

Amendments to CC RS published in the OG RS 67/13 are ~~italic/underline/grey highlight/  
strikethrough~~  
Amendments to CC RS published in the OG RS 1/12 are ~~doublestrikethrough~~ (juvenile provisions). Amendments to CC RS published in the OG RS 73/10 are **bolded/underlined/strikethrough**. Previous amendments are marked in the comment box.

**Unofficial Consolidated Version**

**THE CRIMINAL CODE  
OF THE REPUBLIKA SRPSKA**

**GENERAL PART**

**CHAPTER ONE  
BASIC PROVISIONS**

**Function of the Criminal Legislation of the Republika Srpska**

**Article 1**

(1) Criminal legislation of the Republika Srpska protects fundamental human rights and freedoms and other fundamental individual and general values established and protected by the legal system.

(2) The protection is implemented by defining particular criminal offences, by specifying punishments and other criminal sanctions for the commission and by imposing the punishments on the offender in statutory proceedings.

**Basis and Limits of Criminal Justice Compulsion**

**Article 2**

The criminal justice compulsion (Article 1(2) of the Code) shall be employed only if fundamental social values cannot be protected in a different manner and to the extent necessary for the protection.

**Principle of Legality --There is No Offence or Punishment if It Is Not Prescribed by  
Law**

**Article 3**

No punishment or other criminal sanction may be imposed on any person for an act which, prior to being committed, has not been defined and described as a criminal offence by law or international law, and for which a punishment has not been prescribed by law.

**Principle of Guilt**

**Article 3a**

**No one can be punished or subjected to other criminal sanctions if he is not guilty of the committed criminal offence.**

**No punishment without guilt** (*nulla poena sine culpa*)

**Article 3a**

<sup>1</sup> Unofficially consolidated by Halisa Skopljak

(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

No one can be punished, or can be pronounced warning sanctions if he is not guilty of the committed offence.

#### **Time Constraints Regarding Applicability Article 4**

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

#### **Criminal Sanctions and Their Purpose Article 5**

- (1) Criminal sanctions are: punishments, lesser punishments, security measures and correctional measures.
- (2) The law determines the punishment for each criminal offence and it shall be imposed only on the criminally responsible offender. Other sanctions shall be passed in accordance with provisions of the General Part of this Code.
- (3) Criminal sanctions are defined by law and passed in order to deter unlawful acts that threaten or violate values protected under the criminal legislation.

#### **Application of General Part Article 6**

Provisions of the General Part of this Code shall be applicable to all criminal provisions in the legislation of the Republika Srpska.

### **CHAPTER TWO CRIMINAL OFFENCE AND ~~CRIMINAL RESPONSIBILITY~~ CULPABILITY**

#### **General Provisions on Criminal Offences and ~~Criminal Responsibility~~ Culpability Criminal Offence**

##### **Article 7**

- (1) A criminal offence is an unlawful act that threatens or violates protected values and is defined as a criminal offence by law due to the threat it poses, for which a criminal sanction is prescribed by law.
- (2) The offence that poses negligible threat due to little significance or insignificance or absence of harmful results shall not be considered a criminal offence although it has characteristics of a statutory criminal offence. The act is considered to be of little significance if its nature, seriousness, circumstances under which it was committed, low degree of ~~criminal responsibility~~ culpability of the offender or his personal circumstances indicate so.

#### **Manner of Committing the Criminal Offence Article 8**

- (1) A criminal offence can be committed by an act or an omission to act.

(2) A criminal offence is committed by omission only when the offender fails to perform an act he is obliged to perform.

### **Time of Committing the Criminal Offence**

#### **Article 9**

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

### **Place of Committing the Criminal Offence**

#### **Article 10**

- (1) A criminal offence is committed both at the place offender acts or ought to have acted, and at the place where the consequence of his action or omission to act occurs.
- (2) A criminal offence in the case of a punishable attempt is committed both at the place offender acts and at the place where the consequence of his action ought to have occurred according to the offender's intention.

### **Self-Defence**

#### **Article 11**

- (1) An act committed in self-defence is not considered a criminal offence.
- (2) An act is considered to be self-defence if it is absolutely necessary to avert a contemporaneous or imminent illicit attack upon one's property or upon somebody else's property.
- (3) If the offender exceeds the limits of necessary defence, the punishment may be reduced, and if the excess occurs due to strong irritation or fright caused by the attack, the offender may be released from punishment.

### **Extreme Necessity**

#### **Article 12**

- (1) An act committed out of extreme necessity is not considered a criminal offence.
- (2) An act is committed out of extreme necessity, if committed for the purpose of averting from one's property or from somebody else's property a contemporaneous or imminent but unprovoked danger that could not have been averted in any other way, provided that the harm resulting from such act does not exceed the harm threatened.
- (3) If the offender himself has negligently provoked the danger, or he has exceeded the limits of extreme necessity, the court may impose reduced punishment on him, and if he exceeded the limits under particularly mitigating circumstances, the offender may be released from punishment.
- (4) There is no extreme necessity if the offender was under an obligation to expose himself to the danger.

### **Force and Threat**

#### **Article 12a**

**(1) A criminal offence perpetrated under irresistible force shall not constitute a criminal offence.**

~~(2) A perpetrator who has perpetrated a criminal offence under resistible force or threat may be sentenced to a more lenient punishment.~~

~~(3) In the case specified in paragraph (1) herein, the person who has applied irresistible force shall be considered a perpetrator of the criminal offence.~~

### **Criminal Responsibility Elements of Culpability** **Article 13**

~~(1) An offender who is mentally capable and has committed a criminal offence with intent or through negligence shall be held criminally responsible.~~

~~(2) An offender shall also be held criminally responsible if he has committed a criminal offence out of negligence only if the law explicitly prescribes so.~~

**(1) Culpability exists if at the time of the perpetration of the criminal offence the perpetrator was mentally accountable and acted with intent.**

**(2) Culpability for the criminal offence exists even if the perpetrator acted out of negligence only if the law explicitly prescribes so.**

### **Mental Capacity** **Article 14**

(1) A mentally incapable person is one who, at the time of committing the criminal offence, was incapable of comprehending the significance of his acts or controlling his conduct due to a mental disease, temporary mental disorder or retardation (mental incapacity).

(2) If the capacity of the offender to comprehend the significance of his act, and his ability to control his conduct was considerably diminished due to any of the mental conditions under paragraph 1 of this Article, he may be punished less severely (considerably diminished mental capacity).

