugation or dependency in relation to another country,

shall be punished by imprisonment for a term not less than five years.

##### **Article 152**

##### **Preventing Fight against Enemy**

A citizen of the Federation, who in a time of war or armed conflict prevents the citizens of the Federation or citizens of its allies from fighting against the enemy,

shall be punished by imprisonment for a term between one and ten years.

##### **Article 153**

##### **Service in the Army of the Enemy**

(1) A citizen of the Federation, who in time of war or armed conflict serves in the enemy's army or other enemy's armed formations, or participates in a war or armed conflict as a combatant against the Federation or its allies,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever levies citizens of the Federation for service in the enemy's army or other enemy's armed formations, or for participation in a war or armed conflict against the Federation or its allies,

shall be punished by imprisonment for a term not less than five years.

**Article 154**  
**Aiding the Enemy**

(1) A citizen of the Federation, who at time of war helps the enemy in performing coercive measures against the people of the Federation,

shall be punished by imprisonment for a term between one and ten years.

(2) A citizen of the Federation, who with an aim of helping the enemy politically or economically, collaborates with the enemy at time of war,

shall be punished by imprisonment for a term not less than three years.

**Article 155**  
**Undermining the Military and Defensive Capacity**

(1) Whoever, with an aim of diminishing the defensive power of the Federation, destroys, renders useless or enables the defence installations, objects, positions, arms or other military and defensive means to pass into the hands of the enemy, or surrenders troops to the enemy, or with the same aim hinders or endangers the military or defence measures,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and ten years.

**Article 156**  
**Armed Rebellion**

(1) Whoever takes part in an armed rebellion which is aimed against the constitutional order of the Federation or against its highest institutions,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever organises or directs at any level the perpetration of the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term not less than five years.

(3) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and ten years.

**Article 157**  
**Espionage**

(1) Whoever discloses, delivers or renders available a secret of the Federation, a military or an official secret to a foreign country, foreign organisation or a person in the service thereof,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever within the Federation creates an intelligence service detrimental to the Federation on account of a foreign country or organisation, or whoever runs such service,

shall be punished by imprisonment for a term not less than five years.

(3) Whoever becomes a member of a foreign intelligence service, collects information for such a service or in any other way assists activities of such a service,

shall be punished by imprisonment for a term between one and ten years.

(4) Whoever obtains a secret of the Federation, military or official secret with an aim of disclosing or delivering it to a foreign country, foreign organisation or a person in the service thereof,

shall be punished by imprisonment for a term between one and ten years.

(5) Whoever procures means for perpetrating the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and ten years.

### **Article 158 Disclosing a Secret of the Federation**

(1) An authorised person, who in contravention of law or regulation of the Federation passed on the basis of law, passes on or renders accessible a secret of the Federation entrusted to him, to another person,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever discloses or passes on to another person or mediates in disclosing information or a document which he knows to constitute a secret of the Federation, and which he obtained in an illegal manner,

shall be punished by imprisonment for a term between six months and five years.

(3) If the criminal offence referred to in paragraph 1 of this Article has been perpetrated during a state of war or imminent war danger, or if it has led to the endangerment of the security, economic or military power of the Federation, the perpetrator

shall be punished by imprisonment for a term not less than three years.

(4) An authorised person who perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term between six months and five years.

(5) There shall be no criminal offence referred to in paragraph 2 of this Article, if somebody makes public or mediates in making public a secret of the Federation whose contents are in contravention with the constitutional order of the Federation, with an aim of disclosing to the public a violation of the constitutional order of the Federation, provided that the making public does not undermine the security of the Federation.

### **Article 159 Dispatching and Transferring Armed Groups, Arms and Ammunition into the Territory of the Federation**

Whoever in the territory of the Federation dispatches or transfers armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of perpetrating criminal offences defined in this Chapter of this Code,

shall be punished by imprisonment for a term between one and ten years.

### **Article 160 Importing Hazardous Material into the Federation**

(1) Whoever contrary to regulations imports into the Federation radioactive material or other material or wastes harmful to the life or health of people,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever by abuse of his position or authority, contrary to regulations, enables import of radioactive or other material or waste harmful to the life or health of people into the Federation,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 161**

#### **Assassination of the Highest Officials of the Federation**

Whoever, with the intent of endangering the constitutional order of the Federation or security of the Federation, assassinates an official person of the institutions of the Federation in the discharge of his duties, or the President or the Vice-president of the Federation, the Prime Minister of the Federation, the Chair of either House of the Parliamentary Assembly of the Federation, the President of the Constitutional Court of the Federation, the President of the Supreme Court of the Federation or the Chief Prosecutor of the Federation when not on duty,

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

#### **Article 162**

#### **Kidnapping of the Highest Officials of the Federation**

(1) Whoever, with the intent of endangering the constitutional order of the Federation or security of the Federation unlawfully confines, keeps confined or in some other manner deprives an official person of the institutions of the Federation of the freedom of movement in the discharge of his duties, or restricts it in some way, with the aim of forcing him or some other person to do or not to do or to bear something,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever, with the intent of endangering the constitutional order of the Federation or security of the Federation unlawfully confines, keeps confined or in some other manner deprives the President or the Vice-president of the Federation, the Prime Minister of the Federation, the Chair of either House of the Parliamentary Assembly of the Federation, the President of the Constitutional Court of the Federation, the President of the Supreme Court of the Federation or the Chief Prosecutor of the Federation of the freedom of movement, or restricts it in some way, with the aim of forcing him or some other person to do or not to do or to bear something,

shall be punished by imprisonment for a term not less than five years.

#### **Article 163**

#### **Inciting National, Racial or Religious Hatred, Discord or Hostility**

(1) Whoever publicly incites and inflames national, racial or religious hatred, discord or hostility among constituent peoples and others who live in the Federation,

shall be punished by imprisonment for a term between one and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article by employing duress and abuse, jeopardizing the safety, exposing national, ethnic or religious symbols to derision, damaging other people's belongings, desecrating monuments or graves,

shall be punished by imprisonment for a term between one and eight years.

(3) By the punishment referred to in paragraph 2 of this Article shall be punished whoever perpetrates the criminal offence referred to in paragraph 1 of this Article by abusing his official post or authority or if that act resulted in riots, violence and other grave consequences to life of constituent peoples and others who live in the Federation.

(4) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article by abusing his official

post or authority or if that act resulted in riots, violence and other grave consequences to life of constituent peoples and others who live in the Federation,

shall be punished by imprisonment for a term between one and ten years.

#### **Article 164**

##### **Punishment for the Gravest Criminal Offences against Constitutional Order of the Federation**

(1) For the criminal offence referred to in Article 149 (*Attack on the Constitutional order*), 150 (*Endangering Territorial Integrity*), 155 (*Undermining the Military and Defensive Power*), 156 (*Armed Rebellion*) and 157 (*Espionage*) of this Code, which had as a consequence the death of a person or a number of persons, or caused danger to human lives, or was coupled with heavy violence or a large-scale destruction, the perpetrator

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

(2) If in the course of perpetrating the criminal offence referred to in paragraph 1 of this Article the perpetrator intentionally kills one or more persons, he

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

#### **Article 165**

##### **Setting up an Association or Procuring Means for Perpetration of Criminal Offences Defined in This Chapter**

Whoever sets up an association with the goal of perpetrating criminal offences defined in this Chapter, or whoever procures means for perpetrating criminal offences defined in this Chapter,

shall be punished by imprisonment for a term between one and ten years.

## **XVI C H A P T E R S I X T E E N**

### **CRIMINAL OFFENCES AGAINST LIFE AND LIMB**

#### **Article 166**

##### **Murder**

(1) Whoever deprives another person of a life,

shall be punished by imprisonment for not less than five years.

(2) The punishment of imprisonment for not less than ten years or long term imprisonment shall be punished whoever:

1) deprives another person of a life in a cruel or insidious way;

2) deprives another person of a life while acting ruthlessly and violently;

3) deprives another person of a life out of racial, national or religious reasons;

4) deprives another person of a life for greed, for the perpetration or covering up another criminal offence, out of unscrupulous vengeance or from other low motives;

5) deprives a life an official or military person in the exercise of duties of safeguarding the security, public peace and order or apprehending the perpetrator of a criminal offence or guarding a person deprived of freedom.



**Article 167**  
**Manslaughter**

Whoever deprives another person of a life in a fit of passion, having been provoked without his own fault into the state of intense exasperation or fright caused by attack, abuse or serious insult by a person in question,

shall be punished by imprisonment for a term between one and ten years.

**Article 168**  
**Negligent Homicide**

Whoever deprives another person of a life out of negligence,

shall be punished by imprisonment for a term between six months and five years.

**Article 169**  
**Infanticide**

A mother who deprives her newborn child of a life at birth or immediately after birth,

shall be punished by imprisonment for a term between one and five years.

**Article 170**  
**Incitement to Suicide and Assistance in Suicide**

(1) Whoever induces another to commit suicide or renders aid in committing suicide, and the suicide is actually committed,

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile or against a person whose ability to understand the meaning of his actions or to control his actions is substantially diminished,

shall be punished by imprisonment for a term between one and ten years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a child or against a person who was not able to understand the meaning of his actions or to control his actions,

shall be punished pursuant to Article 166 (*Murder*) of this Code.

(4) Whoever brutally or inhumanely treats a person, who is in a way subordinate to or dependent on him, and thereby provokes the suicide of that person out of negligence,

shall be punished by imprisonment for a term between six months and five years.

**Article 171**  
**Illicit Abortion**

(1) Whoever in contravention of abortion regulations performs abortion on a pregnant women with her consent, commences performing abortion, or assists her in procuring her own miscarriage,

shall be punished by imprisonment for a term between three months and three years.

(2) Whoever performs or commences performing abortion on a pregnant woman without her consent,

shall be punished by imprisonment for a term between one year and eight years.

(3) If by the criminal offence referred to in paragraph 1 of this Article a serious bodily harm, or a serious

illness or death of the pregnant woman was caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(4) If by the criminal offence referred to in paragraph 2 of this Article a serious bodily harm, or a serious illness or death of the pregnant woman was caused, the perpetrator

shall be punished by imprisonment for not less than one year.

### **Article 172 Aggravated Bodily Injury**

(1) Whoever inflicts a serious bodily injury upon another person or severely impairs his health,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against his spouse, common-law partner, or to the parent of his child with whom he does not share a household,

shall be punished by imprisonment for a term between one and five years.

(3) Whoever inflicts bodily injury upon another person or impairs his health so severely that the life of the injured person is endangered, or an important part or organ of his body destroyed or permanently weakened to a substantial degree, or if the injured person's earning ability has been impaired permanently, or if permanent and grave damage to his health or disfigurement was caused,

shall be punished by imprisonment for a term between one and ten years.

(4) By the punishment referred to in paragraph 3 of this Article shall be punished whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of racial, national or religious reasons.

(5) Should the injured person die as the result of injuries referred to in paragraphs 1 through 4 of this Article, the perpetrator

shall be punished by imprisonment for a term between one and twelve years.

(6) Whoever perpetrates the criminal offence referred to in paragraphs 1 through 3 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding three years.

(7) Whoever perpetrates the criminal offence referred to in paragraphs 1 through 3 of this Article in the heat of passion, having been provoked without his own fault into the state of intense exasperation or fright caused by attack or serious insult by the injured person,

shall be punished by imprisonment for a term between three months and three years.

(8) Whoever perpetrates the criminal offence referred to in paragraph 4 of this Article in the heat of passion, having been provoked without his own fault into the state of intense exasperation or fright caused by attack or serious insult by the injured person,

shall be punished by imprisonment for a term between six months and five years.

### **Article 173 Slight Bodily Injury**

(1) Whoever inflicts a slight bodily injury upon another person or impairs his health in a minor way,

shall be shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against his spouse, common-law partner, or parent of his child with whom he does not share a household,

shall be punished by imprisonment for a term not exceeding one year.

(3) The court may pronounce a judicial admonition to the perpetrator of the criminal offence referred to in paragraph 1 of this Article, if the perpetrator has been provoked by incident or rude behaviour of the injured person.

#### **Article 174 Participation in a Brawl**

Whoever participates in a brawl, which resulted in the death of a human being, or in infliction of serious bodily injury, for the mere participation

shall be punished by imprisonment for a term between three months and three years.

#### **Article 175 Failure to Render Help**

(1) Whoever fails to render help to a person in a direct life-threatening situation, although he could have rendered help without any risk to himself or others,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever leaves another person without help in life-threatening situation, which he himself has caused,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) If by the criminal offence referred to in paragraph 2 of this Article the death or a serious bodily injury or grave impairment of health of the person exposed to such danger was caused, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

#### **Article 176 Abandonment of a Helpless Person**

(1) Whoever leaves a helpless person who has been entrusted to him or otherwise under his care without assistance in circumstances dangerous to life or health,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If by the criminal offence referred to in paragraph 1 of this Article the death or a serious bodily injury or grave impairment of health of the abandoned person was caused, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

### **XVII C H A P T E R S E V E N T E E N**

#### **CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF INDIVIDUALS AND CITIZENS**

#### **Article 177 Infringement of the Equality of Individuals and Citizens**

(1) Whoever on the grounds of differences in race, skin colour, national or ethnic background, religion, political or other belief, sex, sexual orientation, language, education, social status or social origins, denies or restricts the civil rights as provided by an international agreement, the Constitution, law, other regulation or general act in the Federation, or whoever on the grounds of these differences or background or any other status grants unjustified privileges or does unjustified favours to individuals,

shall be punished by imprisonment for a term between six months and five years.

(2) An official or responsible person in the Federation, who perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and eight years.

(3) An official or responsible person in the institutions in the Federation, who in contravention to the regulations on the equal use of languages and alphabets of the constituent peoples and others living on the territory of Bosnia and Herzegovina, restricts or denies to a citizen the use of his language or alphabet while addressing bodies or institutions of the Federation, business enterprises or other legal persons in order to exercise his rights,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(4) An official or responsible person in the institutions in the Federation, who denies or restricts to a citizen the right to be freely employed within the entire territory of Bosnia and Herzegovina and under the same prescribed terms,

shall be punished by imprisonment for a term between six months and five years.

### **Article 178 Prevention of Return of a Refugee or Displaced Person**

(1) Whoever by use of force, serious threat or other illegal way prevents a refugee or a displaced person to return to his home of origin, or to use his property of which he was deprived in the course of hostilities since 1991,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever participates in a group of people, which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term not less than three years.

(3) Whoever organises or directs in any way the group of people, which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term not less than five years.

### **Article 179 Unlawful Deprivation of Freedom**

(1) Whoever unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the unlawful deprivation of freedom lasted for more than thirty days, or if it was done in a cruel manner, or if such a treatment of the person who was illegally deprived of freedom caused grave impairment of his health, or if some other serious consequences occurred, the perpetrator

shall be punished by imprisonment for a term between two and eight years.

(3) If the person who has been illegally deprived of freedom lost his life because of the criminal offence referred to in paragraph 1 of this Article, the perpetrator

shall be punished by imprisonment for a term not less than five years.

**Article 180**  
**Kidnapping**

(1) Whoever unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement in order to force him or somebody else to do, not to do or to bear something,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a child or juvenile, or whoever in order to meet the goal of kidnapping referred to in paragraph 1 of this Article threatens to kill or inflict a serious bodily harm upon the hostage, or if the criminal offence was perpetrated in a group of people or organized group of people, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) The perpetrator of the criminal offence referred to in paragraphs 1 and 2 of this Article, who voluntarily releases the hostage before his demand for which he had perpetrated the kidnapping was fulfilled,

may be released from punishment.

**Article 181**  
**Forcing a Statement**

(1) An official person who in the discharge of his duty uses force, threat or other illegal way in order to force a statement or other information from a suspect, accused, witness, expert witness or somebody else,

shall be punished by imprisonment for a term between three months and five years.

(2) If the criminal offence referred to in paragraph 1 of this Article has been accompanied by grave violence, or if the suspect or the accused suffered particularly grave consequences in criminal proceedings as a result of the statement made under duress,

the perpetrator shall be punished by imprisonment for a term between one and ten years.

**Article 182**  
**Maltreatment in Discharge of Duty**

An official person who in discharge of his duty maltreats another, inflicts serious physical or mental suffering on him, frightens or insults him,

shall be punished by imprisonment for a term between three months and five years.

**Article 183**  
**Endangering Security**

(1) Whoever endangers the security of a person by a serious threat to attack upon life or limb of that person, or in that way anxiety among citizens,

shall be punished by imprisonment for a term not exceeding six months.

(2) Whoever endangers the security of a number of persons by threat of attacking upon their lives or bodies, or in that way causes anxiety among citizens,

shall be punished by imprisonment for a term between three months and five years.

(3) Whoever by sneaking, frequent following or otherwise harassing endangers safety of the spouse, common-law partner, or parent of his child, or other person with whom he has or has had in past a close relationship,

shall be shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 184**  
**Infringing the Inviolability of Dwelling**

(1) Whoever enters without authorization into a home or closed premises of another, or fails to leave them upon request of the authorized person,

shall be punished by imprisonment for a term not exceeding three year.

(2) An official person, who perpetrates the criminal offence referred to in paragraph 1 of this Article in a discharge of a duty,

shall be punished by imprisonment for a term between three months and three years.

**Article 185**  
**Illegal Search**

An official person who in the discharge of duty conducts an illegal search of an apartment, premises or persons,

shall be punished by imprisonment for a term between three months and three years.