(3) The offender shall be considered ~~criminally responsible~~ **culpable** 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~~ **culpability** is prescribed by law for such an offence even if committed out of negligence (~~voluntary intoxication~~).

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

### **Intent** **Article 15**

(1) A criminal offence may be committed with specific or general (direct or indirect) intent.

(2) The offender acts with specific (direct) intent when an offender was aware of his deed and desired its commission.

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

## **Negligence Article 16**

- (1) A criminal offence may be committed by advertent or inadvertent negligence.
- (2) The offender 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 offender 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.

## **Responsibility for Graver Consequences Article 17**

When a graver consequence has resulted from a criminal offence for which a more severe punishment is prescribed by law, this more severe punishment may be pronounced if the consequence is attributable to the offender's negligence.

## **Mistake of Fact Article 18**

~~(1) A person is not criminally responsible if at the time of the commission 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 have rendered such conduct permissible.~~

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

~~**(1) A person shall not be guilty if he perpetrates an offence while under an irreparable mistake of fact.**~~

~~**(2) The mistake of fact shall be considered irreparable if the perpetrator, at the time of the perpetration of the criminal offence, was not aware of a legally prescribed element of the criminal offence or wrongly believed that there existed circumstances which, if they truly existed, would have made his conduct permissible.**~~

~~**(3) If the perpetrator was under a mistake of fact due to negligence, that shall be considered a criminal offence perpetrated out of negligence only if the law prescribes punishment for that criminal offence committed out of negligence.**~~

~~*(1) The perpetrator shall not be guilty, who, at the time of the perpetration of the criminal offence, was not aware of a legally prescribed element of the criminal offence or wrongly believed that there existed circumstances which, if they truly existed, would have made his conduct permissible.*~~

~~*(2) If the perpetrator referred to in paragraph 1 of this Article was under a mistake of fact due to negligence, he shall be guilty of the criminal offence perpetrated out of negligence when the law prescribes punishment for that criminal offence committed out of negligence.*~~

### **Mistake of Law Article 19**

An offender, who had justifiable reason for not knowing that his conduct was prohibited, may be released from punishment or receive more lenient punishment.

### **Criminal Attempt**

#### **Attempt Article 20**

(1) Whoever intentionally commences the commission of a criminal offence, but does not complete such offence, shall be punished for the attempted criminal offence when, for the criminal offence in question, the punishment of imprisonment for a term of five or more years may be imposed, and, for the attempt of other criminal offences, when the law expressly prescribes punishment for an attempt.

(2) An attempted criminal offence shall be punished within the limits of the punishment prescribed for the commission of the criminal offence, but the punishment may also be more lenient.

#### **Inappropriate Attempt Article 21**

If a person tries to commit a criminal offence by inappropriate means or against an inappropriate object may be released from sentencing.

#### **Voluntary Abandonment of the Attempt Article 22**

(1) An offender, who has attempted a criminal offence and voluntarily abandoned the commission, may be released from punishment.

(2) In the event of voluntary abandonment of an attempt, the offender shall be punished for those acts that constitute other separate criminal offences.

### **Accessories and Accomplices**

#### **Accomplices Article 23**

If several persons who, by participating in the commission of a criminal offence or by taking some other act, have jointly committed a criminal offence, they shall be punished each as prescribed by law.

#### **Incitement Article 24**

(1) Whoever intentionally incites another to commit a criminal offence, shall be punished as if he himself has committed the offence.

(2) Whoever intentionally incites another to commit a criminal offence for which a punishment of imprisonment for a term of ~~five~~ **three** years or a more severe punishment is prescribed by law, and the criminal offence has never been attempted, shall be punished as for the attempt of the criminal offence.

~~(3) Incitement to commit a criminal offence shall be construed to mean, in particular: pleading, persuading or prompting, portraying benefits of the perpetration of the criminal offence, giving or promising gifts, abusing the state of subordination or dependency, making a person believe in and keeping a person under a mistake of fact or law, deceiving.~~

#### **Accessories Article 25**

(1) Whoever intentionally helps another to commit a criminal offence shall be punished as if he himself committed such offence, but the punishment may be less severe.

(2) The following, in particular, shall be considered as helping in the commission of a criminal offence: giving advice or instructions as to how to commit a criminal offence, supplying the offender with tools for committing the criminal offence, removing obstacles to the commission of criminal offence, and promising, prior to the commission of the criminal offence, to conceal the existence of the criminal offence, to hide the offender, the tools used for committing the criminal offence, traces of the criminal offence, or goods acquired by commission of the criminal offence.

#### **Limitations in Responsibility and the Scope of Punishment of Accessories and Accomplices Article 26**

(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 may refrain from imposing a punishment on an accomplice, inciter or accessory that has voluntarily prevented commission of the criminal offence.

(3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of ~~criminal responsibility~~ **culpability**, 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 offenders, accomplices, inciters or accessories.

#### **Special Conditions Under Which Accessories and Accomplices are Punished Article 27**

(1) If a criminal offence has been only attempted the inciter and accessory shall be punished for the attempt (Article 20).

(2) If a less serious criminal offence has been committed than the one the inciter and accessory wanted to be committed, the inciter and accessory shall be punished for the criminal offence committed.

## **C H A P T E R T H R E E**

### **P U N I S H M E N T S**

#### **The Purpose of Punishment, Types of Punishment and Conditions for Pronouncing Punishments**

##### **The Purpose of Punishment**

###### **Article 28**

Within the purpose of criminal sanctions, the purpose of punishment is:

- 1) To deter the offender from committing criminal offences and to reform him;
- 2) To deter others from committing criminal offences; and
- 3) To develop and promote the community's responsibility by expressing public condemnation of a committed criminal offence and the necessity to obey the law.

##### **Types of Punishment**

###### **Article 29**

~~The following punishments may be imposed on offenders who are criminally responsible:~~

- ~~a) Imprisonment;~~
- ~~b) Fine.~~

**Perpetrator of the criminal offence who has been found guilty may be sentenced to:**

- 1) **imprisonment**
- 2) **long-term imprisonment**
- 3) **fine.**

##### **Principal and Additional Punishment**

###### **Article 30**

- (1) Imprisonment may be imposed only as principal punishment.
- (2) A fine may be imposed both as a principal and as an additional punishment.
- (3) If both punishments are prescribed for a criminal offence, only one of them may be imposed as a principal punishment.

##### **Legality in Pronouncing Punishments**

###### **Article 31**

- (1) An offender shall receive the sentence set forth in the law for the offence he has committed and less severe sentence may be passed only under circumstances provided for in this Code.
- (2) For criminal offences motivated by greed, a fine may be imposed as an additional punishment even when that is not specifically prescribed by the law or in cases where the law prescribes that the offender shall be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.



**Long-Term Imprisonment**  
**Article 31a**

- (1) For the gravest forms of serious criminal offences perpetrated with intent, a long-term imprisonment for a term between twenty-one and forty-five years may be imposed.**
- (2) Long-term imprisonment may never be imposed as the sole principal punishment for a particular criminal offence.**
- (3) Long-term imprisonment cannot be imposed on a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence.**
- (4) Long-term imprisonment shall be meted out in full years only.**
- (5) If long-term imprisonment has been imposed, amnesty or pardon may be granted only after three-fifths of the punishment has been served.**

**Imprisonment**  
**Article 32**

- ~~(1) Imprisonment may not be shorter than thirty days or longer than twenty years.~~
- ~~(2) For the gravest forms of serious criminal offences committed with intent, imprisonment for a term of twenty five to forty five years may be exceptionally prescribed (long term imprisonment).~~
- ~~(3) Long term imprisonment cannot be prescribed as the only principal punishment for a particular criminal offence.~~
- ~~(4) Long term imprisonment shall not be imposed on a person who was not twenty one at the time of committing the crime or a pregnant woman.~~
- ~~(5) Juvenile imprisonment may be imposed under the conditions prescribed by Chapter Six of this Code. Juvenile imprisonment is in its purpose, nature, duration and manner of execution a special punishment of deprivation of liberty.~~
- ~~(6) If long term imprisonment has been imposed, amnesty or pardon may be granted only after three fifths of the punishment have been served.~~
- (1) Imprisonment may not be shorter than thirty days or longer than twenty years.**
- (2) Juvenile imprisonment may be imposed under the conditions prescribed by Chapter VI of this Code. By its purpose, nature, duration and manner of execution, juvenile imprisonment constitutes a special punishment of deprivation of liberty.**

**Passing the Sentence of Imprisonment**  
**Article 33**

- (1) Imprisonment shall be imposed in full years and months and the punishment of imprisonment for a maximum term of six months shall be measured in full days. Long-term imprisonment shall be imposed only in full years.
- (2) At the request of the convicted person the court may replace the term of imprisonment not exceeding ~~three~~ **six** months with a fine in pursuance of Article 36(2) and 36(3) of this Code.

### **Community Service Article 34**

- (1) When the court assesses and imposes imprisonment for a term not exceeding ~~six months~~ **one year**, at the same time it may decide that such punishment, with the consent of the accused, be replaced with community service.
- (2) Under conditions under paragraph 1 of this article, the decision on replacement may be passed by appellate court while reviewing the appeal from the original decision. After the verdict becomes finally binding such a decision cannot be issued.
- (3) 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.
- (4) Community service shall be determined for duration proportional to the imposed imprisonment. The period for performing community service shall be neither shorter than one month nor longer than ~~the imprisonment term~~ **six months**. 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 offender's possibilities regarding 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 36 of this Code.
- (7) Placement in community service as to the type and the place of work shall be made by the RS Ministry of Justice, taking into consideration the capacities and the skills of the convicted person.

### **Fines Article 35**

- (1) Fines are imposed in daily amounts and if that is not possible, then in one 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 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 one fixed amount, a minimum amount may not be less than 50 ~~500~~ **300** KM and a maximum one may not exceed ~~50,000.00~~ **100,000.00** KM whereas for offences motivated by greed, a maximum fixed amount imposable may not exceed 1,000,000.00 KM, except in the cases foreseen by this Code.
- (4) The number of daily amounts is determined by the court according to the general principles on the imposition of punishments. The daily amount is determined by the court according to the amount of the offender'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~~ **shall take into consideration** the data not older than six months at the moment when the fine is imposed.

(5) If data under the preceding paragraph is unavailable to the court, it will be provided by the accused within the deadline as set by the court but not later than by the closing of the main trial. If the circumstances relevant for the determination of a daily amount of fine are not made available to the court by the end of the main trial or those relevant circumstances are unreliable, a fine is imposed in a fixed amount whereby the general principles on the imposition of punishments are respected.

(6) 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 Republika Srpska, as published by the Institute of Statistics of the Republika Srpska.

(7) The court determines in the judgement a deadline for payment of the fine. Such deadline 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~~ **one year**.

(8) Fines imposed and collected under this Code shall belong to the Budget of Republika Srpska.

### **Substitution of Fine Article 36**

(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, bring 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 one fixed amount each ~~50~~ **100** KM started, is substituted by one day of imprisonment, ~~whereby the imprisonment may not exceed six months whereby it may not exceed the prescribed punishment for that offence however the imprisonment in that case may not exceed two years.~~

(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.

(5) A fine shall not be collected after the convict dies.

### **Imposition of Punishments**

#### **General Principles on the Imposition of Punishments Article 37**

(1) The court shall impose the punishment within the limits provided by law for that particular offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the level of punishment (extenuating and aggravating circumstances), and, in particular: the degree of ~~criminal liability~~ **culpability**, the motives for committing the offence, the degree of danger or injury to the property, person or thing, the circumstances in which the offence was committed, the past conduct of the offender, his personal situation and his conduct after the commission of the criminal offence, as well as other circumstances related to the character of the offender.

**(2) A circumstance representing the characteristics of a particular criminal offence may not be taken into consideration also as an aggravating or extenuating circumstance, unless it surpasses the measure that is necessary for the existence of a criminal offence or a particular form of a criminal offence, or if there are two or more such**

**circumstances but only one is sufficient for the existence of a more serious or less serious criminal offence.**

~~(3) In cases when criminal offence was perpetrated out of hatred as provided in Article 147 paragraph 25 of this code the court shall take it into consideration as an aggravating circumstance and fashion a more severe sentence unless the code provides for harsher sentence for the aggravating form of a criminal offence. If a criminal offence was perpetrated out of hatred as provided in Article 147, paragraph 25 of this Code, the court shall take it into consideration as an aggravating circumstance, unless the hatred is aggravating form of that criminal offence.~~

(2) **(4)** In ruling on the punishment for the criminal offence 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 committed from the same motive, and it will also consider the period of time which has elapsed since the pronouncement of the previous conviction, or since the punishment has been served or pardoned.

~~(3)~~ **(5)** In fixing a fine, the court shall take into consideration the financial situation of the offender in particular.