**Article 186**  
**Violation of Secrecy of Letters and Other Consignments**

(1) Whoever without authorization opens a letter, telegram or any other sealed written material or consignment of another, or in any other way breaches their confidentiality, or without authorization withholds, conceals, destroys or delivers to another somebody else's letter, telegram, closed writings or consignment,

shall be punished by imprisonment for a term not exceeding six months.

(2) Whoever without authorization enters into computer personal database uses that data or makes them available to another,

shall be punished by imprisonment for a term not exceeding six months.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article for the purpose of gaining a benefit for himself or someone else, or for the purpose of inflicting damage to another,

shall be punished by imprisonment for a term not exceeding three years.

(4) An official person who perpetrates the criminal offences referred to in paragraphs 1 and 2 of this Article while carrying out his duty,

shall be punished by imprisonment for a term between three months and three years.

(5) An official person who perpetrates the criminal offence referred to in paragraph 3 of this Article while carrying out his duty,

shall be punished by imprisonment for a term between three months and five years.

**Article 187**  
**Unauthorized Disclosure of a Professional Secret**

(1) An attorney, defence counsel, notary, physician, dentist, midwife or any other medical worker, psychologist, employee of social welfare institution, confessor or any other person who without authorization discloses a secret which become known to him in the exercise of his profession,

shall be punished by imprisonment for a term not exceeding one year.

(2) There shall be no criminal offence if someone discloses a secret in the public interest or in the interest of another person, which outweighs the interest of keeping the secret.

**Article 188**  
**Unauthorized Tapping and Sound Recording**

(1) Whoever by use of special devices without authorization taps or records a conversation or a statement which was not intended for him, or enables an uninvited person to have knowledge of a conversation or a statement that was tapped or recorded without authorization, or whoever without authorization taps or records somebody else's messages from a computer,

shall be shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) An official person, who perpetrates the criminal offence referred to in paragraph 1 of this Article in the discharge of duty,

shall be punished by imprisonment for a term between six months and five years.

**Article 189**  
**Unauthorized Optical Recording**

(1) Whoever takes a photograph, film or other recording of another person in his personal premises without that person's consent, or who directly passes on or displays such a photograph to a third person or enables the third person in some other way to have a direct access to the photograph,

shall be shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) An official person, who perpetrates the criminal offence referred to in paragraph 1 of this Article in the discharge of duty,

shall be punished by imprisonment for a term between six months and five years.

(3) Whoever photographs or films a child with an aim of developing photographs, audio-visual tapes or other pornographic materials or who possesses or imports or sells or deals in or projects such material,

shall be punished by imprisonment for a term between one and five years.

(4) Items meant or used for the perpetration of criminal offence referred to in paragraphs 1 and 3 of this Article shall be forfeited and items produced by the perpetration of criminal offence referred to in paragraphs 1 and 3 shall be forfeited and destroyed.

**Article 190**  
**Preventing or Hindering a Public Gathering**

(1) Whoever prevents or hinders the right of citizens to public assembly,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) An official person, who perpetrates the criminal offence referred to in paragraph 1 of this Article abusing his position or authority,

shall be punished by imprisonment for a term between six months and five years.

**Article 191**  
**Preventing the Printing and Dissemination of Printed Materials**

Whoever unlawfully prevents the printing, sale or dissemination of books, magazines, newspapers or other kind of printed materials,

shall be punished by imprisonment for a term not exceeding one year.

**Article 192**  
**Violation of the Right to Submit Appeals and Requests**

An official or responsible person in the Federation who by abusing his position or authority prevents another person from exercising his right to submit an appeal, objection, request, motion or complaint,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 193**  
**Unauthorized Use of Personal Data**

An official or responsible person in the Federation who, without the consent of an individual and contrary to the conditions stipulated by the law, collects, processes or uses his personal data, or uses such data contrary to the statutory purpose of their collection,

shall be punished by a fine or by imprisonment for a term not exceeding six months.

**Article 194**  
**Violation of Electoral Rights**

Whoever in the discharge of duty entrusted to him regarding elections for the institutions in the Federation, with an aim of preventing someone from exercising suffrage, unlawfully fails to enter a name in a voting list, or strikes a name out of an electoral roll, or prevents a person from voting in any other way,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 195**  
**Violating the Free Decision-making of Voters**

(1) Whoever, during elections for the institutions in the Federation or a recall vote or at a referendum, forces a voter in the Federation by use of force, serious threat, bribery or by taking advantage of his poor material position, or in any other illegal way, to vote for or against a particular candidate or for or against a list of candidates, or for or against the recall, or for or against a proposal to be decided upon at the referendum, or not to vote at all,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) A member of electoral commission or some other person who perpetrates the criminal offence referred to in paragraph 1 of this Article in the discharge of duty entrusted to him regarding the elections, vote or referendum,

shall be punished by imprisonment for a term between six months and five years.

**Article 196**  
**Voting Fraud**

Whoever at an election for the institutions in the Federation or for the recalling of the representatives in the institutions in the Federation or at a referendum held in the Federation, votes under the name and in lieu of another person, or votes or tries to vote again after having voted once,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 197**  
**Violation of Secrecy of Voting**

(1) Whoever breaches the secrecy of the vote at an election for the institutions in the Federation, recall vote of representatives in the institutions in the Federation or a referendum held in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding six months.



(2) Whoever by force, serious threat or in some other illegal way demands from a citizen to state for whom and how he voted, or whether he voted for or against a recall,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) A member of electoral commission or some other person who perpetrates the criminal offence referred to in paragraph 1 of this Article in discharge of his duty related to the elections or vote,

shall be punished by a fine or imprisonment for a term not exceeding three years.

### **Article 197 Electoral Forgery**

Whoever falsifies results of an election or voting for the institutions in the Federation by adding, subtracting or taking out votes or signatures, by an inaccurate counting of votes, by making false records of the result in election documents or in any other way, or discloses election or vote results which do not correspond to the voting which has been carried out,

shall be punished by imprisonment for a term between six months and five years.

### **Article 199 Destroying Electoral Documents**

Whoever at an election for the institutions in the Federation, a recall vote of representatives in the institutions in the Federation or a referendum held in the Federation destroys, conceals, damages or takes away any document concerning the election or the recall vote, or any other object that is used for the election or the recall vote,

shall be punished by imprisonment for a term between six months and five years.

## **XVIII CHAPTER EIGHTEEN**

### **CRIMINAL OFFENCES OF TERRORISM**

#### **Article 200 Taking Hostages**

(1) Whoever unlawfully confines, keeps confined or in some other manner deprives or restricts another person of the freedom of movement, or detains him and threatens to kill, to injure or to continue to detain as a hostage, with an aim to compel the Federation to perform or to abstain from performing any act as an explicit or implicit condition for the release of a hostage,

shall be punished by imprisonment for a term between one and ten years.

(2) If the death of the hostage occurred because of the criminal offence referred to in paragraph 1 of this Article, the perpetrator

shall be punished by imprisonment for a term not less than five years.

(3) If, in the course of the perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator deprived a hostage of a life with intent,

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

#### **Article 201 Terrorism**

(1) Whoever commits a terrorist act with the aim of seriously intimidating a population or unduly

compelling the authorities in the Federation to perform or abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures in the Federation,

shall be punished by imprisonment for a term not less than three years.

(2) If the death of one or more people occurred because of the criminal offence referred to in paragraph 1 of this Article, the perpetrator

shall be punished by imprisonment for a term not less than five years.

(3) If, in the course of the perpetration of criminal offence referred to in paragraph 1 of this Article, the perpetrator deprived another person of a life with intent,

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

(4) A *terrorist act*, in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to a state or international organisation:

- a) Attack against person's life, which may cause death;
- b) Attack against the physical integrity of a person;
- c) Unlawful confinement of another, keeping confined or in some other manner depriving another of the freedom of movement, or restricting it in some way, with the aim to force him or some other person to do or not to do or to bear something (kidnapping) or taking of hostages;
- d) Causing a great damage to facilities of the Federation, or public facilities, the transport system, infrastructure facilities, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human beings or result in major economic loss;
- e) Kidnapping an aircrafts, ships or other means of public or goods transport;
- f) Manufacture, possession, acquisition, transport, supply, use of or training for the use of weapons, explosives, nuclear, biological or chemical weapons or radioactive material, as well as research into, and development of, biological and chemical weapons or radioactive material;
- g) Releasing dangerous substances, or causing fire, explosion or floods, the effect of which is to endanger human life;
- h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
- i) Threatening to perpetrate any of the acts referred to in items a) to h) of this paragraph.

## **Article 202** **Funding of Terrorist Activities**

Whoever by any means, directly or indirectly, provides or collects funds with the aim that they should be used or knowing that they are to be used, in full or in part, in order to perpetrate:

a) The criminal offence referred to in Article 200 (*Taking of Hostages*) and 201 (*Terrorism*) of this Code;

b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel the authorities in the Federation to perform or to abstain from performing any act,

shall be punished by imprisonment for a term between one and ten years.

## **XIX CHAPTER NINETEEN**

### **CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM AND MORALITY**

#### **Article 203**

##### **Rape**

(1) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of someone close to that person, to sexual intercourse or an equivalent sexual act,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim,

shall be punished by imprisonment for a term between three and fifteen years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the raped person is caused, or serious bodily injury is inflicted on the raped person or his health is severely impaired, or the raped female is left pregnant,

the perpetrator shall be punished by imprisonment for not less than three years.

(4) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of hatred on the grounds of national or ethnic origin, race, religion, sex or language.

(5) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile,

shall be punished by imprisonment for not less than three years.

(6) Whoever perpetrates the criminal offence referred to in paragraphs 2, 3 and 4 of this Article against a juvenile,

shall be punished by imprisonment for not less than five years.

(7) If, by the criminal offence referred to in paragraph 2 of this Article, the consequences referred to in paragraph 3 of this Article are caused, the perpetrator

shall be punished by imprisonment for not less than five years.

#### **Article 204**

##### **Sexual Intercourse with a Helpless Person**

(1) Whoever performs sexual intercourse or equivalent sexual act with another person taking advantage of that person's mental illness, temporary mental disorder, infirmity or any other state of that person which makes him incapable of resisting,

shall be punished by imprisonment for a term between one and eight years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a person whose incapability to resist he has caused alone or participated in causing it,

shall be punished in pursuance of paragraph 1 of Article 203 (*Rape*) of this Code.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim,

shall be punished by imprisonment for a term between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim,

shall be punished in pursuance of paragraph 2 of Article 203 of this Code.

(5) If, by the criminal offence referred to in paragraph 1 of this Article, the death of the person with whom sexual intercourse or equivalent sexual act was performed is caused, or serious bodily injury is inflicted on that person or his health is seriously impaired, or the female victim is left pregnant,

the perpetrator shall be punished by imprisonment for a term between one and ten years.

(6) If, by the criminal offence referred to in paragraphs 3 and 4 of this Article, the consequences referred to in paragraph 5 of this Article are caused, the perpetrator

shall be punished by imprisonment for not less than three years.

#### **Article 205**

#### **Sexual Intercourse by Abuse of Position**

(1) Whoever, by abusing his position, induces into sexual intercourse or equivalent sexual act a person who is in a dependent position in relation to him due to the person's financial, family, social, health or other condition or straitened circumstances,

shall be punished by imprisonment for a term between three months and three years.

(2) A teacher, educator, parent, adoptive parent, guardian, step-father, step-mother or any other person who, by abusing his status or relationship toward a juvenile who is entrusted to him for education, upbringing, custody or care, performs sexual intercourse or equivalent sexual act upon a juvenile,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 206**

#### **Forced Sexual Intercourse**

Whoever forces another person to sexual intercourse or equivalent sexual act by a serious threat of serious harm,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 207**

#### **Sexual Intercourse with a Child**

(1) Whoever performs sexual intercourse or equivalent sexual act on a child,

shall be punished by imprisonment for a term between one and eight years.

(2) Whoever performs forcible sexual intercourse or equivalent sexual act on a child (Article 203, *Rape*, paragraph 1) or on a helpless child (Article 204, *Sexual Intercourse with a Helpless Person*, paragraph 1),

shall be punished by imprisonment for not less than three years.

(3) Whoever performs sexual intercourse or equivalent sexual act on a child by abusing his position (Article 205, *Sexual Intercourse by Abuse of Position*, paragraph 2),

shall be punished by imprisonment for a term between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraphs 1 through 3 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim,

shall be punished by imprisonment for not less than five years.

(5) If, by the criminal offence referred to in paragraphs 1 through 3 of this Article, the death of a child is caused, or serious bodily injury is inflicted on a child or his health is seriously impaired, or the female child is left pregnant, the perpetrator

shall be punished by imprisonment for a term not less than five years or by long-term imprisonment.

#### **Article 208 Lechery (Concupiscence)**

(1) Whoever in the cases referred to in Articles 203 (*Rape*), 204 (*Sexual Intercourse With a Helpless Person*), 205 (*Sexual Intercourse by Abuse of Position*) and 206 (*Forced Sexual Intercourse*) of this Code, when not even an attempt of that criminal offence is perpetrated, perpetrates only a lecherous act,

shall be punished by imprisonment for a term between three months and three years.

(2) Whoever in the case referred to in Article 207 (*Sexual Intercourse With a Child*) of this Code, when not even an attempt of that criminal offence is perpetrated, perpetrates only a lecherous act; or whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a child or juvenile,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 209 Satisfying Lust in the Presence of a Child or Juvenile**

Whoever, in the presence of a child or juvenile, performs acts aimed at satisfying his own lust or the lust of a third person, or whoever induces a child to submit to such acts in his presence or in the presence of a third person,

shall be punished by imprisonment for a term between three months and three years.

#### **Article 210 Pandering**

(1) Whoever, for gain, induces, incites or lures another in offering sexual services or in another way enables turning another over to a third person for offering sexual services, or in any way takes part in organizing or managing of sexual services offering,

shall be punished by imprisonment for a term between one and five years.

(2) Whoever, for gain, by use of force or by threat to use force or to inflict greater harm, coerces another or by deceit induces another into offering sexual services,

shall be punished by imprisonment for a term between one and ten years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever, for gain, in the manner referred to in paragraph 2 of this Article, by abusing a difficult situation of a person residing in a foreign country, coerces or induces that person into offering sexual services.

(4) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 3 of this Article against a child or juvenile,

shall be punished by imprisonment for a term between three and fifteen years.

(5) The fact whether the person who is induced, incited, lured or coerced has already been engaged in prostitution is of no relevance to the perpetration of criminal offence under this Article.

**Article 211**  
**Abuse of a Child or Juvenile for Pornography**

(1) Whoever photographs or films a child or juvenile with an aim of developing photographs, audio-visual tapes or other pornographic materials, or possesses or imports or sells or deals in or projects such material, or induces such persons to play in pornographic shows,

shall be punished by imprisonment for a term between one and five years.

(2) Items meant or used for the perpetration of criminal offence referred to in paragraph 1 of this Article shall be forfeited and the items produced by the perpetration of criminal offence referred to in paragraph 1 shall be forfeited and destroyed.

**Article 212**  
**Introducing Pornography to a Child**

(1) Whoever sells, shows or renders available through a public display or in any other way writings, pictures, audio-visual and other objects containing pornography to a child, or whoever shows him a pornographic show,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The items referred to paragraph 1 of this Article shall be forfeited.

**Article 213**  
**Incest**

(1) Whoever performs sexual intercourse or equivalent sexual act with a relative by blood in a direct line or a sibling,

shall be punished by a fine or imprisonment for a term between six months and two years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with a juvenile,

shall be punished by imprisonment for a term between one and five years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with a child,

shall be punished by imprisonment for a term between two and ten years.

**XX C H A P T E R T W E N T Y**  
**CRIMINAL OFFENCES AGAINST MARRIAGE, FAMILY AND YOUTH**

**Article 214**  
**Bigamy**

(1) Whoever contracts a new marriage while being already married,

shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever contracts a marriage with a person while knowing such a person to be married.

**Article 215**

### **Connivance at Contracting Illicit Marriage**

An authorized person before whom a marriage is being entered into, or a registrar who in the exercise of his official duty enables a contracting of marriage, which is prohibited, null or considered non-existent under the law,

shall be punished by imprisonment for a term not exceeding one year.

### **Article 216 Common-law Marriage with a Junior Juvenile**

(1) An adult, who cohabitates in a common-law marriage with a juvenile, who has not reached sixteen years of age,

shall be punished by imprisonment for a term between three months and three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a parent, adoptive parent or guardian, who makes it possible for a juvenile who has reached fourteen but has not reached sixteen years of age, to cohabit in a common-law marriage with another person, or induces him into such cohabitation.

(3) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article for gain,

shall be punished by imprisonment for a term between six months and five years.

(4) In the event that marriage is contracted, the criminal prosecution shall not be instituted, and if it has been instituted, shall be discontinued.

### **Article 217 Abduction of a Child or Juvenile**

(1) Whoever unlawfully takes a child or juvenile away from a parent, adoptive parent, guardian or a person to whom he has been entrusted; or whoever holds or prevents him from being with an entitled person; or whoever prevents the execution of an enforceable decision on a guardianship for a child or juvenile,

shall be punished by imprisonment for a term not exceeding three years.

(2) If by the criminal offence referred to in paragraph 1 of this Article a child or juvenile has left the territory of the Federation or the territory of Bosnia and Herzegovina, the perpetrator

shall be punished by imprisonment for a term between three months and five years.

(3) The perpetrator, who voluntarily surrenders the child or juvenile,

may be released from punishment.

### **Article 218 Change of the Family Status**

Whoever by foisting a child upon another, substituting it or in some other way changes the family status of a child,

shall be punished by imprisonment for a term between three months and three years.