### **Reduction of Punishment Article 38**

The court may set the punishment below the limit prescribed by the law, or impose a lesser type of punishment:

- 1) When law provides the possibility of reducing the punishment; and
- 2) When the court determines the existence of highly extenuating circumstances, which indicate that the purpose of punishment can be attained by a lesser punishment.

### **Limitations in Reduction of Punishments Article 39**

(1) When the conditions for the reduction of punishment under the preceding Article of this Code exist, the punishment shall be reduced within the following limits:

- 1) If a punishment of imprisonment of ten or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to five years of imprisonment;
- 2) If a punishment of imprisonment of five years is prescribed as the lowest punishment for the criminal offence, it may be reduced to two years of imprisonment;
- 3) If a punishment of imprisonment of three years is prescribed as the lowest punishment for the criminal offence, it may be reduced to six months of imprisonment;
- 4) If a punishment of imprisonment of less than three years is prescribed as the lowest punishment for the criminal offence, it may be reduced to thirty days of imprisonment or may be substituted with a fine;
- 5) If a fine is prescribed as the lowest limit for the punishment for a criminal offence, it may be reduced to five daily amounts and if it is imposed in the fixed amount, it may be reduced to 50 ~~500-300~~ KM.

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

### **Release from Punishment Article 40**

- (1) The court may release the offender from punishment only when such possibility is explicitly provided by law.
- (2) In cases when the court is allowed to release the offender from punishment, the court may decide to reduce the punishment having no regard to limitations prescribed for reduction of punishment.

### **Special Cases for Release from Punishment Article 41**

- (1) The court may release the offender from punishment for a criminal offence committed by negligence when the consequences of the criminal offence committed affect the offender so severely that imposing a punishment would obviously not serve the purpose of punishment.
- (2) If the offender removes consequences of the criminal offence or compensated for damage caused voluntarily after he committed the criminal offence and before he finds out that he is ~~accused~~ discovered, he may be released from punishment.

### **Joinder/Concurrence of Criminal Offences Article 42**

- (1) If the offender, by a single action or by several actions, has committed several criminal offences, for which he is tried at the same time, the court shall first assess the punishment for each of the offences separately, and then proceed with imposing a total punishment.
- (2) The court shall adhere to the following rules in imposing total punishment:
  - 1) If the court has ruled punishment of long-term imprisonment for one of several criminal offences committed, this will be the only punishment imposed;
  - 2) If the court has determined punishment of imprisonment for the concurrent criminal offences, the total punishment must be higher than each of the individual punishments, but the total punishment may not be as high as the sum of all incurred punishments, nor may it exceed a period of twenty years;
  - 3) If for each of the offences committed in concurrence a punishment of imprisonment not exceeding three years is prescribed, the total punishment may not exceed eight years;
  - 4) If only fines have been imposed by court for the criminal offences in concurrence, the total punishment may not exceed the sum of all fines imposed nor may it exceed ~~50,000.00~~ 100,000.00 KM or 1,000,000.00 if a criminal offence was committed out of greed.
  - 5) If the court has imposed punishments of imprisonment for some of the concurrent criminal offences, and fines for others, it shall impose one punishment of imprisonment and one fine, in accordance with the provisions set forth in items 2) through 4) of this Article.
- (3) The court shall impose an additional punishment if it is determined for any one of the concurrent criminal offences, and if it has imposed several fines, it shall impose a total fine in pursuance of the provisions set forth in item 4), paragraph 2 of this Article.
- ~~(4) If the court has imposed a punishment of imprisonment and juvenile imprisonment for the concurrent criminal offences, it shall impose punishment of imprisonment as the total sentence, applying the rules set forth in paragraph 2 of this Article.~~

**Continued Criminal Offence**  
**Article 42a**

~~(1) 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 in which, according to the manner of perpetration, the temporal connection and other material circumstances connecting them constitute a whole.~~

~~(2) 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.~~

~~(3) The provisions of this Code regarding concurrence of criminal offences shall not apply to a criminal offence arising out of the same transaction.~~

~~(1) Continued criminal offence consists of a number of identical criminal offences or offences of the same type perpetrated in temporal connection by the same perpetrator and which represents a whole in the legal sense due to existence of at least two of the following circumstances: sameness of damaged party, same type of the subject of the offence, use of the same situation or same permanent relation, concurrence of the place or space of perpetration of the offence or unique premeditation of the perpetrator.~~

~~(2) Criminal offences against the personal assets may exceptionally constitute the continued criminal offence only if they were perpetrated against the same person.~~

~~(3) Offences that by their character do not allow joining into one offence cannot constitute the continued criminal offence.~~

~~(4) If the continued criminal offence includes different forms of the same offence, the continued criminal offence shall be legally qualified as the most serious of those criminal offences.~~

~~(5) If the continued criminal offence includes the offences whose legal elements are certain monetary amounts, the amount equal to the sum of amounts acquired by individual offences is acquired by continued criminal offence, if that is included in unique premeditation of the perpetrator.~~

~~(6) Punishment harsher than specified punishment for criminal offence established as the continued criminal offence can be pronounced, however it cannot exceed the double measure of the specified punishment or the highest measure of that type of punishment.~~

~~(7) Criminal offence that is not included in the continued criminal offence shall in final court judgment constitute the separate criminal offence or shall be included in the separate continued criminal offence.~~

**Imposing Punishment Upon a Convicted Person**  
**Article 43**

(1) If a convicted person is tried for a criminal offence he had committed before commencing to serve the previous sentence, or for a criminal offence he committed while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose a total punishment for all the criminal offences applying provisions set forth under Article 42 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 towards the imposed sentence of imprisonment or long-term imprisonment.

(2) For criminal offences committed during the course of serving a punishment of imprisonment, long-term imprisonment, or juvenile imprisonment, the court shall determine the offender's punishment independently of the punishment for the earlier sentence in cases when the application of the provisions set forth under Article 42 of this Code would lead to failure to achieve the purpose of punishment considering the duration of un-served portion of the previous sentence.

(3) If a convicted person, while serving a punishment of imprisonment, long-term imprisonment or juvenile imprisonment, commits a criminal offence punishable by law with a fine or punishment of not exceeding one year of imprisonment, he shall be punished with a disciplinary sanction.

#### **Credit for the Period Spent in Custody and Credit for Punishment under an Earlier Sentence** **Article 44**

(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 sentence of imprisonment, long-term imprisonment, ~~juvenile imprisonment~~ or the fine.