### **Article 219 Neglect or Maltreatment of a Child or Juvenile**

(1) A parent, adoptive parent, guardian or any other person who severely neglects his duties in maintaining or upbringing a child or juvenile,

shall be punished by imprisonment for a term between three months and three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a parent, adoptive parent, guardian or any other person who maltreats a child or juvenile, compels a child or juvenile to work that is unsuitable for his age, or to excessive work, or to beg, or induces him for gain to behave in a manner harmful to his development.

(3) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, serious bodily injury to a child or juvenile is inflicted, or his health is severely impaired, or because of the criminal offence referred to in paragraphs 1 and 2 of this Article a child or juvenile has taken to begging, prostitution or other asocial behaviour or delinquency, the perpetrator

shall be punished by imprisonment for a term between three months and five years.

#### **Article 220 Child Desertion**

Whoever deserts his helpless child with an aim to abandon him forever,

shall be punished by imprisonment for a term between six months and three years.

#### **Article 221 Breach of Family Obligations**

(1) Whoever, in gross violation of his statutory family obligations, abandons in a situation of distress a family member who is not capable of taking care of himself,

shall be punished by imprisonment for a term between three months and three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death is caused of a family member abandoned in a situation of distress, or if serious bodily injury is inflicted on him or his health is severely impaired severely, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(3) When imposing a suspended sentence, the court may also impose to the perpetrator the obligation to regularly fulfil his obligations of care, upbringing and maintenance.

#### **Article 222 Domestic Violence**

(1) Whoever by violence, insolent or arrogant behaviour violates peace, physical integrity or mental health of a member of his family,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a member of his household,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) If in the course of the perpetration of criminal offence referred to in paragraphs 1 and 2 of this Article, a weapon, dangerous object or other instrument suitable to inflict grave bodily injury or impair health has been used, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

(4) If, by the criminal offence referred to in paragraph 1 through 3 of this Article, a serious bodily injury was inflicted on a family member or his health is severely impaired; or if the criminal offence referred in paragraph 1 through 3 of this Article is perpetrated against a child or juvenile, the perpetrator

shall be punished by imprisonment for a term between one and five years.



(5) If, by the criminal offence referred to in paragraphs 1 through 4 of this Article, a death of a family member is caused, the perpetrator

shall be punished by imprisonment for a term between two and fifteen years.

(6) Whoever deprives of a life a family member whom he has been previously abusing,

shall be punished by imprisonment for a term of no less than ten years or by long-term imprisonment.

### **Article 223** **Avoiding the Maintenance**

(1) Whoever evades providing of maintenance for a person whom he is obliged to maintain on the basis of an enforceable court decision, or an effective agreement entered into before another competent body,

shall be punished by imprisonment for a term not exceeding three years.

(2) When imposing a suspended sentence, the court may impose to the perpetrator the obligation to regularly pay the maintenance and all his other due obligations.

(3) If the perpetrator of criminal offence referred to in paragraph 1 of this Article has fulfilled his obligation before the end of main trial,

may be released from punishment.

### **Article 224** **Preventing and not Applying Measures for Protection of Juveniles**

(1) Whoever prevents execution of educational and other measures imposed by the court or other institutions in charge of juvenile care,

shall be punished by imprisonment for a term not exceeding one year.

(2) A responsible person working in bodies or institutions for care, upbringing or vocational training of juveniles, who obviously acts unduly, because of which a health or development of juvenile is severely impaired,

shall be punished by imprisonment for a term between three months and three years.

## **XXI CHAPTER TWENTY ONE** **CRIMINAL OFFENCES AGAINST PEOPLE'S HEALTH**

### **Article 225** **Transmission of a Contagious Disease**

(1) Whoever fails to comply with regulations or ordinances whereby a competent health care body orders medical examinations, disinfecting, quarantine or other measures for the suppression or prevention of a contagious disease with people, and where consequently a danger of the spreading of a contagious disease occurs,

shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever fails to comply with regulations and ordinances referred to in paragraph 1 of this Article as to the suppression and prevention of contagious diseases with animals, and where consequently a danger of transmission of the contagious disease onto humans occurs.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding six months.

#### **Article 226**

#### **Failure to Comply with Sanitary Regulations during an Epidemic**

Whoever at the time of an epidemic of a contagious disease fails to comply with ordinances and decisions passed on the basis of regulations of competent body which regulations establish measures for the suppression or prevention of the epidemic,

shall be punished by imprisonment for a term not exceeding one year.

#### **Article 227**

#### **Transmission of a Venereal Disease**

Whoever, knowing himself to be infected with a venereal disease, transmits the venereal disease to another person through sexual intercourse or equivalent sexual act or in some other way, if at the same time the criminal offence of aggravated bodily injury is not perpetrated,

shall be punished by imprisonment for a term not exceeding one year.

#### **Article 228**

#### **Employing Persons Suffering from Contagious Disease**

(1) Whoever, in a hospital, maternity hospital, boarding school, school, business enterprise or another legal person, or with a physical person as an entrepreneur, in a business activity in which foodstuffs are handled or that provides cleaning services or in a similar activity, in contravention of sanitary regulations employs or keeps employed a person suffering from a contagious disease, and where consequently a danger of transmission of a contagious disease occurs,

shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding six months.

#### **Article 229**

#### **Medical Malpractice**

(1) A physician or dentist, who in executing his activity applies obviously inappropriate means or an obviously inappropriate method of treatment, or fails to apply appropriate hygienic measures, thus causing the deterioration of a person's health,

shall be punished by imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on another health service provider, who in rendering medical aid or care proceeds unconsciously, thus causing the deterioration of a person's health.

(3) A physician or dentist who perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding one year.

(4) The punishment referred to in paragraph 3 of this Article shall be imposed on another health service provider, who perpetrates the criminal offence referred to in paragraph 2 of this Article out of negligence.

#### **Article 230**

## **Arbitrary Treatment**

(1) Whoever treats another without his consent,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) A physician or dentist who performs a surgery or other medical intervention on another person's body without his explicit and valid written consent,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article when obligatory treatment has been prescribed by law or the treatment, surgery or any other medical intervention was performed on a person who was unconscious or incapable of judgment and whose close family member or legal representative was not available, and if the life of the person in question would have been endangered or his health severely impaired by postponement of treatment or surgery.

## **Article 231**

### **Illicit Transplantation of Human Body Parts**

(1) Whoever, without medical justification, removes for transplantation purposes a part of human body with the consent of a living donor, or whoever, without medical justification, transplants a part of human body with the consent of a recipient,

shall be punished by fine or by imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, with medical justification, removes for transplantation purposes a part of the human body without consent of a living donor, or who, with medical justification, transplants a part of the human body without the consent of a recipient.

(3) Whoever, without medical justification, removes for transplantation purposes a part of the human body without the consent of a living donor, or whoever, without medical justification, transplants a part of the human body without the consent of the recipient,

shall be punished by imprisonment for a term between six months and five years.

(4) Whoever, for transplantation purposes, removes a part of a deceased person's body before death has been established in the prescribed manner,

shall be punished by imprisonment for a term between three months and three years.

(5) Whoever, for transplantation purposes, removes a part of a deceased person's body, knowing that this person explicitly in writing opposed the removal, or whoever, for transplantation purposes, removes a part of the body of a deceased juvenile or a mentally ill person without the explicit written consent of his legal representative,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(6) Whoever for remuneration or pecuniary gain, gives a part of his own body or a part of the body of another alive or deceased person for transplantation purposes or intermediates in so doing,

shall be punished by a fine or imprisonment for a term not exceeding two years.

(7) A physician who perpetrates the criminal offence referred to in paragraphs 1, 2 and 4 of this Article shall be punished by imprisonment for a term between six months and five years, and physician who perpetrates the criminal offence referred to in paragraph 3 of this Article shall be punished by imprisonment for a term not less than three years.

## **Article 232**

### **Failure to Render Medical Aid**

A physician, dentist or other health service provider who refuses to render urgent medical aid to a patient who is in need of such an aid although he was or should have been aware that such action may cause serious deterioration of health condition or death of the person,

shall be punished by imprisonment for a term not exceeding three years.

### **Article 233 Quackery**

Whoever, having no proper professional training nor authorization, engages in offering medical treatment or some other medical activity,

shall be punished by imprisonment for a term not exceeding one year and shall be fined\*.

### **Article 234 Manufacturing and Circulating Harmful Food Products**

(1) Whoever manufactures for sale, sells or offers for sale or in any other way puts into circulation foodstuff, meals, drink or other products harmful to people's health,

shall be punished by imprisonment for a term between three months and three years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(3) Harmful products and objects shall be forfeited.

### **Article 235 Careless Inspection of Meat Destined to be used as Food**

(1) A veterinarian or any other authorized veterinary employee who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to regulations fails to carry out the inspection of livestock and meat, thus making it possible for meat harmful to people's health to be put into circulation,

shall be punished by imprisonment for a term not exceeding one year.

(2) A veterinarian or other authorized veterinary employee, who perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

### **Article 236 Pollution of Potable Water and Foodstuff**

(1) Whoever by means of harmful or other substance renders potable water or foodstuff polluted, thus causing danger to the lives and health of people,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three months.

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\* "And shall be fined" should have been and should be deleted, due to the General Part. This is an obvious mistake.

**Article 237**  
**Serving Alcoholic Drinks to Junior Juveniles**

Whoever in a catering facility or some other facility used for selling liquor serves a juvenile who has not reached sixteen years of age with a strong liquor, or serves him with some other liquor in quantities that may lead to the intoxication of the juvenile,

shall be punished by a fine or imprisonment for a term not exceeding six months.

**Article 238**  
**Unauthorized Production and Sale of Narcotic Drugs**

(1) Whoever, without authorization, processes, sells or offers for sale, or purchases, keeps or transfers for sale, or acts as intermediary in a sale or purchase, or otherwise without authorization puts into circulation substances or preparations which are declared by regulations as narcotic drugs,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraph 1 of this Article, or whoever becomes a member of such a group of people,

shall be punished by imprisonment for a term not less than three years.

(3) Whoever, without authorization, manufactures, procures, possesses or gives for use the equipment, material or substances that he knows are intended for the production of narcotic drugs,

shall be punished by imprisonment for a term between six months and five years.

(4) Narcotic drugs and means for their processing shall be forfeited.

**Article 239**  
**Possessing and Enabling Enjoyment of Narcotic Drugs**

(1) Whoever induces another to enjoy narcotic drug, or gives to another narcotic drug for his or the use of a third person, or renders available premises for the enjoyment of narcotic drug, or otherwise enables another to enjoy narcotic drug,

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a child, juvenile or against a number of persons, or if particularly grave consequences are caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) Whoever possesses narcotic drug without authorization,

shall be punished by imprisonment for a term not exceeding one year.

(4) Narcotic drugs shall be forfeited.

**Article 240**  
**Serious Criminal Offences against People's Health**

(1) If, by the criminal offence referred to in Article 225 (*Transmission of a Contagious Disease*), paragraphs 1 and 2, Article 228 (*Employing Persons Infected with Contagious Disease*), paragraph 1, Article 229 (*Medical Malpractice*), paragraphs 1 and 2, Article 233 (*Quackery*), 234 (*Manufacturing and Circulating Harmful Food Products*), paragraph 1, Article 235 (*Careless Inspection of Meat Destined to be Used as Food*), paragraph 1 and Article 236 (*Pollution of Potable Water and Foodstuffs*), paragraph 1 of this Code, a serious bodily injury is inflicted upon a person, or a person's health is severely impaired, or the existing illness is aggravated, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and twelve years.

(3) If, by the criminal offence referred to in Article 225, paragraph 3, Article 228, paragraph 2, Article 229, paragraph 3, Article 234, paragraph 2, Article 235, paragraph 2 and Article 236, paragraph 2 of this Code, a serious bodily injury is inflicted upon a person, or person's health is severely impaired, or the existing illness is aggravated, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(4) If, by the criminal offence referred to in paragraph 3 of this Article, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

## **XXII CHAPTER TWENTY TWO**

### **CRIMINAL OFFENCES AGAINST THE ECONOMY, TRADE AND SECURITY OF PAYMENT SYSTEMS**

#### **Article 241**

#### **Violation of Equality in Performing Economic Activities**

(1) Whoever, by abusing his official or influential position or authority, restricts the free movement of people, goods or capital in the territory of the Federation, denies or restricts the right of a business enterprise or another legal or natural person to engage in the trade and sale of goods and services on the territory of the Federation, or puts a business enterprise or another legal or natural person in an unequal position in relation to other persons regarding the conditions for work or turnover of goods and services, or restricts the free exchange of goods and services in the territory of the Federation,

shall be punished by imprisonment for a term between six months and five years.

(2) An official or responsible person in the Federation who, by misusing his official or influential position or powers, restricts the free movement of people, goods or capital between the Entities and among the Entities and the Brčko District of Bosnia and Herzegovina, denies or restricts the right of a business enterprise or another legal or natural person to engage in the trade and sale of goods and services on the territory of the other Entity or Brčko District of Bosnia and Herzegovina, or puts a business enterprise or another legal or natural person in an unequal position in relation to other persons regarding the conditions for work or turnover of goods and services, or restricts free exchange of goods and services among the Entities and Brčko District of Bosnia and Herzegovina,

shall be punished by imprisonment for a term between one and eight years.

#### **Article 242**

#### **Economic Mismanagement**

(1) A responsible person in a legal person who, by violating law or other regulations in the Federation, obviously conducts business carelessly, thus causing considerable material damage to that legal person,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a forced winding up or bankruptcy of the legal person is caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

**Article 243**  
**Causing Bankruptcy**

(1) Whoever, knowing of his indebtedness or insolvency, by stopping the collection of his claims with an aim of diminishing the future bankruptcy estate, spends excessively, gives away property considerably below its value, assumes unreasonable engagements, recklessly takes or gives loans, does business with an insolvent person, omits to collect his claims on time or in some other way that is in obvious contrariety to the requirements of the proper conduct of business diminishes his property,

shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever perpetrates the criminal offence referred to in paragraph 1 of this Article as a responsible person in a legal person.

(4) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 244**  
**False Bankruptcy**

(1) Whoever, with an aim of avoiding payment of his obligations, by seemingly or actually diminishing his property, causes bankruptcy in a manner that he:

a) seemingly or below a market value sells, conceals, transfers for free or destroys entire or portion of his property;

b) makes sham contracts of a debt or acknowledges false claims;

c) conceals, destroys, changes or keeps statutory business books, documents or files in a such manner that the actual financial condition cannot be established; or records the financial condition so as to give grounds for the institution of bankruptcy proceedings, by making fake documents or in some other way;

shall be punished by imprisonment for a term between one and eight years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, serious consequences to a creditor are caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

**Article 245**  
**Abuse in Bankruptcy Proceedings**

(1) Whoever in bankruptcy proceedings files a false claim or a claim in a false order of payment to thereby realise a right not due to him,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a creditor, a member of a board of creditors or a bankruptcy trustee, who receives for himself or for another a material gain or promise of material gain in order to pass or not pass a particular decision or in order to harm in some other way at least one creditor in the bankruptcy.

(3) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever gives or promises a material gain to a creditor, a member of a board of creditors or a bankruptcy trustee for the perpetration of criminal offence referred to in paragraph 2 of this Article.

**Article 246**  
**Damaging Creditors**

(1) Whoever, knowing that he has become insolvent, by paying debt or in some other way, puts a creditor in a more favourable position and thereby damages at least one of his creditors,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) A responsible person in a legal person who, knowing that the legal person has become insolvent, with an aim of defrauding or damaging a creditor, acknowledges a false claim, draws up sham contracts or by some other fraudulent act damages a creditor of the legal person,

shall be punished by imprisonment for a term between six months and five years.

(3) If by the criminal offence referred to in paragraphs 1 and 2 of this Article, a damage exceeding 500,000.00 KM, or sanation or bankruptcy proceedings in regard to an injured party were caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

**Article 247**  
**Abuse of Authority in Economic Business Operations**

(1) A responsible person in a legal person who with an aim of acquiring unlawful material gain for that legal person:

a) creates or keeps illicit funds in the country or abroad;

b) by drawing up documents of false contents, by false balance-sheets, appraisals or taking of inventory, or by other misrepresentation or concealment of facts, falsely displays the situation and flow of assets and business results, thus misleading managing bodies in the legal person while they are making decisions in management activities;

c) fails to pay taxes and other fiscal obligations that are determined by law;

d) uses assets contrary to their purpose;

e) in some other way seriously violates powers of disposal, use or management of property of the legal person,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the material gain exceeding 200,000.00 KM was acquired, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

**Article 248**  
**Abuse of Privatisation Process**

(1) Whoever, in the process of privatisation, with an aim of acquiring some material gain for himself or for another person, causes some damage to another or seriously violates rights of another, reduces the selling price or allows purchase at a significantly lower price than the one determined for a legal person in the process of privatisation, by giving false information or concealing data on assets, revenues, encumbrances, expenditures and other rights or other facts relevant to the determination of the true price,

shall be punished by imprisonment for a term not exceeding five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 300.000 KM is caused, the perpetrator



shall be punished by imprisonment for a term between one and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 800.000 KM is caused, the perpetrator

shall be punished by imprisonment for a term between one and twelve years.

(4) An official or responsible person who, knowing of actions referred to in paragraph 1 of this Article, by abusing his official position or powers, exceeding limits of his official power or by failing to exercise official duty, does or fails to do an official act required in the process of privatisation,

shall be punished by imprisonment for a term between one and ten years.

#### **Article 249 Drawing Up a False Balance Sheet**

Whoever, with an aim of acquiring material gain for himself or another, or with an aim of causing damage to another, draws up in a legal person a false balance sheet by which the profit or loss or share of the shareholders in the profit or loss of that legal person is determined,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 250 Abuse of Appraisals**

(1) A certified appraiser, who abuses his powers while making appraisals of the property of a legal person, thus acquiring a material gain for himself or for another or causing some damage to another,

shall be punished by imprisonment for a term between one and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 10,000.00 KM is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 50,000.00 KM is caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

#### **Article 251 Fraud in Economic Operations**

(1) Whoever, as an agent or representative of a legal person, with an aim of acquiring unlawful material gain for that or another legal person, by use of uncollectible payment orders, uncovered cheques or in some other way misleads another or keeps him in mistaken belief, thus inducing him to do or not to do something to the detriment of his own property or the property of another,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 10,000.00 KM is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or damage exceeding 50,000.00 KM is caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

**Article 252**  
**Concluding a Prejudicial Contract**

(1) Whoever as an agent or representative of a legal person, in the line of business of the legal person concludes a contract which he knows to be prejudicial to the legal person, or concludes a contract contrary to the authority vested in him, thereby causing damage to the legal person,

shall be punished by imprisonment for a term between three months and three years.

(2) If the perpetrator of criminal offence referred to in paragraph 1 of this Article has received unlawful gain or promise of a gain, or if, by the criminal offence referred to in paragraph 1 of this Article the damage exceeding 200,000.00 KM is caused,

shall be punished by imprisonment for a term between one and ten years.

**Article 253**  
**Creation of a Monopolistic Position in the Market**

Whoever, in a legal person, enters into an agreement by which another legal or natural person is restrained from the free circulation of goods and services within a determined area or with certain legal or natural persons, or enters into an agreement by which in some other way a monopolistic position in the market for certain legal or natural persons is created,

shall be punished by imprisonment for a term between six months and five years.

**Article 254**  
**Disclosure and Unauthorized Procurement of a Business Secret**

(1) Whoever without authorization communicates, delivers or in another way makes accessible to another a business secret or whoever obtains a business secret with an aim of delivering it to an unauthorized person,

shall be punished by imprisonment for a term between three months and three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with an aim of taking the business secret abroad, or if by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired or considerable damage is caused,

shall be punished by imprisonment for a term between six months and five years.

**Article 255**  
**Disclosure and Use of Stock Market Secrets**

(1) Whoever communicates to an unauthorized person stock market business data that are not available to all participants of stock market, or whoever comes in possession of such data, and by using them in the stock market acquires unlawful material gain,

shall be punished by imprisonment for a term between three months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

**Article 256**  
**Counterfeiting of Securities**

(1) Whoever makes false securities with an aim of bringing them into circulation as genuine, or whoever alters such genuine securities with an aim of bringing them into circulation, or whoever obtains false securities with an aim of bringing them into circulation as genuine,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever brings into circulation false securities received by him as genuine, knowing or finding out that these have been counterfeited or altered,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) False securities shall be forfeited.

### **Article 257** **Counterfeiting of Credit Cards and Other Non-cash Payment Cards**

(1) Whoever, with an aim of using it as genuine, makes a false credit card or some other card for non-cash payment, or whoever alters such genuine card, or whoever uses such false card as a genuine one,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain is acquired, the perpetrator

shall be punished by imprisonment for a term between one and five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(4) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

(5) False credit cards and other cards for non-cash payment shall be forfeited.

### **Article 258** **Counterfeiting of Value Tokens**

(1) Whoever makes false tax stamps, postage stamps or other value tokens issued pursuant to regulations, or whoever alters some of these genuine value tokens with an aim of using them as genuine or of conveying them for use to another, or whoever uses such false value tokens as genuine or procures them with such an aim,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the value tokens referred to in paragraph 1 of this Article are of larger value, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) Whoever, by removing the seal by which the tokens referred to in paragraph 1 of this Article are nullified or in some other way, for the purpose of repeated use, attempts to make these token appear as if they have never been used before, or whoever uses or sells such already used value tokens as valid,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(4) False value tokens shall be forfeited.

**Article 259**  
**Counterfeiting of Trademarks, Measures and Weights**

(1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or some other commodities, or whoever with the same aim alters such genuine trademarks, or whoever uses false trademarks as genuine,

shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever forges measures or weights.

(3) False trademarks, measures and weights shall be forfeited.

**Article 260**  
**Manufacturing, Supplying, Possessing, Selling and Providing Instruments for Counterfeiting**

(1) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting money, false credit cards and other cards of non-cash payment or false securities,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever manufactures, supplies, possesses, sells or provides instruments for counterfeiting value tokens issued pursuant to regulations or false trademarks as well as false measures and weights,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The instruments referred to in paragraphs 1 and 2 of this Article shall be forfeited.

**Article 261**  
**Counterfeiting or Destruction of Business or Trade Books or Documents**

(1) Whoever, in business or trade books, documents or files that he is required to keep pursuant to law or other regulation enters false data or fails to enter an important datum, or by his signature or official seal certifies a business or trade book, document or file containing false data, or by affixing his signature or official seal permits the drawing up of business or trade book, document or file containing false data,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever uses a false business or trade book, document or file as genuine, or whoever destroys, damage, conceals or in some other way renders useless a business or trade book, document or file.

**Article 262**  
**Breach of Inventor's Rights**

Whoever, in the course of business activities, without authorization, uses another's registered invention or invention protected by regulations,

shall be punished by imprisonment for a term between three months and five years.

**Article 263**  
**Unauthorized Use of Another's Model and Pattern**

(1) Whoever, without authorization, uses on his own product in the market a registered or by model or pattern protected outside form, picture or drawing of another,

shall be punished by imprisonment for a term not exceeding three years.

- (2) Whoever, without authorization, releases the subject of the registration of the model or pattern of another, shall be punished by a fine and\* imprisonment for a term not exceeding five years.

**Article 264**  
**Unauthorized use of Another's Company Name**

Whoever, with an aim of deceiving buyers or service users, makes use of another's company name, seal, trademark or special mark of distinction, or inserts certain features of another's mark into his company name, seal, trademark or special mark of distinction,

shall be punished by imprisonment for a term not exceeding one year.

**Article 265**  
**Deceiving Buyers**

(1) Whoever, with an aim of deceiving buyers, brings into circulation products bearing a mark containing data that do not correspond to the contents, kind, origin or quality of the product, or brings into circulation products which by their weight or quality do not correspond to what is normally assumed for such products, or brings into circulation products bearing no indication as to their contents, kind, origin or quality when such an indication is prescribed;

shall be punished by imprisonment for a term not exceeding three years and shall be fined\*.

(2) Whoever, with an aim of deceiving buyers, falsely announces reductions in the prices of products, the sale of goods at reduced prices or otherwise by false advertising deceives buyers regarding the prices of the products he sells,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 266**  
**Illicit Trade in Gold Coins and Gold**

(1) Whoever, contrary to regulations, engages in trading in gold coins or gold of a value exceeding 10.000 KM,

shall be punished by imprisonment for a term not exceeding three years.

(2) If the perpetrator of criminal offence referred to in paragraph 1 of this Article has organized a network of re-sellers or intermediaries,

shall be punished by imprisonment for a term between six months and five years.

(3) Gold coins or gold subject to an illicit trade shall be forfeited.

**Article 267**  
**Illicit Trade**

(1) Whoever, without authorization for trade, supplies goods or other items of general consumption in a value exceeding 10.000 KM in order to sell them, or whoever, without authorization, engages on a large scale in trade or in acting as intermediary in trade or as representative in the exchange of goods and services,

shall be punished by imprisonment for a term between three months and three years.

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\* "And" is an error. Should be "or".

\* "And shall be fined" should have been and should be deleted, due to the provision of the General Part.

(2) If the perpetrator of criminal offence referred to in paragraph 1 of this Article organized a network of resellers or middlemen, or if, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 30,000 KM has been acquired, or if the distribution of goods or items has been forbidden or restricted pursuant to regulations,

shall be punished by imprisonment for a term between six months and five years.

(3) Goods and items of the illicit trade shall be forfeited.

### **Article 268** **Deception in Getting Loans (Credits) or Other Grants**

(1) Whoever, with an aim of obtaining for himself or another a loan (credit), investment funds, subvention or some other grant, gives to the loaner or person competent to give the grant false or incomplete data about his financial situation or other data important for getting a loan or other grant,

shall be punished by imprisonment for a term between six months and three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a loan (credit) or other grant referred to in paragraph 1 of this Article in a value exceeding 10,000.00 KM is obtained, the perpetrator

shall be punished by imprisonment for a term between one and five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a loan (credit) or other grant referred to in paragraph 1 of this Article in a value exceeding 50,000.00 KM is obtained, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

(4) Whoever uses the obtained loan (credit), investment funds, subvention or some other grant for other purpose than the one he has had the resources granted for,

shall be punished by a fine and\* imprisonment for a term not exceeding two years.

### **Article 269** **Illicit Banking**

(1) Whoever, without licence or in contravention to the conditions under which the licence is given, engages in banking,

shall be punished by imprisonment for a term between three months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

(4) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 200,000.00 KM is acquired, the perpetrator

shall be punished by imprisonment for a term not less than five years.

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\* “And” should be “or”.

**Article 270**  
**Illicit Manufacturing**

(1) Whoever manufactures or processes goods whose production or processing is forbidden, and if, by such an act, some other criminal offence for which a more severe punishment is prescribed has not been perpetrated,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The goods referred to in paragraph 1 of this Article and means for its production or processing shall be forfeited.

**Article 271**  
**Abuse of a Cheque and a Card**

(1) Whoever, by abusing a cheque, credit or other cards of non-cash payment, to the use of which he has a right, induces a bank or other legal person to pay an amount for which he knows there are no sufficient funds and which is strictly forbidden pursuant to the contract on the use of cheque or credit card,

shall be punished by a fine and\* imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraphs 1 and 2\* of this Article, a material gain exceeding 50,000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

**Article 272**  
**Money Laundering**

(1) Whoever receives, exchanges, holds, disposes of, uses in economic or other business activity, or otherwise conceals or tries to conceal money or property for which he knows to be acquired by perpetration of criminal offence,

shall be punished by imprisonment for a term between six months and five years.

(2) If the money or property referred to in paragraph 1 of this Article is of large value, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) If, perpetrating the criminal offence referred to in paragraphs 1 and 2 of this Article, the perpetrator acted out of negligence regarding the circumstance that the money or property were acquired by perpetration of criminal offence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(4) Money and property referred to in paragraphs 1 through 3 of this Article shall be forfeited.

**XXIII CHAPTER TWENTY THREE**  
**TAX RELATED CRIMINAL OFFENCES**

**Article 273**

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\* Instead of “and” should read “or”.

\* An obvious mistake of reference to paragraph 2, which should have been and should be deleted by correction. Instead of “paragraphs 1 and 2”, it should read “paragraph 1”.

## **Tax Evasion**

(1) Whoever, for himself or for another, evades payment of amounts required under the legislation on taxes in the Federation or contributions to pension scheme and health insurance prescribed in the Federation, by not submitting required data or by submitting false data on earned taxable income or on other facts which affect the determination of the amount of such obligations, and the amount of obligation whose payment is evaded exceeds 10.000 KM,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article, and the amount of obligation whose payment is evaded exceeds 50.000 KM,

shall be punished by imprisonment for a term between one and ten years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article, and the amount of obligation whose payment is evaded exceeds 200.000 KM,

shall be punished by imprisonment for a term not less than three years.

## **Article 274**

### **False Tax Related Documents**

(1) Whoever issues a false document whose submission is required under the legislation on taxes in the Federation, or whoever does not issue a document whose issuance is required under the legislation on taxes in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in regard of larger number of documents, or if the collection of larger amount of public revenue is jeopardized,

shall be punished by a fine or imprisonment for a term not exceeding three years.

## **Article 275**

### **Irregular Allocation of Funds of a Legal Person**

A responsible person in a legal person, who is specifically held responsible for tax liabilities of the legal person under the legislation on taxes in the Federation and who approved allocation of funds of the legal person for other purposes instead of for the payment of tax liabilities of the legal person, so the insolvency of legal person for the timely payment of tax liabilities is caused,

shall be punished by a fine or imprisonment for a term not exceeding three years.

## **Article 276**

### **Filing a False Tax Return**

Whoever files a false tax return to a tax body or some other false data whose submission is required under the legislation on taxes in the Federation ,

shall be punished by a fine or imprisonment for a term not exceeding three years.

## **Article 277**

### **Obstructing a Tax Official in Performing Official Action**

(1) Whoever, by force or threat of use of force, prevents or tries to prevent a tax official from performing his official duty, or whoever, in the same manner, coerces or tries to coerce him not to perform an official duty,

shall be punished by imprisonment for a term between three months and three years.



(2) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator insults or abuses the tax official, or inflicts upon him a slight bodily injury, or threatens with the use of weapons,

shall be punished by imprisonment for a term between six months and three years.

(3) The perpetrator of criminal offence referred to in paragraphs 1 to 2 of this Article, who has been aroused by illegal or brutal treatment on the part of the tax official,

may be released from of punishment.

#### **Article 278**

#### **Attacking a Tax Official while Performing Official Action**

(1) Whoever attacks or seriously threatens to attack a tax official or a person who assists a tax official in detecting and investigating a violation of tax regulations in the Federation,

shall be punished by imprisonment for a term between three months and three years.

(2) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator inflicts a slight bodily injury upon the tax official or a person who assists the tax official, or threatens with the use of weapons,

shall be punished by imprisonment for a term between six months and five years.

(3) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator inflicts a serious bodily injury upon the tax official or a person who assists the tax official,

shall be punished by imprisonment for a term between one and ten years.

(4) The perpetrator of criminal offence referred to in paragraphs 1 through 3 of this Article, who has been aroused by unlawful or brutal treatment on the part of the tax official or a person who assists the tax official,

may be released from punishment.

(5) The criminal offences referred to in paragraphs 1 through 3 of this Article shall also be applicable for official persons in the Federation, who perform the actions of detecting and investigating violations of tax regulations.

### **XXIV CHAPTER TWENTY FOUR**

#### **CRIMINAL OFFENCES AGAINST WORK RELATIONS**

#### **Article 279**

#### **Violation of Equality in Exercising Right to Employment**

Whoever denies or limits the right of citizens to free employment in the territory of the Federation, under the same conditions applicable in the place of employment,

shall be punished by imprisonment for a term between three months and three years

#### **Article 280**

#### **Violation of Rights Arising from Employment**

Whoever, by violating regulations or a general act or a collective agreement on entering into or termination of work relation, on salary or other remuneration, on working hours, vacation or leave, protection of women, the young and disabled, or on ban to overtime or night work, denies or limits to an employee the right he is entitled to,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 281**

#### **Violation of Rights during Temporary Unemployment**

Whoever, by violating regulations or a general act relating to citizens' rights during temporary unemployment, denies to another the right he is entitled to pursuant to the regulations or general act in question,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 282**

#### **Violation of Rights Arising from Social Security**

Whoever, by violating regulations or a general act relating to social security, denies or limits to a person the right he is entitled to on the basis of social insurance,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 283**

#### **Misuse of Rights Arising from Social Security**

Whoever, by faking he is ill or causing an illness or working disability, succeeds to be granted a right to social insurance benefit which he otherwise would not be allowed under regulations or a general act,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 284**

#### **Failure to Implement Decision on Reinstatement of a Person in the Former Post**

An official or responsible person in a legal person or self-employed person, who fails to comply with a final decision about reinstatement of a worker in his former post,

shall be punished by imprisonment for a term between three months and three years.

#### **Article 285**

#### **Failure to Implement Safety Measures at Work**

(1) A responsible person in a legal person or self-employed person who, by violating law or other regulations or a general act on safety measures at work, fails to implement the prescribed safety measures at work,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) In imposing suspended sentence, the court may impose to the perpetrator an obligation that he should comply with the regulations on safety measures at work within a set deadline.

### **XXV CHAPTER TWENTY FIVE**

### **CRIMINAL OFFENCES AGAINST PROPERTY**

#### **Article 286**

#### **Theft**

(1) Whoever takes away the movable property of another with an aim of acquiring, by appropriating it, for himself or for someone else unlawful material gain,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the stolen property is of small value and the perpetrator acts with an aim of acquiring the material gain of such value, he

shall be punished by a fine or imprisonment for a term not exceeding six months.

(3) The perpetrator of criminal offence referred to in paragraphs 1 and 2 of this Article, who returns the stolen property to the injured party prior to learning that he has been discovered,

may be released from punishment.

### **Article 287 Aggravated Theft**

(1) The punishment of imprisonment for a term between six months and five years shall be imposed on whoever perpetrates the criminal offence of theft (Article 286, *Theft*, paragraph 1) in the following way:

a) by breaking in, entering by force or otherwise overcoming great obstacles in order to come to property within closed buildings, rooms, cash registers, closets or other closed premises or space;

b) in a particularly dangerous or brazen manner;

c) by taking advantage of conditions caused by a fire, flood, earthquake or another calamity,

d) by taking advantage of the helplessness or other particularly difficult situation of another.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a perpetrator of the criminal offence of theft (Article 286, paragraph 1):

a) if the stolen property is of great value and the perpetrator acts with an aim of acquiring the material gain of such value;

b) if the stolen property serves religious purposes or if the property is stolen from a religious or other building or premises serving for the practice of religion;

c) if the stolen property is of cultural value, or is an object of special scientific, artistic, historical or technical significance, or is a part of public collection, protected private collection or is exhibited to the public.