(2) The fine paid or prison term served upon conviction for a minor offence, or a sentence or disciplinary measure served upon conviction for a breach of military discipline, shall be counted in the sentence passed for a criminal offence characteristics of which are the same as characteristics of the minor offence or breach of military discipline.

(3) In calculating 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 a fine of ~~50~~ 100 KM, shall be deemed equal.

### **C H A P T E R   F O U R** **LESSER PUNISHMENTS**

#### **Types of Lesser Punishments and General Conditions for Their Application** **Article 45**

(1) Lesser punishments are: suspended sentence and judicial admonishment.

(2) These punishments shall be passed onto an offender only in cases where, given the nature and gravity of the criminal offence, circumstances of the commission and the character of the offender, the execution of punishment is not necessary to ensure legal protection and when the purpose of punishment can be achieved through a warning about a threat of punishment (suspended sentence), or only through admonishment (judicial admonishment).

#### **Suspended Sentence** **Article 46**

(1) When it imposes a suspended sentence, the court imposes a punishment on the offender, but at the same time it orders that the sentence shall not be carried out if the convicted person does not commit another criminal offence over a period of time established by the court, and which may not be shorter than one or longer than five years (probation period).



(2) The court may decide on the condition that the suspended sentence shall be executed if within a certain time-limit the convict fails to restore the material gain acquired by commission of the criminal offence or if he fails to compensate for damage caused by commission of the criminal offence or fails to fulfil other obligations provided for in criminal legislation. The court shall determine the time-limit for the fulfilment of these obligations within the determined probation period.

(3) Security measures, which are ordered alongside a suspended sentence, shall be executed.

#### **Requirements for Passing the Suspended Sentence Article 47**

~~(1) A suspended sentence may be imposed on an offender only for an imprisonment term not exceeding two years or for a fine.~~

~~(2) While deciding on the suspended sentence, on the basis of all circumstances relevant to the assessment, the court shall assess whether there are reasonable grounds to believe that the offender will not commit any criminal offence in future although the sentence will not be executed.~~

~~(3) If the offender has been sentenced to both imprisonment and a fine, the suspended sentence may be imposed either for both sentences or only for the sentence of imprisonment.~~

~~**(4) A suspended sentence may not be imposed to an offender who has been already imposed a suspended sentence for a criminal offence neither to an offender who has been once or several times imposed final and binding imprisonment sentence.**~~

*(1) A suspended sentence may be imposed when a perpetrator has been sentenced to imprisonment for a term not exceeding two years and when the court, on the grounds of circumstances referred to in paragraph (3) of this Article, assesses that it can be justifiably expected from the perpetrator that he shall not perpetrate the criminal offences in the future even without the execution of punishment he is threatened with.*

*(2) The suspended sentence cannot be imposed for criminal offences for which a punishment of imprisonment for a term of at least three years is specified.*

*(3) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, pay special attention to the personality of the perpetrator, his conduct in the past, his behaviour after the perpetration of the criminal offence, the degree of culpability and other circumstances under which the criminal offence has been perpetrated.*

#### **Revocation of Suspended Sentence Because of a New Criminal Offence Article 48**

~~(1) The court shall revoke the suspended sentence if the convicted person commits 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 commits 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 committed as well as to the offender, particularly the possible similarity of the committed offences, their significance and motives from which the offences have been committed, whether to revoke the suspended sentence. In taking such a 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 47(1)) needs to be imposed on the~~



offender 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 total punishment both for the previously committed and the new criminal offence, pursuant to the provisions of Article 42 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 committed criminal offence. If the court decides that a suspended sentence should be imposed for the newly committed criminal offence as well, the court shall apply provisions set forth under Article 42 of this Code to impose one total sentence both for the previously committed and the new criminal offence and it shall also determine one total probation period (Article 46(1)), commencing on the day the new verdict 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 committed criminal offence.~~

~~**(1) The court shall revoke the suspended sentence if the convicted person commits one or more criminal offences before the probation period expired.**~~

~~**(2) In the event of revocation of the suspended sentence, the court shall impose one total punishment both for the previously committed and the new criminal offence, pursuant to the provisions of Article 42 of this Code, taking the revoked suspended sentence as an already fixed punishment.**~~

~~*(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 referred to in paragraph 1 of this Article 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 43 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 43 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 in accordance with Article 47, paragraph 1 of this Code 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.

#### **Revocation of Suspended Sentence Because of Previously Committed Criminal Offence Article 49**

~~(1) The court shall revoke a suspended sentence in the event that, after it was imposed, it learned that the offender had committed a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 48 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 48, paragraph 4 of this Code.~~

~~**(1) The court shall revoke a suspended sentence in the event that, after it was imposed, it learned that the offender had committed a criminal offence prior to the imposition of the suspended sentence.**~~

~~**(2) In the event referred to in paragraph 1 of this Article the court shall apply the provision set forth under Article 48, paragraph 2 of this Code.**~~

*(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 it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 48, 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 48, paragraph 4 of this Code.*

#### **Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations Article 50**

If the suspended sentence sets forth some obligations under Article 46(2) of this Code to be fulfilled by the convict and he fails to do so within the course of the determined probation period, the court may extend the deadline for the fulfilment or revoke the suspended sentence and order the execution of the imposed punishment, within the course of the determined probation period. If the court establishes that it is impossible for the convict to fulfil the obligations for justified reasons, the court shall replace such obligations with other obligations provided for in criminal legislation or relieve the convicted person of the obligations.

#### **Deadlines for Revocation of Suspended Sentence Article 51**

(1) A suspended sentence may be revoked during the probation period. If a convicted person commits a criminal offence ~~entailing revocation of the suspended sentence~~ during this period which entails the revocation of the suspended sentence, 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.

- (2) If a convicted person fails to fulfil a certain obligation under Article 46(2) of this Code, 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.
- (3) The decision revoking a suspended sentence has to become final and binding within time limits set forth in paragraphs 1 and 2 of this Article.

### **Suspended Sentence with Mandatory Rehabilitation Article 52**

- (1) The court may order that an offender who has been subject to a suspended sentence undergoes mandatory rehabilitation for a particular period within the probation period.
- (2) Mandatory rehabilitation encompasses measures of assistance, care, supervision and protection.
- (3) If during mandatory rehabilitation the court establishes that the purpose of the sentence has been attained, it may terminate the mandatory rehabilitation even before its expiration.
- (4) If a convicted person who has been subject to a mandatory rehabilitation 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 mandatory rehabilitation within the probation period, or may revoke the suspended sentence.