(3) A fine or the punishment of imprisonment for a term not exceeding three years shall be imposed on whoever perpetrates the theft (Article 286, paragraph 2) in the manner and under the circumstances referred to in paragraph 1 or 2, items 2 and 3 of this Article.

(4) The punishment of imprisonment for a term between one and eight years shall be imposed on whoever perpetrates the theft (Article 286, paragraph 1) as a member of a group of people, or if he was carrying a weapon or dangerous instrument for perpetrating the offence.

### **Article 288 Robbery**

(1) Whoever, being caught in the perpetration omission of criminal offence of theft, and with an aim of retaining possession of the stolen property, uses force against a person or threatens instant attack on his life or limb,

shall be punished by imprisonment for a term between one and ten years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted on a person with intent, or if the criminal offence is perpetrated within a group of people, or a weapon or dangerous instrument is used, the perpetrator

shall be punished by imprisonment for a term not less than five years.

(3) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, a life of person is taken with intent, the perpetrator

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

### **Article 289** **Aggravated Robbery**

(1) Whoever, by use of force against a person or by threatening to instantly attack his life or limb, takes away a movable property of another with an aim of acquiring, by its appropriation, unlawful material gain for himself or for someone else, or with an aim of appropriating it,

shall be punished by imprisonment for a term between one and ten years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted on a person with intent, or the criminal offence is perpetrated within a group of people, or a weapon or dangerous instrument is used, the perpetrator

shall be punished by imprisonment for a term not less than five years.

(3) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, a life of person is taken with intent, the perpetrator

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

### **Article 290** **Embezzlement**

(1) Whoever, with an aim of acquiring material gain for himself or for another, unlawfully appropriates the movable property of another which has been entrusted to him,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) A guardian, who perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) If the embezzled property is an object of special cultural, historical, scientific or technical significance, or if the embezzled property is of great value and the perpetrator acts with an aim of acquiring the material gain of such value, he

shall be punished by imprisonment for a term between six months and five years.

(4) If the embezzled property is of small value and the perpetrator acts with an aim of acquiring the material gain of such value, he

shall be punished by a fine or imprisonment for a term not exceeding six months.

(5) The punishment referred to in paragraph 4 of this Article shall be imposed on whoever unlawfully appropriates the movable property of another which he has found or accidentally came into possession of, with an aim of acquiring material gain for himself or for someone else.

(6) The perpetrator of criminal offence referred to in paragraphs 1, 4 and 5 of this Article, who returns the embezzled property to the injured party prior to learning that he has been discovered,

may be released from punishment.

### **Article 291** **Abstraction of Movable Property of Another**

(1) Whoever, without an aim of acquiring material gain, unlawfully takes away or appropriates the movable property of another,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article relates to a motor vehicle, the attempt shall be punished.

(3) The perpetrator of criminal offence referred to in paragraph 1 of this Article, who returns the property taken away that is not a motor vehicle, to the injured party prior to learning that he has been discovered,

may be released from punishment.

### **Article 292** **Unlawful Occupation of a Real Estate of Public Importance**

(1) Whoever unlawfully occupies a real estate that is development land or part of development land,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) If the criminal offence referred to in paragraph 1 of this Article relates to a real estate that has been declared public domain, cultural heritage, natural rarity or natural resort or resource, or if it is a part of protected forest or forest with special purpose, national park or some other protected natural site or land with special purpose, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

### **Article 293** **Malicious Mischief**

(1) Whoever damages, destroys or renders unusable another person's property,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever damages, deforms, destroys or renders unusable another person's property which serves for religious purposes, a cultural good that is in a public place, a specially protected object of nature, a piece of art, an object of scientific or technical significance, an object that is located in a public collection or is exhibited to the public or an object that serves public needs or embellishes squares, streets or parks,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever perpetrates the offence referred to in paragraph 1 of this Article because of differences in ethnic or national background, race, religion, sex or language.

### **Article 294** **Fraud**

(1) Whoever, with an aim of acquiring unlawful material gain for himself or for someone else, by false representation or concealment of facts, deceives another or keeps such a person in deception, inducing him thereby to do or not to do something to the detriment of his own or someone else's property,

shall be punished by imprisonment for a term not exceeding three years.

(2) If the damage exceeds 30,000 KM and the perpetrator acts with an aim of acquiring the material gain of such value, he

shall be punished by imprisonment for a term between six months and five years.

(3) If the damage is of small value and the perpetrator acts with an aim of acquiring the material gain of such

value, he

shall be punished by a fine or imprisonment for a term not exceeding six months.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article solely with an aim of causing damage to another and without an aim of acquiring unlawful material gain for himself or for someone else,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 295 Extortion**

(1) Whoever, with an aim of acquiring unlawful material gain for himself or for someone else, by force or serious threat, coerces another to do or not to do something to the detriment of his own or someone else's property,

shall be punished by imprisonment for a term between three months and five years.

(2) If, in perpetrating the criminal offence referred to in paragraph 1 of this Article, a weapon or a dangerous instrument is used, or a considerable material gain is acquired, or the criminal offence is perpetrated within a group of people or criminal organization, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

#### **Article 296 Blackmail**

(1) Whoever, with an aim of acquiring unlawful material gain for himself or for someone else, threatens another with a disclosure about himself or about person close to him concerning something which could harm their honour or reputation and thus coerces him to do or not to do something to the detriment of his own or someone else's property,

shall be punished by imprisonment for a term between three months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a considerable material gain is acquired, or the criminal offence is perpetrated within a group of people or criminal organization, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

#### **Article 297 Breach of Trust**

(1) Whoever, with an aim of acquiring unlawful material gain for himself or for someone else, in representing the interests of a person or in taking care of his property fails to carry out his statutory duty or abuses the authority vested in him by law or by a contract, and damages the person whose interests he represents or whose property he takes care of,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) A guardian or attorney-at-law, who perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between three months and three years.

(3) The perpetrator of criminal offence referred to in paragraph 1 of this Article, who compensates the caused damage to the injured party prior to learning that he has been discovered,

may be released from punishment.

## **Article 298**

### **Usury**

(1) Whoever, taking advantage of the emergency situation, difficult financial or housing circumstances, insufficient experience, light-mindedness or the diminished capability of judgment of another person, receives from such person or contracts with such person material gain for himself or for someone else which is obviously disproportionate to what he has given, done or bound himself to give or do,

shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, serious consequences are caused to the injured party, the perpetrator

shall be punished by a fine or imprisonment for a term between six months and five years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever engages in giving loans, contracting thereby disproportionate material gain.

## **Article 299**

### **Fraud in Law**

(1) Whoever, with an aim of frustrating the satisfaction of a claim on objects, conveys, destroys or abstracts an object of his property on which another person has a lien or the right of usufruct, and thereby causes damage to such a person,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever destroys, fictitiously sells or renders unusable his entire property or a part of it or accepts a false claim, creates a false contract or by some other fraudulent act fictitiously or really impairs his financial situation and thereby reduces the possibility of or prevents the settlement with at least one of his creditors.

## **Article 300**

### **Concealing**

(1) Whoever purchases, receives in pledge or otherwise procures, conceals or resells an object, which he knows was acquired by a criminal offence or what has been received for such an object through sale or exchange,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article without knowing that the object was acquired by a criminal offence, although he could have known it according to the circumstances of the case,

shall be punished by a fine or imprisonment for a term not exceeding six months.

## **Article 301**

### **Arson**

(1) Whoever burns another person's house or another building designated for housing or commercial use, or business building of another or a building in public use,

shall be punished by imprisonment for a term between one and eight years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a damage exceeding 10.000 KM is caused, or if the criminal offence referred to in paragraph 1 is perpetrated with an aim of defrauding an insurance company, the perpetrator

shall be punished by imprisonment for a term between two and twelve years.

**Article 302**  
**Abuse of Insurance**

(1) Whoever, with an aim of collecting insurance money from an insurer, destroys, damages or hides the object insured against destruction, damage, loss or theft and subsequently reports the damage,

shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, with an aim of collecting the insurance money from an insurer for bodily injury, corporal or health impairment, inflicts on himself such injury or impairment and subsequently reports damage.

(3) The perpetrator of criminal offence referred to in paragraphs 1 and 2 of this Article, who abandons the damage claim prior to learning that he has been discovered,

may be released from punishment.

**XXVI CHAPTER TWENTY SIX**

**CRIMINAL OFFENCES AGAINST ENVIRONMENT, AGRICULTURE AND NATURAL RESOURCES**

**Article 303**  
**Environmental Pollution**

(1) Whoever, by violating regulations, pollutes the air, soil, running, still or underground water, watercourses, the sea or the sea floor or the sea underground or in some other way imperils the purity and quality of air, soil, water, watercourses or the sea, the sea floor or the sea underground, or the natural genetic harmony of biological diversity within a wider area and to the extent which can deteriorate living conditions for humans or animals or endanger the existence of forests, plants and other vegetation,

shall be punished by imprisonment for a term between three months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever pollutes the air, soil, running, still or underground water, watercourses, the sea, the sea floor or the sea underground or in some other way imperils the purity and quality of the air, soil, water, watercourses or the sea, the sea floor or the sea underground, or the natural genetic harmony of biological diversity, and thereby causes danger to the life or health of humans or animals, or causes destruction or considerable damage to forests, plants and other vegetation within a wider area.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(4) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, a serious bodily injury is inflicted upon a person or a material damage on a great scale is caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(5) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, a death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and twelve years.

(6) If, by the criminal offence referred to in paragraph 3 of this Article, a serious bodily injury is inflicted upon a person or a material damage on a great scale is caused, the perpetrator



shall be punished by imprisonment for a term between six months and five years.

(7) If, by the criminal offence referred to in paragraph 3 of this Article, a death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

#### **Article 304** **Endangering the Environment with Installations**

(1) Whoever, contrary to regulations, puts into operation or runs installations, or deviates from the manufacturing process in which hazardous substances are released that may imperil the quality of the air, soil, water, watercourses or the sea within a wider area, or the marine ecosystem, and to the extent that may deteriorate living conditions for humans or animals or endanger the existence of forests, plants and other vegetation,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) A responsible person in a legal person who, by violating regulations, fails to install purification equipment or permits construction, starting or operation of equipment that pollute the environment,

shall be punished by a fine and\* imprisonment for a term not exceeding three years.

#### **Article 305** **Endangering the Environment by Waste**

(1) Whoever, contrary to regulations, disposes, deposits, collects, stores, treats and\* transports waste or in general handles it in a way which imperils the quality of the air, soil, water, watercourses, the sea, the sea floor or the sea underground in a wider area and to the extent that can deteriorate living conditions for humans or animals or endanger the existence of forests, plants and other vegetation,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever disposes, deposits, collects, stores, treats and\* transports waste or in general handles it in a way which imperils the quality of the air, soil, water, watercourses, or the sea, the sea floor or the sea underground, and thereby causes danger to the life or health of humans or animals or causes destruction or considerable damage to forests, plants and other vegetation within a wider area.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 306** **Endangering the Environment by Noise**

(1) Whoever, contrary to regulations, produces noise which is apt to cause serious damage to the health of a number of persons,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

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\* Should read “or” instead of “and”.

\* Should be “or” instead of “and”.

\* Should be “or” instead of “and”.

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 307**

#### **Production of Harmful Preparations for the Treatment of Animals**

(1) Whoever produces for purposes of sale or puts into circulation preparations for the treatment or prevention of infection among animals which are dangerous for their life or health,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of larger number of animals or spreading of the contagious disease is caused, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three months.

#### **Article 308**

#### **Veterinary Malpractice**

(1) A veterinarian or an authorized veterinary assistant who, in rendering veterinary aid, prescribes or administers a manifestly inadequate preparation or a manifestly irregular method of treatment or in general carelessly proceeds in treating, and thereby causes the death of larger number of animals,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding six months.

#### **Article 309**

#### **Unauthorized Rendering of Veterinary Services**

Whoever, not having prescribed qualifications or without authorization renders services in protection of the health of animals or other veterinary operations,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 310**

#### **Failure to Comply with Regulations for Suppressing Animal and Plant Diseases**

(1) Whoever, at the time of an epidemic of a livestock disease which may imperil cattle breeding, fails to comply with an order or decision of a competent body passed on the basis of the regulations, which defines measures for suppressing or preventing the disease,

shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, during the period in which the danger of diseases and pests which may threaten flora, fails to comply with an order or decision of a competent body passed on the basis of regulations, which defines measures for suppressing and preventing the disease or pests.

(3) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, a considerable damage is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding three years.

(4) Whoever perpetrates the criminal offence referred to in paragraphs 1 through 3 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 311**

#### **Concealing the Existence of a Contagious Animal Disease**

Whoever conceals the existence of a contagious animal disease or the doubt that such a disease exists, or fails to report it to the public veterinarian service or to a competent body, so thereby the spreading of the disease or the death of animals occurs,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 312**

#### **Contaminating Fodder or Water Used by Livestock**

(1) Whoever, by a harmful substance, contaminates fodder or water in rivers, streams, springs, wells, cisterns or other water serving for watering livestock, poultry or game, and thereby endangers the life or health of animals,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of larger number of animals is caused, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

#### **Article 313**

#### **Destruction of Plantations**

Whoever, by a harmful substance, destroys plants, fruit trees or other plantations, thereby causing damage of great proportions,

shall be punished by imprisonment for a term not exceeding three years.

#### **Article 314**

#### **Careless Actions in Circulation of Pesticides**

Whoever puts pesticides or other poisonous substance into circulation without a permit, or administers different pesticide or poisonous substance than the prescribed one when such replacement is not allowed, or otherwise carelessly acts in the circulation of pesticides or other poisonous substances, thus causing danger for the life or health of humans or animals or for the environment,

shall be punished by a fine or imprisonment for a term not exceeding two years.

#### **Article 315**

#### **Devastation of Forests**

(1) Whoever, contrary to regulations or to the ordinances of competent bodies, lumbers or clears a forest, or whoever barks trees or in some other way devastates a forest, while not perpetrating thereby some other criminal offence for which a more severe punishment is prescribed,

shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in a protected forest, national park or in some other forest of a special purpose,

shall be punished by imprisonment for a term not exceeding three years.

**Article 316**  
**Forest Theft**

(1) Whoever, for the reason of theft, cuts down one or more trees in a forest and the quantity of timber cut exceeds two cubic meters,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with an aim of selling the timber cut, or if the quantity of the timber cut exceeds five cubic meters, or if the criminal offence referred to in paragraph 1 of this Article is perpetrated in a protected forest, national park or some other forest of a special purpose,

shall be punished by imprisonment for a term between one and five years.

**Article 317**  
**Causing Forest Fire**

(1) Whoever causes the forest fire resulting in a damage of a great scale, or simultaneously causes a number of forest fires,

shall be punished by imprisonment for a term between one and eight years.

(2) Whoever causes fire in a protected forest, national park, orchard or other forest of a special purpose or in grain field,

shall be punished by imprisonment for a term between two and twelve years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding two years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 318**  
**Torturing and Killing an Animal**

(1) Whoever severely maltreats an animal or exposes it to unnecessary or long-lasting suffering, or causes it unnecessary pain, or unlawfully destroys animals' habitats in a larger scale or within a wider area, or kills animals contrary to regulations,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article for the bet or other material gain, or if, by the criminal offence referred to in paragraph 1 of this Article, the death of larger number of animals or protected species is caused,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 319**  
**Illegal Hunting**

(1) Whoever unlawfully kills, wounds or catches a large number of game or a game of larger value during the closed season, or the game whose hunting is forbidden, or without authorization takes abroad a top trophy of a larger value or top trophies in a larger number,

shall be punished by a fine or imprisonment for a term not exceeding one year .

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article by means or ways that are prohibited or which destroy game on a large scale,

shall be punished by imprisonment for a term between three months and three years.

(3) The game caught and hunting equipment shall be forfeited.

### **Article 320 Illegal Fishing**

(1) Whoever catches fish, other freshwater or sea animals or organisms during the closed season or within an area where fishing is prohibited, or whoever catches fish, other freshwater or sea animals or organisms using explosives, electric power, poison, dazing preparations or in some other way or with some other means which are harmful to their procreation or which are prohibited by regulations,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the death of fish or other freshwater or sea animals or organisms on a larger scale is caused, the perpetrator

shall be punished by a fine or imprisonment for a term not exceeding two years.

(3) The catch and catching equipment shall be forfeited.

### **Article 321 Damage, Destruction and Illicit Export of Cultural Monuments and Protected Natural Objects**

(1) Whoever damages or destroys a cultural monument or a protected natural object,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is perpetrated in regard of a cultural monument or a protected natural object of a special value, or a considerable damage is caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) Whoever exports or takes abroad a cultural monument or a protected natural object without a permit issued by the competent body,

shall be punished by imprisonment for a term not exceeding three years.

(4) The punishment referred to in paragraph 3 of this Article shall be imposed on a perpetrator, who fails to return the cultural monument or protected object upon expiration of the time-frame for taking it abroad defined in the permit.

### **Article 322 Illicit Research and Appropriation of Cultural Monuments**

(1) Whoever, without a permit of the competent body, conducts conservation, restoration or research work on a cultural monument or, despite a prohibition or without a permit of the competent body, carries out archaeological excavations or research, as a result of which the monument is destroyed, seriously damaged or loses its character as a monument,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is perpetrated in regard of a cultural monument of special value or significance, or if a considerable damage is caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

## XXVII CHAPTER TWENTY SEVEN

### CRIMINAL OFFENCES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY

#### Article 323

##### Provoking General Danger

(1) Whoever provokes danger for the human life or danger of a larger extent for the property, by fire, flood, explosion, poison or poisonous gas, ionising radiation, mechanical force, electric or other power, or by shooting from firearms or by some generally dangerous act or generally dangerous means,

shall be punished by imprisonment for a term between three months and three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person, who fails to install prescribed devices for protection against fire, explosion, flooding, poisonous gases or ionising radiation, or fails to maintain such devices in a proper condition, or fails to activate them in case of need or generally fails to comply with regulations or technical rules on protective measures, and thus causes danger for human life or for property of a larger extent.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article at a place where a larger number of persons is gathered,

shall be punished by imprisonment for a term between six months and five years.

(4) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### Article 324

##### Damaging or Destroying Important Economic or Public Facilities or Installations

(1) Whoever, by demolishing or burning down or otherwise destroys or damages an important industrial, agricultural or economic facility, device or installation for water, heat, gas, electric or other power, communications system installation or other public utility facilities or installations, and thus causes their stoppage or difficult operation,

shall be punished by imprisonment for a term between one year and ten years.

(2) Whoever unlawfully removes or shuts down devices or installations referred to in paragraph 1 of this Article, and thus causes disturbances in the orderly life of citizens,

shall be punished by imprisonment for a term between six months and five years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding five years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### Article 325

##### Damaging of Safety Equipment at Working Sites

(1) Whoever destroys, damages or removes safety equipment in a mine, factory, workshop or another place where work is performed, and thereby causes danger for human life or for property of a larger extent,

shall be punished by imprisonment for a term between one and eight years.

(2) A responsible person in a mine, factory, workshop or another place where work is performed, who fails to install safety equipment or fails to maintain it in a proper condition, or fails to activate it in case of need, or generally fails to comply with regulations or technical rules on protective measures, and thus causes danger for human life or property of a larger extent,

shall be punished by imprisonment for a term between three months and five years.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding three years.

(4) When imposing a suspended sentence for the criminal offence referred to in paragraphs 2 and 3 of this Article, the court may order to the perpetrator an obligation to install the safety equipment in a determined deadline.

### **Article 326**

#### **Violation of Building Rules and Irregular Construction**

(1) A responsible person who, in the course of project designing, directing or carrying out construction of a building or executing any other construction work, acts contrary to regulations or to generally accepted technical rules, and thus causes danger for human life or limb or for property of a larger extent,

shall be punished by imprisonment for a term between one and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding three years.

### **Article 327**

#### **Careless Guarding of Dogs and Other Dangerous Animals**

(1) Whoever takes dogs or other dangerous animals in public places without obligatory muzzle or other adequate protection and without imminent guarding, and thus causes danger for human life or limb or for property,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a bodily injury is inflicted upon a person, the perpetrator

shall be punished by imprisonment for a term not exceeding three years.

### **Article 328**

#### **Serious Criminal Offences against Public Safety of Persons and Property**

(1) If, by the criminal offence referred to in Article 323 (*Provoking General Danger*), paragraphs 1 through 3, Article 324 (*Damaging or Destroying Important Economic or Public Facilities or Installations*), paragraphs 1 and 2, Article 325 (*Damaging of Safety Equipment at Working Sites*), paragraphs 1 and 2, and Article 326 (*Violation of Building Rules and Irregular Construction*), paragraph 1 of this Code, a serious bodily injury is inflicted upon a person or material damage of a large scale is caused, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(2) If, by the criminal offence referred to in Article 323, paragraphs 1 through 3, Article 324, paragraphs 1 and 2, Article 325, paragraphs 1 and 2 and Article 326, paragraph 1 of this Code, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment between one and twelve years.

(3) If, by the criminal offence referred to in Article 323, paragraph 4, Article 324, paragraphs 3 and 4, Article

325, paragraph 3 and Article 326, paragraph 2 of this Code, a serious bodily injury is inflicted upon a person or material damage of a large scale is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding five years.

(4) If, by the criminal offence referred to in Article 323, paragraph 4, Article 324, paragraphs 3 and 4, Article 325, paragraph 3 and Article 326, paragraph 2 of this Code, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

**Article 329**  
**Improper Transport of Explosive Substances or Inflammable Material**

Whoever, contrary to regulations on the transportation of explosive or easily inflammable material, consigns explosive or easily inflammable material for transport to any public transportation means, or transports such material himself or transports it in public transportation means,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 330**  
**Damage of Dam**

Whoever damages constructed or natural dam serving as a protection against natural disasters,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 331**  
**Failure to Avert Danger**

(1) Whoever fails to undertake measures toward averting a fire, flood, explosion, traffic accident or some other danger for human life or limb or for property to a larger extent, by timely notifying a competent body or in some other way, although he could have done so without danger to himself or another,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever, by dissuasion or in some other way, thwarts another in undertaking measures toward averting a fire, flood, explosion, traffic accident or some other danger to human life or limb or to property at a larger extent,

shall be punished by imprisonment for a term between three months and three years.

**XXVIII CHAPTER TWENTY EIGHT**  
**CRIMINAL OFFENCES AGAINST TRAFFIC SAFETY**

**Article 332**  
**Endangering Public Traffic**

(1) A participant in road traffic, who fails to comply with traffic regulations, and thus jeopardizes public traffic to the point of endangering human life or property on a large scale, as a result of which material damage exceeding 5,000 KM occurs to another,

shall be punished by imprisonment for a term not exceeding five years.

(2) Whoever, by jeopardizing railway, waterway, tramway, trolley bus or cable railway traffic, endangers human life or limb or property on a large scale,



shall be punished by imprisonment for a term not exceeding five years.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding three years.

**Article 333**  
**Endangering Public Traffic Due to Intoxication**

(1) Whoever, under the influence of alcohol or other intoxicating substances, drives a motor vehicle, although he is obviously incapable of driving safely due to the intoxication, and thereby jeopardizes public traffic to the point of endangering human life or limb or property on a large scale,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 334**  
**Endangering Public Traffic by the Dangerous Activity**

(1) Whoever, by destroying, removing or seriously damaging traffic equipment, devices, signs or signalling devices serving the traffic safety, or by giving false signs or signals, putting up road blocks or in some other way jeopardizes public traffic to the point of endangering human life or limb or property on a large scale,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 335**  
**Careless Supervision over Public Traffic**

(1) A responsible person entrusted with the supervision over the condition and maintenance of roads and accessory objects, means of transport, public transportation, or over the fulfilment of the prescribed working conditions for drivers, or a responsible person entrusted with the management of driving who, by careless performance of his duties brings about a danger to human life or limb or property on a large scale,

shall be punished by imprisonment for a term not exceeding five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a responsible person, who issues a travel order or permits travel despite being aware of the fact that the driver is not capable to safely operate his vehicle due to fatigue, illness, influence of alcohol or some other reasons, or that the vehicle is not in a proper condition, and thereby brings about danger to human life or limb or property on a large scale.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 336**  
**Serious Criminal Offences against the Safety of Traffic**

(1) If, by the criminal offence referred to in Article 332 (*Endangering Public Traffic*), paragraphs 1 and 2, Article 333 (*Endangering Public Traffic Due to Intoxication*), paragraph 1, Article 334 (*Endangering Public Traffic by the Dangerous Activity*), paragraph 1 and Article 335 (*Careless Supervision Over Public Traffic*), paragraphs 1 and 2 of this Code, a serious bodily injury is inflicted upon a person or material damage of a

large scale is caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in Article 332, paragraphs 1 and 2, Article 333, paragraph 1, Article 334, paragraph 1 and Article 335, paragraphs 1 and 2 of this Code, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term not less than one year.

(3) If, by the criminal offence referred to in Article 332, paragraph 3, Article 333, paragraph 2, Article 334, paragraph 2 and Article 335, paragraph 3 of this Code, a serious bodily injury is inflicted upon a person or material damage of a large scale is caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(4) If, by the criminal offence referred to in Article 332, paragraph 3, Article 333, paragraph 2, Article 334, paragraph 2 and Article 335, paragraph 3 of this Code, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and eight years.

#### **Article 337**

#### **Failure to Render Aid to a Person Hurt in a Traffic Accident**

(1) A driver of a motor vehicle or some other means of transport who leaves without aid a person injured by that means of transport or a person whose injury he caused,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon the injured person or the death of the injured person is caused, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

### **XXIX CHAPTER TWENTY NINE**

#### **CRIMINAL OFFENCES AGAINST THE JUDICIARY**

#### **Article 338**

#### **Conspiracy to Perpetrate a Criminal Offence**

Whoever agrees with another to perpetrate a criminal offence prescribed by law in the Federation, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a specific punishment is foreseen for conspiracy of a particular criminal offence,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 339**

#### **Preparation of a Criminal Offence**

Whoever procures or prepares means or removes obstacles or engages in any other activity that creates conditions for a direct perpetration, but is not a substantive part of the perpetration of a criminal offence prescribed by law in the Federation, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a specific punishment is foreseen for the preparation of a particular criminal offence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

**Article 340**  
**Associating for the Purpose of Perpetrating Criminal Offences**

(1) Whoever organises or directs at any level a group of people or otherwise associates three or more persons with an aim of perpetrating criminal offences prescribed by law in the Federation, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a specific punishment is foreseen for such organizing or associating for the purpose of perpetrating a particular criminal offence,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever becomes a member of the group of people or an association referred to in paragraph 1 of this Article,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) A member of the group of people, who exposes such a group or a member of the association, who exposes such an association prior to his having perpetrated criminal offence within its ranks or for its sake,

may be released from punishment.

(4) The organiser, who prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article by exposing the group of people or association or otherwise,

shall be punished by a fine or imprisonment for a term not exceeding one year,

but may be released from punishment.

**Article 341**  
**Participating in a Group of People which Perpetrates Criminal Offence**

(1) Whoever participates in a group of people which, by joint action, takes a human life or inflicts a serious bodily injury to a person, perpetrates an arson, damages property on a large scale or perpetrates other serious violence or attempts to perpetrate them, for the mere participation in such a group of people

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever organises or directs at any level a group of people which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and ten years.

**Article 342**  
**Organised Criminal Group**

(1) Whoever perpetrates a criminal offence prescribed by law in the Federation as a member of an organized criminal group, unless a specific punishment is foreseen for a particular criminal offence,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever, as a member of an organized criminal group, perpetrates a criminal offence prescribed by law in the Federation for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a specific punishment is foreseen for a particular criminal offence,

shall be punished by imprisonment for a term not less than five years.

(3) Whoever organises or directs at any level an organized criminal group which by joint action perpetrates or attempts to perpetrate a criminal offence prescribed by law in the Federation,

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

(4) Whoever becomes a member of an organized criminal group, which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by law in the Federation, unless a specific punishment is foreseen for a particular criminal offence,

shall be punished by imprisonment for a term not less than one year.

(5) A member of an organized criminal group referred to in paragraphs 1 through 4 of this Article, who exposes the organized criminal group,

may be released from punishment.

#### **Article 343**

##### **Production Procurement of Weapons and Instruments for the Perpetration of Criminal Offences**

(1) Whoever produces, procures or makes it possible for another to obtain weapons, explosive substances or means for their production or toxic agents, for which he knows are designed for perpetration of a criminal offence,

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever produces or cedes to another a false key, a picklock or some other means for burglary, despite knowing it is designed for perpetration of a criminal offence,

shall be punished by imprisonment for a term not exceeding one year.

#### **Article 344**

##### **Failure to Report the Preparation of a Criminal Offence**

(1) Whoever knows that the perpetration of a criminal offence for which a punishment of imprisonment of three years or a more severe punishment may be imposed pursuant to law in the Federation is being prepared, and fails to report this at the time when it is still possible to avert its perpetration, and the offence is attempted or perpetrated,

shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in relation to a criminal offence for which long-term imprisonment may be imposed pursuant to law in the Federation,

shall be punished by imprisonment for a term between six months and five years.

(3) No punishment for the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed to a person who is the spouse, common-law partner, lineal blood relative, brother or sister, adoptive parent or adopted child and their spouses or common-law partners, or who is the defence attorney, physician or confessional priest of the perpetrator.

#### **Article 345**

##### **Failure to Report a Criminal Offence or a Perpetrator**

(1) Whoever knows of a perpetrator of a criminal offence for which a long-term imprisonment may be imposed, or whoever merely knows that such an offence is perpetrated, and fails to report this, although the timely discovery of the perpetrator or of the offence depends on such report,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person, who fails to report a criminal offence which comes to his knowledge in the discharge of his duty, if a punishment of imprisonment for a term of five years or a more severe punishment may be imposed for such a criminal offence.

(3) No punishment for the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed

on a person who is the spouse, common-law partner, lineal blood relative, brother or sister, adoptive parent or adopted child and their spouses or common-law partners, or who is the defence attorney, physician or confessional priest of the perpetrator.

(4) A physician, dentist, midwife or medical worker, psychologist, notary public and social welfare worker shall be punished for the criminal offences referred to in paragraphs 1 and 2 of this Article, if the criminal offence is perpetrated against a child or juvenile.

#### **Article 346 Accessory After the Fact**

(1) Whoever harbours or conceals the perpetrator of a criminal offence for which a punishment of imprisonment for a term of three years may be imposed, or assists him not to be discovered by concealing instruments, the traces or in any other way, or whoever harbours or conceals a convicted person or takes other steps with an aim of obstructing the execution of imposed punishment, security measure or educational institutional measure,

shall be punished by imprisonment for a term not exceeding one year .

(2) Whoever renders assistance referred to in paragraph 1 of this Article to the perpetrator of a criminal offence for which a punishment of imprisonment for a term of five years or a more severe punishment, but not long-term imprisonment, may be imposed,

shall be punished by imprisonment for a term between six months and five years.

(3) Whoever renders assistance referred to in paragraph 1 of this Article to the perpetrator of a criminal offence for which long-term imprisonment may be imposed,

shall be punished by imprisonment for a term between one and ten years.

(4) The punishment imposed for the criminal offence referred to in paragraphs 1 through 3 of this Article may not be harsher either in type or in magnitude than the punishment to which the person to whom the perpetrator renders assistance is sentenced.

(5) No punishment for the criminal offences referred to in paragraphs 1 through 3 of this Article shall be imposed to a person who is the spouse, common-law partner, lineal blood relative, brother or sister, adoptive parent or adopted child and their spouses or common-law partners, or who is the defence attorney, physician or confessional priest of the perpetrator.

#### **Article 347 False Report**

(1) Whoever reports a particular person of having perpetrated a criminal offence prescribed by law in the Federation, knowing that such person is not the perpetrator,

shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, by planting the traces of a criminal offence or in some other way causes the institution of criminal proceedings for a criminal offence prescribed by law in the Federation against a person whom he knows not to be the perpetrator.

(3) Whoever charges himself with the perpetration of a criminal offence prescribed by law in the Federation, although not being the perpetrator of that criminal offence,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(4) The punishment referred to in paragraph 3 of this Article shall be imposed on whoever reports a criminal offence prescribed by law in the Federation, although knowing that such offence is not perpetrated.

**Article 348**  
**Giving False Statement**

(1) A witness, expert witness, translator or interpreter, who gives a false statement in court, minor offence, administrative or disciplinary proceedings in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a party who gives a false statement in presentation of evidence by hearing a party in civil or administrative proceedings in the Federation, and the decision passed in such proceedings is based on such statement.

(3) If the false statement is given in criminal proceedings in the Federation, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(4) If, because of the criminal offence referred to in paragraph 3 of this Article, particularly grave consequences for the accused occur, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(5) If the perpetrator voluntarily withdraws his false statement before the final decision is made,

shall be punished by a fine or imprisonment for a term not exceeding six months,

but may be released from punishment.

**Article 349**  
**Tampering With Evidence**

(1) Whoever, by use of force, threat or any other form of coercion or by promising a gift or some other benefit, induces a witness or an expert witness to give a false testimony in court, minor offence, administrative or disciplinary proceedings in the Federation,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever, with an aim of preventing or hampering the collection of evidence in court, minor offence, administrative or disciplinary proceedings in the Federation, conceals, damages, destroys or renders unusable someone else's object or documents that may be used as evidence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever, with an aim of preventing or making presentation of evidence in court, minor offence, administrative or disciplinary proceedings in the Federation significantly more difficult, removes, destroys, moves or dislocates a boundary marker, geodetic mark or any other sign designed to mark the ownership or other right on movable or immovable property or the use water, or whoever, with the same aim, falsely places such sign.

**Article 350**  
**Breach of Secrecy of Proceedings**

Whoever, without authorization, discloses information he came in possession in court, minor offence, administrative or disciplinary proceedings in the Federation, which must not be disclosed pursuant to law or which is declared a secret by a decision of the competent institution in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 351**  
**Failure to Enforce Court's Decision**

(1) A responsible person in a governmental body or in a legal person or in other institutions in the Federation, who fails to act in accordance with the final decision of a court in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a responsible person, who refuses to enforce the decision of the Human Rights Chamber for the Federation or the decision of the Constitutional Court of the Federation, which he is obliged to enforce.

(3) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, a serious violation of a right of another or a considerable material damage is caused, the perpetrator

shall be punished by imprisonment for a term between one and five years.

#### **Article 352** **Disclosure of Identity of a Protected Witness**

A judge of a court in the Federation or other official person, who participated in a hearing of the protected witness in criminal proceedings conducted pursuant to the law of the Federation, and who makes available to an unauthorized person data on the identity of a protected witness,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 353** **Breach of Court's Decision on Ban on Carrying out a Certain Occupation, Activity or Duty**

Whoever enables another person to carry out the occupation, activity or duty, despite knowing that the security measure of ban on carrying out the occupation, activity or duty, or the protective measure of ban on carrying out certain duties is imposed on such a person, or such ban is a legal consequence of a conviction,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 354** **Riot of Confined Persons**

(1) A person who is legally confined and who associates with other legally confined persons with an aim to forcefully break free or to jointly attack guardians, or to, by use of force or by threatening to use immediate force, coerce guardians to do or to omit to do something which is contrary to their duty,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon a person or material damage on a larger scale is caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator

shall be punished by imprisonment for a term between one and twelve years.