### **Contents of Mandatory Rehabilitation Article 53**

- (1) Mandatory rehabilitation may include the following obligations:
- 1) Treatment in an appropriate health institution;
  - 2) Refraining from intake of alcoholic drinks or opiates (intoxicating drugs);
  - 3) Attending particular psychiatric, psychological or other counselling centres and acting in accordance with their instructions;
  - 4) Training for a profession;
  - 5) Accepting employment which is appropriate to the skills and abilities of the offender;
  - 6) Disposing of salary or other income and property in an appropriate way and in accordance with marital or family obligations.
- (2) The court may impose one or several obligations set forth in the preceding paragraph, closely defining what exactly they cover.

### **Judicial Admonishment Article 54**

- (1) Judicial admonishment may be pronounced for criminal offences punishable by imprisonment of up to one year or a fine if they have been committed under such mitigating circumstances which render them particularly minor.
- (2) Under conditions provided by law judicial admonishment may be pronounced even for criminal offences punishable by imprisonment of up to three years.
- (3) The court may pronounce judicial admonishment for several concurrent crimes if each of the crimes meet the requirements under paragraphs 1 and 2 of this Article.
- (4) In deciding whether to administer a judicial admonishment, the court shall taking into account the purpose of judicial admonishment, give special consideration to the personality of the offender, his past conduct, his conduct after the commission of the

criminal offence, the level of ~~criminal responsibility~~ **culpability** and other circumstances in which the offence has been committed.

~~(5) Judicial admonishment may not be pronounced to military persons for criminal offences against the Army of Republika Srpska.~~

## **CHAPTER FIVE SECURITY MEASURES**

### **Purpose of Security Measures Article 55**

The purpose of security measures is to remove situations or conditions that might influence an offender to commit criminal offences in the future.

### **Types of Security Measures Article 56**

The following security measures may be imposed on offenders:

- 1) Mandatory psychiatric treatment,
- 2) Mandatory medical treatment for addiction,
- 3) Prohibition to carry out certain occupation, activity or duty,
- 4) Prohibition to drive motor vehicle,
- 5) Forfeiture,
- 6) Prohibition to approaching or contacting a person.
- 7) Mandatory psychiatric and social treatment.
- 8) Removal from joint household.

### **Imposing Security Measures Article 57**

The court may impose one or several security measures on an offender, when grounds for imposing them exist under this Code.

### **Mandatory Psychiatric Treatment Article 58**

(1) The security measure of mandatory psychiatric treatment may be imposed on an offender who commits a criminal offence in a state of considerable diminished mental capacity, if the court establishes on the basis of the gravity of the criminal offence and the degree of mental incapacity there is a danger that the causes of such a state may in the future also induce the offender to commit another criminal offence and to avert the danger it is necessary for the offender to be treated.

(2) The security measure of mandatory psychiatric treatment may, under the conditions provided for in paragraph 1 of this Article, be carried out during imprisonment or along with 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 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 under Article 34 (*Community Service*) paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender who, while performing community service as a substitute to imprisonment, fails to submit himself to 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 an institution. If he does not continue the treatment, his conditional release shall be revoked.

(6) The offender, who does not submit himself to psychiatric treatment during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 50 of this Code (*Revocation of Suspended Sentence Caused by Failure to Fulfil Particular Obligations*).

### **Mandatory Medical Treatment for Addiction** **Article 59**

(1) The security measure of mandatory medical treatment for addiction may be imposed on an offender who commits 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) Under the conditions provided for in paragraph 1 of this Article, the security measure of mandatory medical treatment for addiction 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 under Article 34 paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender who, while performing community service as a substitute to imprisonment, fails to submit himself to mandatory treatment for addiction.

(4) Under the conditions provided for in Article 58 paragraph 2 of this Code, after a convicted person has been conditionally released, his mandatory treatment for addiction may continue outside an institution. If he does not continue the treatment, his conditional release shall be revoked.

(5) The offender, who does not submit himself to the treatment for addiction during a probation period set in a suspended sentence, may be treated pursuant to the provision of Article 50 of this Code.

### **Prohibition to Carrying out Certain Occupation, Activity or Duty** **Article 60**

~~(1) The security measure of ban on carrying out a certain occupation, activity or duty may be imposed on an offender who commits 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 offender to commit another criminal offence through the abuse of the occupation, activity or duty with regard to the property entrusted or accessible to him The security measure of ban on carrying out a certain occupation, activity or duty fully or in part may be imposed to a perpetrator who abused his occupation, activity or duty for perpetration of the criminal offence if there is a danger that he shall, by carrying out that occupation, activity or duty, perpetrate a new criminal offence.~~

(2) The court determines the duration of the security measure under paragraph 1 of this Article which may be imposed for a term which exceeds one but does not exceed ten years, counting from the date the decision becomes final, with the provision that the time spent

serving the punishment of imprisonment or in mental institution shall not be credited towards the term of this security measure.

(3) As in the case under Article 34 paragraph 5 of this Code, the execution of imprisonment may be ordered against the offender 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 offender 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 50 of this Code.

### **Prohibition to Drive Motor Vehicle Article 61**

(1) The court may pronounce a prohibition against driving a motor vehicle on a person who has committed a criminal offence which has endangered traffic safety if there is a danger that he will commit such criminal offence again if he drives.

(2) The court may pronounce a prohibition against driving a motor vehicle of a certain type or category on a person who has committed a criminal offence which has endangered traffic safety.

(3) The court may pronounce the measure under paragraph 1 of this Article that shall not last less than three months nor more than five years counting from the date the decision becomes finally binding, with the provision that the time spent serving the punishment of imprisonment or in mental institution shall not be credited towards the term of this security measure.

(4) If the measure under paragraph 1 of this Article was ordered against a holder of foreign driving licence, the measure is applicable in the territory of Republika Srpska for a period from three months to five years.

(5) If the offender, who received the decision prohibiting him to drive motor vehicle, with the possibility to replace the ban with prison term or suspended sentence, does not comply with the ban, Articles 34(5) and 50 shall be applied.

### **Forfeiture Article 62**

(1) Objects used or destined for use in the commission of a criminal offence, or those objects that resulted from the commission of a criminal offence may be forfeited, if those objects are owned by the offender.

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

(3) The law may provide for mandatory forfeiture.