#### **Article 351** **Escape of the Confined Person**

Whoever, by use of force or by threat of immediate attack upon life or limb of other person, escapes from the correctional institution or prison,

shall be punished by imprisonment for a term between three months and five years.

#### **Article 352**

### **Enabling Escape of a Confined Person**

(1) Whoever, by force, threat, deceit or in some other way enables escape of a person who is legally confined,

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article as a member of a group of people,

shall be punished by imprisonment for a term between one and eight years.

### **Article 357**

#### **Violation of Law by a Judge**

A judge of the Constitutional Court of the Federation or a judge of a court in the Federation, who, with an aim of benefiting another, or harming another, passes an illegal decision or otherwise violates the law,

shall be punished by imprisonment for a term between six months and five years.

## **XXX CHAPTER THIRTY**

### **CRIMINAL OFFENCES AGAINST PUBLIC ORDER AND LEGAL TRANSACTIONS**

### **Article 358**

#### **Obstructing an Official Person in Execution of Official Activity**

(1) Whoever, by force or threat of immediate use of force, prevents an official person from performing an official act falling within the scope of his authority or, by using the same means, coerces him to perform an official act,

shall be punished by imprisonment for a term between three months and three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, the official person is insulted, maltreated or a slight bodily injury is inflicted upon him, or the criminal offence referred to in paragraph 1 of this Article is perpetrated by threat of use of weapons, the perpetrator

shall be punished by imprisonment for a term between six months and three years.

(3) Whoever perpetrates the criminal offence referred to in paragraphs 1 and 2 of this Article against an official person engaged in the work related to public security or to the security of the Federation or to the maintenance of public order, apprehension of perpetrators of criminal offences or to the guarding of confined persons,

shall be punished with imprisonment for a term between three months and five years

(4) If the perpetrator of the criminal offence referred to in paragraphs 1 through 3 of this Article is provoked by illegal or rude treatment on the part of the official person, he

may be released from punishment.

### **Article 359**

#### **Attacking an Official while Carrying out Security Work**

(1) Whoever attacks or seriously threatens to attack an official person or a person who assists an official person in carrying out work related to public security or security of the Federation, or duties related to the maintenance of public order,



shall be punished by imprisonment for a term between three months and three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a slight bodily injury is inflicted upon the official person or upon the person who assists him, or if the criminal offence referred to in paragraph 1 of this Article is perpetrated with threat of using weapons, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon the official person or upon the person who assists him, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(4) If the perpetrator of the criminal offence referred to in paragraphs 1 through 3 of this Article is provoked by illegal or rude treatment on the part of the official person or the person who assists him, he

may be released from punishment.

#### **Article 360**

#### **Participation in a Group of People which Obstructs an Official Person in Execution of Official Activity**

(1) Whoever participates within a group of people, which by joint action obstructs or attempts to obstruct an official person in the performance of an official act, or in the same way coerces him to perform an official act, for the mere participation

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever organises or directs at any level a group of people which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between one and five years.

#### **Article 361**

#### **Organising Resistance**

(1) Whoever organizes or incites others to forcefully resist the execution of lawful decisions or measures of competent bodies, or resists an official person performing an official act,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a failure to execute the lawful decision or the measure of the competent body is caused or their execution is made significantly more difficult, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

(3) Whoever organises or directs at any level a group of people which perpetrates the criminal offence referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 362**

#### **Violent Behaviour**

(1) Whoever, by harsh insult or maltreatment of another, through violence toward another, by provoking a fight or by particularly insolent or arrogant behaviour, disturbs the public peace,

shall be punished by imprisonment for a term between three months and three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article within a group of

people or if, by the criminal offence referred to in paragraph 1 of this Article, a serious humiliation of number of persons is caused, or a slight bodily injury is inflicted upon a person, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

#### **Article 363**

##### **Unauthorized Possession and Violation of the Public Order through Radio or Television Station**

(1) Whoever, contrary to regulations on communication systems, possesses a radio or television station or uses radio or television station without proper authorization,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever, by severely violating the standards of professional conduct of media and journalists, uses inciting or animosity language that obviously calls for or incites to violence, national or ethnical conflicts, and thereby brings public peace and order in danger,

shall be punished by a fine or imprisonment for a term not exceeding three years.

#### **Article 364**

##### **Unauthorized Performance of Certain Activity**

Whoever, without authorization, performs for reward a certain activity for the performance of which a special permit from the competent body is needed pursuant to law or other regulations passed on the basis of law,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 365**

##### **Failure to Participate in Averting Public Danger**

Whoever, contrary to an order issued by a competent body, without justifiable cause refuses to participate in averting a danger of fire, flood or similar danger,

shall be punished by a fine or imprisonment for a term not exceeding six months.

#### **Article 366**

##### **Removal or Damage of an Official Seal or Mark**

Whoever removes or damages an official seal or mark which an authorized official person placed for the purpose of securing objects or premises, or whoever opens the secured object or enters upon such premises without removing or damaging the seal or mark,

shall be punished by imprisonment for a term between three months and three years.

#### **Article 367**

##### **Abstracting or Destroying an Official Seal or Official Files**

Whoever unlawfully abstracts, hides, destroys, damages or in some other way renders unusable an official seal, book, file or document belonging to or in the possession of the institution in the Federation or another legal person exercising public functions,

shall be punished by imprisonment for a term not exceeding three years.

#### **Article 368**

##### **Destruction or Concealment of Archival Materials**

Whoever destroys, conceals or renders unusable archival materials, or takes them out of the country without previously obtaining approval of the competent body,

shall be punished with imprisonment for a term between three months and three years.

**Article 369**  
**False Impersonation**

(1) Whoever, with an aim of acquiring benefit for himself or another or of causing damage to another, falsely represents himself as an official or military person, or without authorization wears insignia of an official or military person,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever performs any action which only a designated official person is authorized to perform.

**Article 370**  
**Autocracy (Self-Help)**

(1) Whoever, by use of force or by serious threat, acquires his own right or a right he deems to appertain to him,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article within a group of people or association organised for the perpetration of such criminal offence,

shall be punished by imprisonment for a term between three months and three years.

**Article 371**  
**Illicit Possession of Weapons or Explosive Substances**

(1) Whoever, without authorization, manufactures, remodels, sells, procures or exchanges firearms, ammunition or explosive substances or whoever, without authorization, possesses firearms, ammunition or explosive substances, which citizens are not permitted to obtain,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in regard of a larger quantity of firearms, ammunition or explosive substances,

shall be punished by imprisonment for a term between one and ten years.

(3) Whoever voluntarily surrenders items referred to in paragraph 1 of this Article to a competent body, may be punished less severely.

**Article 372**  
**Misuse of Emergency and Danger Signals**

Whoever misuses an emergency or danger signal, or makes a groundless call for help with an aim of provoking state bodies' officials or firemen to action, or with an aim of stopping the traffic,

shall be punished by a fine or imprisonment for a term not exceeding six months.

**Article 373**  
**Forgery of a Document**

(1) Whoever fabricates a false document or alters a genuine document with an aim of using such a document as genuine, or whoever uses a false or altered document as genuine, or procures it for use,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in regard of a public document, a will, bill of exchange, check, public or official book or some other book, which has to be kept pursuant to the law,

shall be punished by imprisonment for a term between three months and five years.

**Article 374**  
**Special Cases of Forgery of a Document**

It shall be deemed as a perpetration of the criminal offence of forgery of a document, and shall be punished by a punishment referred to in Article 373 (*Forgery of a Document*) of this Code:

a) whoever, without authorization, inserts a statement of value for legal relationship in any paper, blank or other object duly signed by another person;

b) whoever deceives another regarding the contents of a certain document and that another person such a document in the belief of signing some other document or some other contents;

c) whoever issues a document on behalf of another person without his authorization or on behalf of a non-existing person;

d) whoever, as the person who issues a document, adds to his signature a position, title or rank which he does not hold, provided that this has a substantial influence upon the evidentiary value of the document;

e) whoever makes a document by using a genuine seal or mark without authorization.

**Article 375**  
**Certification of Untrue Content**

(1) Whoever, by deceiving a competent body, causes such a body to certify, in a public document, in minutes or a book, any untrue content intended to serve as evidence in a legal matter,

shall be punished by imprisonment for a term between three months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever uses of such a document, minutes or book, despite knowing it to be untrue.

**Article 376**  
**Issuance and Use of an Untrue Medical or Veterinary Health Certificate**

(1) A physician, dentist or veterinarian, who issues an untrue medical or veterinary health certificate, despite knowing it to be untrue,

shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever uses an untrue medical or veterinary health certificate, despite knowing it to be untrue,

shall be punished by a fine or imprisonment for a term not exceeding six months.

**Article 377**  
**Unlicensed Legal Services**

Whoever, not having the required education and without authorization, engages in rendering legal aid, shall be punished by a fine or imprisonment for a term not exceeding one year.

**Article 378**  
**Disturbing Religious Services**

(1) Whoever disturbs or prevents performance of religious ceremonies,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article by use of force or by serious threat of using force,

shall be punished by imprisonment for a term between three months and three years.

**Article 379**  
**Disturbing the Peace of the Deceased**

(1) Whoever, without authorization, digs up, destroys, damages or in some other way gravely desecrates a grave or another burial site or a memorial to deceased persons,

shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever, without authorization, exhumes, takes away, damages, destroys, conceals or removes an organ, a part of body or the ashes of the deceased, or whoever desecrates an organ of a deceased person,

shall be punished by a fine or imprisonment for a term not exceeding two years.

**XXXI CHAPTER THIRTY ONE**

**CRIMINAL OFFENCES OF BRIBERY AND CRIMINAL OFFENCES AGAINST OFFICIAL OR OTHER RESPONSIBLE DUTY**

**Article 380**  
**Accepting Gifts and Other Forms of Benefits**

(1) An official or responsible person in the Federation, including also a foreign official person, who demands or accepts a gift or any other benefit, or who accepts a promise of a gift or a benefit, in order to perform within the scope of his authority something which he ought not perform, or for omitting something which he ought perform,

shall be punished by imprisonment for a term between one and ten years.

(2) An official or responsible person in the Federation, including also a foreign official person, who demands or accepts a gift or any other benefit, or who accepts a promise of a gift or a benefit, in order to perform within the scope of his authority something which he ought perform, or for omitting something which he ought not perform,

shall be punished by imprisonment for a term between six months and five years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on an official or responsible person in the Federation, including also a foreign official person, who demands or accepts a gift or any other benefit following the performance or omission referred to in paragraphs 1 and 2 of this Article, and in relation to it.

(4) The accepted gift or material gain shall be forfeited.

**Article 381**  
**Giving Gifts and Other Forms of Benefits**

(1) Whoever gives or promises a gift or any other benefit to an official or responsible person in the Federation, including also a foreign official person, in order that he performs within the scope of his authority something which he ought not perform, or that he omits something which he ought perform, or whoever mediates in such bribing of an official or responsible person,

shall be punished by imprisonment for a term between six months and five years.

(2) Whoever gives or promises a gift or any other benefit to an official or responsible person in the Federation, including also a foreign official person, in order that he performs within the scope of his authority something which he ought perform, or that he omits something which he ought not perform,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The perpetrator of criminal offence referred to in paragraphs 1 and 2 of this Article, who gives the bribe on the request of an official or responsible person in the Federation, including also a foreign official person, and reports the criminal offence before it is discovered or before he realises that the offence has been discovered,

may be released from punishment.

(4) The accepted gift or material gain shall be forfeited, while in case referred to in paragraph 3 of this Article, they can be returned to the person who gave the bribe.

### **Article 382 Illegal Interceding**

(1) Whoever accepts a reward or any other benefit for interceding that an official act be or not be performed, by taking advantage of his official or influential position in the Federation,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever, by taking advantage of his official or influential position in the institutions in the Federation, intercedes that an official act be performed, which ought not to be performed, or that an official act be not performed, which ought to be performed,

shall be punished by imprisonment for a term between six months and five years.

(3) If a reward or any other benefit has been received in return for the perpetration of criminal offence referred to in paragraph 2 of this Article, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

### **Article 383 Abuse of Office or Official Authority**

(1) An official or responsible person in the Federation who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term not less than three years.

### **Article 384 Embezzlement in Office**

(1) Whoever, with an aim of acquiring unlawful material gain for himself or for another, appropriates money, securities or other movables entrusted to him by virtue of his office or of generally his work within

the institutions in the Federation,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term not less than three years.

#### **Article 385 Fraud in Office**

(1) An official or responsible person in the Federation who, with an aim of acquiring unlawful material gain for himself or for another, by submitting false accounts or in some other way deceives an authorized person into making an illegal disbursement,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term not less than three years.

#### **Article 386 Using Property of the Office**

Whoever makes an unauthorized use of money, securities or other movables entrusted to him by virtue of his office or of generally his work within the institutions in the Federation, or without authorization confers these things to another person for use,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 387 Lack of Commitment in Office**

(1) An official or responsible person in the Federation who, by violating law, other regulations or general act or by omitting to perform his supervisory duty, acts in an obviously careless manner in the discharge of his official duty, which results in a serious violation of a right of another or a material damage exceeding 1.000 KM occurs,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a right of another is violated seriously or a material damage exceeding 10.000 KM occurs, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

#### **Article 388 Disclosure of Official Secret**

(1) An official or responsible person in the Federation who, without authorization, communicates, conveys or in any other way makes accessible to another person data which constitute official secret, or who obtains such data with an aim of conveying it to an unauthorized person,

shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on whoever, with an aim of making an authorized use of such data, illegally uses data kept as official secret, or whoever makes such data public without a permit.

(3) If the criminal offence referred to in paragraph 1 of this Article is perpetrated for gain or in respect of a particularly confidential information, or for the purpose of making public or using such data outside the Federation, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(4) An official or responsible person in the Federation, who perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(5) There shall be no criminal offence referred to in paragraph 2 of this Article, if somebody makes public or mediates in making public an official secret of the institution in the Federation the contents of which are in contravention with the constitutional order of the Federation, with an aim of disclosing to the public the irregularities attached to organizing, performance and management of the office, provided that the making public has no substantial prejudicial consequences for the Federation.

(6) Provisions referred to in paragraphs 1 through 4 of this Article shall also be applied to a person who has disclosed an official secret after his function as an official or responsible person in the Federation has ceased.

#### **Article 389 Forging of Official Document**

(1) An official or responsible person in the Federation, who enters untrue data in an official or business document, book or file, or fails to enter an important datum or, by his signature or official seal, certifies an official or business document, book or file containing untrue data or who, by his signature or official seal, enables the production of such documents, books or files containing untrue data,

shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person in the Federation who, while in the office or business, uses an untrue official or business document, book or file as if they were true, or who destroys, conceals, substantially damages or in some other way renders useless an official or business document, book or file.

#### **Article 390 Illegal Collection and Disbursement**

An official or responsible person in the Federation, who collects from another something which the latter is not obligated to pay, or in excess of what he is obligated to pay, or who delivers or pays less than required during a payment or a delivery,

shall be punished by a fine or imprisonment for a term not exceeding three years.

#### **Article 391 Unlawful Release of a Detainee**

An official person in the Federation, who unlawfully frees a person detained and entrusted to him, or who aids his escape, or enables illegal connection or correspondence the purpose of which is preparation of



escape,

shall be punished by imprisonment for a term between six months and five years.

#### **Article 392**

#### **Unlawful Appropriation of Objects while Searching or Carrying out Enforcement**

An official person in the Federation, who during the search of an apartment, premises or persons, or while carrying out enforcement, abstracts a movable property with an aim of acquiring, by its appropriation, unlawful material gain for himself or for another,

shall be punished by imprisonment for a term between one and ten years.

### **XXXII CHAPTER THIRTY TWO**

#### **CRIMINAL OFFENCES AGAINST ELECTRONIC DATA PROCESSING SYSTEM**

#### **Article 393**

#### **Damaging Computer Data and Programs**

(1) Whoever damages, alters, deletes, destroys or in some other way renders useless or unavailable computer data or computer programs of another,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever, despite the protective measures, access without authorisation the computer data or programs or intercepts their transmission without authorisation,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever disables or renders more difficult the work or use of computer system, computer data or programs or computer communication.

(4) If the criminal offence referred to in paragraphs 1 through 3 of this Article is perpetrated in regard to computer system, datum or program of the governmental body, public service, public institution or business enterprise of special public interest, or if a considerable damage is caused, the perpetrator

shall be punished by imprisonment for a term between three months and five years.

(5) Whoever, without authorisation, manufactures, supplies, sells, possesses or makes available to another special devices, means, computer programs or computer data created for or adjusted for the perpetration of criminal offence referred to in paragraphs 1 through 3 of this Article,

shall be punished by a fine or imprisonment for term not exceeding three years.

(6) Special devices, means, computer programs or data created, used or adjusted for the perpetration of criminal offences, by which the criminal offence referred to in paragraphs 1 through 3 of this Article is perpetrated, shall be forfeited.

#### **Article 394**

#### **Computer Forgery**

(1) Whoever, without authorisation, produces, enters, alters, deletes or renders useless computer data or programs that are of value for the legal relations, with an aim of using them as genuine, or uses such data or programs himself,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is perpetrated in regard to computer data or programs of the governmental body, public service, public institution or business enterprise of special public interest, or if a considerable damage is caused, the perpetrator

shall be punished by imprisonment for a term between three months and five years.