### **Prohibition to Approaching or Contacting a Person Article 62a**

*(1) The court may for a period of time prohibit a perpetrator of a criminal offence with elements of violence approaching or contacting damaged person to a certain distance, to prohibit him access to a space around the place of living or place of work, i.e. further communication with the damaged person, if it reasonably can be expected that further*



*carrying out of such activities be perpetrator of the criminal offence would be dangerous for the damaged person.*

*(2) By security measure referred to in paragraph 1 of this Article the perpetrator of the criminal offence may be prohibited from approaching or contacting another person, if such conduct of the perpetrator would constitute psychiatric harassment of the damaged person.*

*(3) Security measure of prohibition to approach or contact certain person can be executed, under conditions set forth in paragraph 1 of this Article, along with serving the punishment of imprisonment or with community service, or with suspended sentence.*

*(4) Security measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, for the maximum of three years, provided that the time served in prison, i.e. the institution for guarding and treatment shall not be included in duration of this measure.*

*(5) If the perpetrator during the community service, which was pronounced as substitution for punishment of imprisonment, violates the prohibition to approach or contact referred to in paragraphs 1 and 2 of this Article, the court shall pass the decision on execution of punishment of imprisonment.*

*(6) If the perpetrator in the duration of the probation period ordered by the suspended sentence violates the prohibition to approach or contact referred to in paragraphs 1 and 2 of this Article, the court shall revoke the suspended sentence and pronounce the established punishment.*

#### **Mandatory psychiatric and social treatment**

##### **Article 62b**

*(1) The court may pronounce against a perpetrator of a criminal offence with elements of violence the mandatory psychiatric and social treatment, if it finds on the basis of the previous life of the perpetrator and psychiatric characteristics of his/her personality that there is danger that he/she shall repeat such or similar offence and that the psychiatric and social treatment is required for the elimination of this danger.*

*(2) Under the conditions referred to in paragraph 1 of this Article, the measure of the mandatory psychiatric and social treatment may be executed along with serving the punishment of imprisonment or with community service, or with suspended sentence.*

*(3) The measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, however not longer than the expiry of the serving the punishment of imprisonment or execution of the community service or expiry of the probation period along with the suspended sentence, and it shall be executed in the institution for execution of the punishment of imprisonment or in other appropriate institution.*

*(4) Under the conditions referred to in paragraph 2 of this Article, the mandatory psychiatric and social treatment may be executed outside the appropriate institution after the sentenced person is conditionally released. If the sentenced person fails to continue with the psychiatric and social treatment, the conditional release shall be revoked.*

*(5) If the perpetrator of a criminal offence does not undergo the psychiatric and social treatment during a probation period, the court shall act pursuant to the Article 50 of this Code.*

#### **Removal from joint household**

##### **Article 62v**

*(1) The court may pronounce against a perpetrator of a criminal offence with elements of violence against the person with whom he/she lives in the joint household the security*

*measure of removal from the joint household if there is a high degree of danger that the perpetrator shall repeat the violence against the member of the joint household and that for the elimination of this danger his/her removal from the joint household is necessary.*

*(2) Security measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, however not longer than execution of the community service or expiry of the probation period along with the suspended sentence, and in the time of its duration the time the perpetrator had spend in the correctional institution or medical treatment institution.*

*(3) If the perpetrator during the community service, which was pronounced as substitution for punishment of imprisonment, violates the security measure referred to in paragraph 1 of this Article, the court shall pass the decision on execution of punishment of imprisonment.*

*(4) If the sentenced person fails to comply with the security measure or violates it, the conditional release shall be revoked.*

*(5) The perpetrator of this criminal offence against whom this security measure has been pronounced shall be obliged to leave immediately after the sentence becomes final, in presence of the police official, the apartment, house or other living space that constitutes the joint household with the victim.*

## **~~CHAPTER SIX~~**

### **~~RULES RELATING TO CORRECTIONAL RECOMMENDATIONS, CORRECTIONAL MEASURES AND PUNISHING JUVENILES~~**

#### **~~General Provisions~~**

#### **~~Special Provisions of Criminal Code Applicable to Juveniles~~**

##### **~~Article 63~~**

*(1) The provisions of this Chapter are applicable to juveniles who have committed criminal offences, while other criminal provisions, set forth in the other laws shall be applied to juveniles only insofar as they do not exceed the boundaries defined by special provisions for juvenile offenders.*

*(2) Special provisions for juvenile offenders are also applied under conditions set forth in the provisions of this Chapter to adult persons who are being tried for criminal offences that they have committed as juveniles, and exceptionally to persons who have committed a criminal offence as young adults.*

#### **~~Exemption of Children From Criminal Sanctions~~**

##### **~~Article 64~~**

*Criminal sanctions shall not be imposed on a juvenile who was under 14 (a child) at the time of the commission of a criminal offence.*

#### **~~Conditions for Applying Correctional Recommendations~~**

##### **~~Article 65~~**

*(1) Correctional recommendations may be applied to a juvenile for criminal offences for which a fine or a punishment of imprisonment for a term not exceeding three years is prescribed.*



~~(2) The correctional recommendations may be applied to a juvenile by a competent prosecutor or judge for juvenile offenders.~~

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

### **~~Purpose of Correctional Recommendations~~**

#### **~~Article 66~~**

~~The purpose of correctional recommendations is:~~

~~a) To avoid the initiation of criminal proceedings against juvenile offenders; and~~

~~b) To use correctional recommendations as a means of influencing juveniles not to commit criminal offences in future.~~

### **~~Types of Correctional Recommendations~~**

#### **~~Article 67~~**

~~(1) Correctional recommendations are:~~

~~1) Personal apology to the injured party;~~

~~2) Compensation of damage to the injured party;~~

~~3) Regular school attendance;~~

~~4) Working for a humanitarian organisation or local community;~~

~~5) Accepting an appropriate job;~~

~~6) Placement in another family, home or institution;~~

~~7) Treatment in an appropriate health institution;~~

~~8) Attending instructive, educational, psychological and other forms of counselling.~~

~~(2) Correctional recommendations given under items 1) through 3) and 8) of paragraph 1 of this Article shall be enforced by the competent prosecutor, while the correctional recommendations given under items 4) through 7) shall be enforced by the judge for juveniles.~~

### **~~Selection of Correctional Recommendations~~**

#### **~~Article 68~~**

~~(1) When deciding which particular correctional recommendation to apply, the competent prosecutor or judge 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 applying correctional recommendations.~~

~~(2) The correctional recommendations may not last longer than one year.~~

~~(3) Upon becoming effective, one correctional recommendation may be replaced with another, or it may be cancelled.~~