(3) Whoever, without authorisation, produces, supplies, sells, possesses or makes available to another special devices, means, computer programs or computer data created for or adjusted for the perpetration of criminal offence referred to in paragraphs 1 and 2 of this Article,

shall be punished by a fine or imprisonment for a term not exceeding three years.

(4) Special devices, means, computer programs or data created, used or adjusted for the perpetration of criminal offences, by which the criminal offence referred to in paragraphs 1 and 2 of this Article is perpetrated, shall be forfeited.

### **Article 395 Computer Fraud**

(1) Whoever, without authorisation, enters, damages, alters or conceals computer datum or program or otherwise influences the result of the electronic data processing with an aim of acquiring unlawful material gain for himself or for another, and thus causes material damage to somebody else,

shall be punished by imprisonment for a term between six months and five years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 10.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and ten years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a material gain exceeding 50.000 KM is acquired, the perpetrator

shall be punished by imprisonment for a term between two and twelve years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article only with an aim of causing damage to another,

shall be punished by a fine or imprisonment for a term not exceeding three years.

### **Article 396 Disturbing the Work of the Electronic Data Processing System and Network**

Whoever, by an unauthorised access to the electronic data processing system or network, causes the stoppage or disturbance of the work of such system or network,

shall be punished by a fine or imprisonment for a term not exceeding three years.

### **Article 397 Unauthorised Access to the Electronic Data Processing Protected System and Network**

(1) Whoever, without authorisation, logs on the electronic data processing system or network, by violating the protective measures,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever uses a datum obtained in the manner referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term not exceeding three years.

(3) If, by the criminal offence referred to in paragraph 2 of this Article, serious consequences to another are caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

**Article 398**  
**Computer sabotage**

Whoever enters, alters, deletes or conceals a computer datum or program or in any other manner interferes in the computer system, or destroys or damages devices for the electronic data processing with an aim of disabling or considerably disturbing the process of electronic data processing important to the governmental bodies, public services, public institutions, business enterprises or other legal persons of special public interest, and thereby causes damage exceeding 500.000 KM,

shall be punished by imprisonment for a term between one and eight years.

**XXXIII CHAPTER THIRTY THREE**

**CRIMINAL OFFENCES AGAINST THE ARMED FORCES OF THE FEDERATION**

**Article 399**  
**Failure and Refusal to Execute an Order**

(1) A military person who fails or refuses to execute an order of a superior given in the line of duty, and thereby the impossibility of conducting the service or the more difficult conduct of service or the danger for human lives or for property of a high value occurs,

shall be punished by imprisonment for a term not exceeding five years.

(2) A military person who resists a guard, patrolman, officer on duty or another military person under similar duty while performing their duty, as well as a military person who fails to comply to their call or fails to execute or refuses to execute their order,

shall be punished by imprisonment for a term not exceeding one year.

(3) The perpetrator of the criminal offence referred to in paragraphs 1 and 2 of this Article who is provoked by the illegal or rude conduct of the superior, guard, patrolman, officer on duty or another military person,

may be punished less severely or released from the punishment.

**Article 400**  
**Refusal to Receive and Use Arms**

(1) A military person who, contrary to regulations and without a justified reason, refuses to accept arms or to use arms as ordered or pursuant to the rules of the service,

shall be punished by imprisonment for a term between one and five years.

(2) A conscript who, without a justified reason, refuses to accept from the competent body arms which are assigned to him for duty in the reserve corps of the armed forces,

shall be punished by imprisonment for a term between three months and three years.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if the person in question is a military person or a conscript, who has been granted conscientious objection in the legal procedure.

**Article 401**  
**Resisting a Superior**

(1) A military person who jointly with other military persons offers resistance to an order of a superior given in the line of duty and disobeys the same, or refuses to discharge his duty,

shall be punished by imprisonment for a term between three months and five years.

(2) A military person who, in the perpetration of the criminal offence referred to in paragraph 1 of this Article, uses arms,

shall be punished by imprisonment between one and ten years.

(3) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever organizes or directs at any level the perpetration of criminal offence referred to in paragraph 1 of this Article, as well as on a military superior who participates in such offence.

(4) The perpetrator of the criminal offence referred to in paragraph 1 of this Article, who is provoked by the illegal or rude conduct of the superior,

may be punished less severely or released from punishment.

**Article 402**  
**Coercion against a Military Person Discharging his Official Duty**

(1) Whoever, by force or threat of immediate use of force, prevents a military person in the execution of his official duty, or coerces such a person in the same way to execute his official duty,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a military person is seriously offended, or treated crudely, or a slight bodily injury is inflicted upon a military person, or if the criminal offence referred to in paragraph 1 of this Article is perpetrated by the use of arms, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) The perpetrator of criminal offence referred to in paragraph 1 of this Article, who is provoked by the illegal or rude conduct of the military person,

may be punished less severely or released from punishment.

**Article 403**  
**Assault against a Military Person Discharging his Official Duty**

(1) Whoever attacks or seriously threatens to attack a military person while the military person is discharging his official duty,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a slight bodily injury is inflicted to a military person, or if the criminal offence referred to in paragraph 1 of this Article is perpetrated by the use of arms, the perpetrator

shall be punished by imprisonment for a term between three months and three years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon a military person, or serious consequences for the office are caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(4) If, in the perpetration of the criminal offence referred to in paragraph 1 of this Article, the perpetrator deprives a military person of the life with intent, he

shall be punished by imprisonment for a term not less than ten years or by long-term imprisonment.

(5) The perpetrator of the criminal offence referred to in paragraph 1 and 2 of this Article, who is provoked by the illegal or rude conduct of the military person,

may be punished less severely or released from punishment.

#### **Article 404**

##### **Maltreatment of a Subordinate or a Military Person of Lower Rank**

(1) A military superior who in the line of duty or in connection with duty maltreats a subordinate or a person of lower rank or treats him in a way offensive to human dignity,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a number of persons, the perpetrator

shall be punished by imprisonment for a term not exceeding five years.

(3) The perpetrator of the criminal offence referred to in paragraphs 1 and 2 of this Article, who is provoked by the illegal or rude conduct of the military person,

may be punished less severely or released from punishment.

#### **Article 405**

##### **Violation of Sentry, Patrol or Other Similar Duty**

(1) A military person who acts contrary to the regulations on sentry or patrol duty, interior guard or other similar duty, and thereby endangers human lives or property of a high value,

shall be punished by imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article nearby arms or ammunition depots or depots of explosive substances, or nearby other important installations,

shall be punished by imprisonment for a term between three months and three years.

(3) If, by the criminal offence referred to in paragraphs 1 and 2 of this Article, a serious bodily injury is inflicted upon a person, or a material damage on a large scale is caused, or if other serious consequences occurred, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(4) If, by the criminal offences referred to in paragraphs 1 and 2 of this Article, a person is deprived of life, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(5) Whoever perpetrates the criminal offence referred to in paragraphs 1 through 4 of this Article out of negligence, shall be punished:

a) for the criminal offence referred to in paragraph 1 of this Article by imprisonment for a term not exceeding six months,

b) for the criminal offence referred to in paragraph 2 of this Article by imprisonment for a term not exceeding one year,

c) for the criminal offence referred to in paragraph 3 of this Article by imprisonment for a term not exceeding three years, and

d) for the criminal offence referred to in paragraph 4 of this Article by imprisonment for a term not exceeding five years.

(6) If, by the criminal offence referred to in paragraph 5 of this Article, the consequence referred to in paragraphs 3 and 4 of this Article is caused, the perpetrator

shall be punished by imprisonment for a term between three months and five years.

#### **Article 406** **Submitting Untrue Reports and Accounts**

A military person who in the discharge of duty, files a report or gives an account of untrue content, or in his report or account he suppresses a fact which he should not suppress, and thereby endangers human lives or property of great value,

shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Article 407** **Failure to Take Measures for the Protection of a Military Unit**

(1) A military superior who fails to undertake the prescribed, ordered or other obviously needed measures for the protection of the lives and health of people entrusted to him, for the security and maintenance of installations, objects and means serving combat readiness, for regular supply of his unit with food, equipment or material, for the protection of lives and health of livestock or measures for the timely and proper execution of safety works or for the protection of facilities entrusted to him, and thereby endangers human lives or seriously jeopardizes the health of people or property of great value,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon a person, or a material damage on a large scale or other serious consequences are caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a person is deprived of life, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding three years.

(6) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding five years.

#### **Article 408** **Deficient Protective Measures at Military Exercises**

(1) A military person who fails to undertake the prescribed, ordered or obviously needed safety or precautionary measures during exercises, training courses or in the course of conducting experiments, and thereby endangers human lives or health or property of great value,

shall be punished by imprisonment for a term not exceeding three years.

(2) If, by the criminal offence referred to in paragraph 1 of this Article, a serious bodily injury is inflicted upon a person, or a material damage on a large scale or other serious consequences are caused, the perpetrator

shall be punished by imprisonment for a term between six months and five years.

(3) If, by the criminal offence referred to in paragraph 1 of this Article, a person is deprived of life, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence, the perpetrator

shall be punished by imprisonment for a term not exceeding one year.

(5) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 2 of this Article is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding three years,

(6) If, by the criminal offence referred to in paragraph 4 of this Article, the consequence referred to in paragraph 3 of this Article is caused, the perpetrator

shall be punished by imprisonment for a term not exceeding five years.

#### **Article 409**

#### **Defaulting Military Summons and Evasion of Military Service**

(1) Whoever, without justified reason, fails to report at the appointed time for conscription to be told the combat posting, or to receive arms, or to fulfil compulsory military service, military exercises or another military service, although being summoned by an individual or general summon to report for military service,

shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever hides in order to evade the obligation referred to in paragraph 1 of this Article, although being summoned by an individual or general summon,

shall be punished by imprisonment for a term between three months and three years.

(3) Whoever leaves the country or remains abroad with in order to evade conscription or compulsory military service, military exercises or other military service,

shall be punished by imprisonment for a term between six months and five years.

(4) The perpetrator of criminal offence referred to in paragraphs 1 through 3 of this Article, who voluntarily reports to a competent body of the Federation,

may be punished less severely or released from punishment .

#### **Article 410**

#### **Evasion of Military Service by Mutilation or Deception**

(1) Whoever, with an aim of evading military service or of being assigned to an easier duty, injures himself or otherwise temporarily disables himself for military service, or simulates an illness or uses a false document or acts in some other deceptive way,

shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever, with or without the consent of another, inflicts a bodily injury on another or otherwise disables him with an aim of evading military service or another military obligation or, with the same aim uses a false document on behalf of another or acts in some other deceptive way,

shall be punished by imprisonment for a term between six months and five years.

(3) If, by the criminal offence referred to in paragraph 2 of this Article, a permanent disability for military service or for other military obligation is caused, the perpetrator

shall be punished by imprisonment for a term between one and ten years.

#### **Article 411**

#### **Illegal Exemption from Military Service**

Whoever, by abusing his position or authority, enables a military person or a person subject to conscription to be exempted from military duty or to be assigned to an easier duty,

shall be punished by imprisonment for a term between three months and three years.

#### **Article 412**

#### **Arbitrary Abandonment and Desertion from the Armed Forces**

(1) A military person who arbitrarily leaves his unit or service and fails to return on duty within the time-limit of ten days, or fails to return on duty from an authorized furlough from the unit or service within the same time-limit, as well as a military person who arbitrarily leaves his unit or service during the execution of an important mission or increased level of combat readiness of his unit,

shall be punished by imprisonment for a term not exceeding one year.

(2) A military person who hides in order to evade service in the armed forces,

shall be punished by imprisonment for a term not exceeding three years.

(3) A military person who leaves the country or remains abroad in order to evade service in the armed forces,

shall be punished by imprisonment for a term not exceeding five years.

(4) The perpetrator of criminal offence referred to in paragraph 2 of this Article, who voluntarily reports to a competent body of the Federation,

may be punished less severely or released from punishment.

(5) The perpetrator of criminal offence referred to in paragraph 3 of this Article, who voluntarily reports to a competent body of the Federation,

may be punished less severely.

#### **Article 413**

#### **Irregular or Careless Attitude toward Entrusted Arms**

Whoever irregularly or carelessly keeps, stores or handles arms, ammunition or explosives belonging to a military unit or military institution, which have been entrusted to him and thereby causes substantial damage to these items or their destruction or disappearance,



shall be punished by imprisonment for a term not exceeding one year.

**Article 414**  
**Illegal Disposition of Entrusted Arms**

Whoever appropriates, conveys, pledges, gives to another for use, damages or destroys arms, ammunition or explosive, which are given to him for use and which serve defence needs,

shall be punished by imprisonment for a term between three months and five years.

**Article 415**  
**Disclosure of a Military Secret**

(1) A military or other person, who contrary to his duties regarding the keeping of a military secret communicates, confers or otherwise makes accessible to another data which constitute a military secret, or compiles such data with an aim of conveying it to an unauthorized person,

shall be punished by imprisonment for a term between three months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article for gain, or in regard of particularly confidential data, or in order to disclose such data or in order to use them abroad,

shall be punished by imprisonment for a term not less than one year.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of negligence,

shall be punished by imprisonment for a term not exceeding three years.

**Article 416**  
**Punishing for Criminal Offence Perpetrated during the State of War or During the State of Imminent War Threat**

(1) Whoever perpetrates the criminal offence referred to in Article 399 (*Failure and Refusal to Execute an Order*), paragraph 2; Article 400 (*Refusal to Receive and Use Arms*), paragraph 2; Article 401 (*Resisting a Superior*), paragraphs 1 and 4; Article 402 (*Coercion Against a Military Person Discharging his Official Duty*), paragraphs 1 and 3; Article 403 (*Assault Against a Military Person Discharging his Official Duty*), paragraphs 1, 2 and 5; Article 405 (*Violation of Sentry, Patrol or Other Similar Duty*), paragraphs 1, 2 and 5; Article 406 (*Submitting Untrue Reports and Accounts*); Article 407 (*Failure to Take Measures for the Protection of a Military Unit*), paragraphs 1 and 4 through 6; Article 408 (*Deficient Protective Measures at Military Exercises*), paragraphs 1 and 4 through 6; Article 409 (*Defaulting Military Summons and Evasion of Military Service*), paragraph 1; Article 410 (*Evasion of Military Service by Mutilation or Deception*), paragraph 1; Article 412 (*Arbitrary Abandonment and Desertion from the Armed Forces*), paragraphs 1 and 3 and Article 415 (*Disclosure of a Military Secret*), paragraph 3 of this Code during the state of war or state of imminent war threat,

shall be punished by imprisonment for a term between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in Article 402, paragraph 2; Article 403, paragraph 3; Article 405, paragraphs 3 and 6; Article 407, paragraphs 2 and 3; Article 408, paragraphs 2 and 3; Article 410, paragraph 2; Article 411 (*Illegal Exemption from Military Service*); 413 (*Irregular or Careless Attitude Toward Arms*); 414 (*Illegal Disposition of Entrusted Arms*) and 415, paragraph 1 of this Code during the state of war or state of imminent war threat,

shall be punished by imprisonment for a term not less than three years.

(3) Whoever perpetrates the criminal offence referred to in Article 399, paragraph 1; Article 400, paragraph 1; Article 401, paragraphs 2 and 3; Article 403, paragraph 4; Article 405, paragraph 4; Article 409, paragraphs 2 and 3; Article 410, paragraph 3; Article 412, paragraph 2 and Article 415, paragraph 2 of this Code during the state of war or state of imminent war threat,

shall be punished by imprisonment for a term not less than five years or by long-term imprisonment.

**Article 417**  
**Pronouncing a Disciplinary Penalty or a Disciplinary Measure**

For a criminal offence against the armed forces of the Federation for which a punishment of imprisonment for a term not exceeding three years is prescribed, a disciplinary penalty or a disciplinary measure determined by regulations regulating disciplinary responsibility in the armed forces may be pronounced to a military person instead of the criminal sanction, provided that the offence is of an especially light character and if the interests of the service so require.

**Article 418**  
**Responsibility for a Criminal Offence Perpetrated on Superior's Orders**

There shall be no criminal offence if its legal elements are met by a subordinate pursuant to an order from his superior and that order is given in the line of official duty, except if such an order relates to the perpetration of genocide, war crime or another criminal offence for which a punishment of imprisonment for a term of ten years or a more severe punishment may be imposed, or if it is obvious that by obeying such an order a criminal offence would be perpetrated.

**XXXIV CHAPTER THIRTY FOUR**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 419**  
**Cessation of the Application of the Previous Code**

On the day of entering into force of this Code, the Criminal Code of the Federation of Bosnia and Herzegovina (Official Gazette, Nos. 43/98, 2/99, 15/99, 29/00 and 59/02) shall cease to apply.

**Article 420**  
**Obligation to Harmonize Criminal Sanctions Imposed by a Final Decision**

(1) The execution of criminal sanctions imposed by a final decision in accordance with the provisions of the Criminal Code referred to in Article 419 (*Cessation of the Application of the Previous Code*) of this Code, whose execution has not yet commenced or is ongoing, shall in the legal name of criminal offence or of security measure be brought into accord with the provisions of this Code as of the day of its entering into force.

(2) The harmonization of the final decision referred to in paragraph 1 of this Article shall be carried out by the court which issued the decision in question in the first instance. The harmonization shall be carried out ex officio within 30 days from the day of entering into force of this Code.

**Article 421**  
**Entry into Force**

This Code shall enter into force on 1 August 2003.