~~(4) The selection and application of correctional recommendations is done in collaboration with the juvenile's parents or guardians and institutions of social welfare.~~

## **~~Criminal Sanctions for Juveniles~~**

### **~~Article 69~~**

~~(1) Only correctional measures may be imposed upon a juvenile who at the time of commission of a criminal offence had attained fourteen years of age but had not reached sixteen years of age (a junior juvenile).~~

~~(2) Correctional measures may be imposed upon a juvenile who at the time of commission of a criminal offence had attained sixteen years of age but had not yet reached eighteen years of age (a senior juvenile) under conditions laid down by this Code, and exceptionally a punishment of juvenile imprisonment may be imposed.~~

~~(3) Security measures may be imposed on juveniles under the conditions laid down in this Code.~~

~~(4) Judicial admonishment or a suspended sentence may not be imposed on a juvenile.~~

## **~~Special Purpose of Criminal Sanctions Imposed on Juveniles~~**

### **~~Article 70~~**

~~The special purpose of correctional measures and of juvenile imprisonment is to ensure the education, correction and proper development of juveniles who have committed criminal offences by extending protection, assistance and supervision, providing them with vocational training and developing their personal responsibility. In addition, the purpose of juvenile imprisonment is to exercise special influence on juvenile offenders in order to prevent them from committing criminal offences in the future, as well as to deter other juveniles from committing criminal offences.~~

## **~~Types of Correctional Measures~~**

### **~~Article 71~~**

~~The following correctional measures may be passed on a juvenile offender:~~

~~— Disciplinary measures: court reprimand or confinement in a disciplinary centre for juveniles;~~

~~— Measures of intensified supervision: by the parents, adoptive parents or guardians, in a foster home, or by a competent social welfare body;~~

~~— Institutional measures: confinement in an educational institution, to a corrective training home/an educational reformatory home or some other rehabilitation institution.~~

## **~~Selection of Correctional Measures~~**

### **~~Article 72~~**

~~When deciding on the appropriate correctional measure, the court shall take into account the age of the juvenile, the degree of his mental development, psychological traits, his propensities, the motives for committing the deed, the education and upbringing he was as yet provided with, his environment and living conditions, the gravity of his deed, whether he has a previous record of punishment or whether a correctional measure has previously been imposed upon him, and all other circumstances relevant to the selection of such a measure.~~

**~~Court Reprimand~~**  
**~~Article 73~~**

- ~~(1) Court reprimand shall be pronounced if it is sufficient only to censure the juvenile for the criminal offence he has committed.~~
- ~~(2) In pronouncing the reprimand the court shall indicate to the juvenile the harmful effects of his conduct and shall alert him to the fact that another measure might be pronounced to him should he relapse into crime.~~

**~~Confinement in a Disciplinary Centre for Juveniles~~**  
**~~Article 74~~**

- ~~(1) The court shall impose the correctional measure of confinement in a disciplinary centre for juveniles when it appears necessary to exert an influence on the character and conduct of a juvenile offender by means of appropriate short-term measures.~~
- ~~(2) A juvenile upon whom a measure set forth under paragraph 1 of this Article has been imposed may be committed by the court to the disciplinary centre:~~
- ~~— For a specified number of hours on holidays, but for not more than four consecutive days of a holiday;~~
  - ~~— For a specified number of hours during a day, but for not more than one month;~~
  - ~~— For a continuous stay over a specified number of days, totalling to not more than twenty days.~~
- ~~(3) In ordering a measure set forth under paragraph 1 of this Article, the court shall make sure 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.~~
- ~~(5) In imposing the correctional measure of confinement in the disciplinary centre for juveniles, the court may impose the correctional measure of intensified supervision by the competent social welfare body, which will be executed after the execution of the correctional measure of confinement in the disciplinary centre for juveniles.~~

**~~Intensified Supervision by Parents, Adoptive Parents or Guardian~~**  
**~~Article 75~~**

- ~~(1) The correctional measure of intensified supervision by parents, adoptive parents or guardians, shall be ordered by the court if the parents, adoptive parents or guardians have failed in supervising the juvenile, although they are capable of exercising such supervision.~~
- ~~(2) When imposing the correctional measure under paragraph 1 of this Article, the court may give necessary instructions to the parents, adoptive parents or guardians, and order them to carry out particular duties with respect to measures that need to be undertaken towards the education of the juvenile, towards his medical treatment and averting harmful influences upon him.~~
- ~~(3) In imposing the correctional measure under 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 parents, adoptive parents or guardians. 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.~~

**~~Intensified Supervision in a Foster Home~~**  
**~~Article 76~~**

~~(1) If the parents, adoptive parents or guardians of a juvenile are not in a position to supervise him, or if they cannot be reasonably expected to do so, the court shall impose on the juvenile the correctional measure of intensified supervision in a foster home placing him with another family that is willing to accommodate him and that has the ability to exercise intensified supervision over him.~~

~~(2) The enforcement of the correctional measure under paragraph 1 of this Article shall be discontinued when it becomes possible for the parents, adoptive parents or guardians of the juvenile to exercise intensified supervision over him, or when as a result of the education process the intensified supervision becomes no longer required.~~

~~(3) In imposing the correctional measure under 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.~~

**~~Intensified Supervision by the Competent Social Welfare Body~~**  
**~~Article 77~~**

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

~~(2) The court shall subsequently decide on the date of discontinuation of the correctional 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 parents or guardians, 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 care body shall take care of the juvenile's studies, his employment, his separation from the environment affecting him in a harmful way, his necessary medical treatment and the improvement of his living conditions.~~

**~~Special Obligations in Conjunction with Measures of Intensified Supervision~~**  
**~~Article 78~~**

~~(1) In imposing a correctional measure of intensified supervision referred to under Articles 75, 76 and 77 of this Code, the court may order a juvenile to fulfil one or more special obligations, if necessary for the successful enforcement of the measure, provided that the obligations cannot last longer than the correctional measure itself.~~

~~(2) The court may order the juvenile to fulfil the following obligations in particular: that he should 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, refrain from consuming alcohol and using 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 the 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 correctional 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.~~

#### **Confinement in an Educational Institution**

##### **Article 79**

~~(1) The court shall impose the correctional measure of confinement in an educational institution on a juvenile who has to be submitted to lasting supervision by 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 the measure, the court shall not determine its duration, but shall subsequently decide thereupon (Article 82, paragraph 2 of this Code).~~

#### **Confinement in a Corrective Training Home/an Educational Reformatory Home**

##### **Article 80**

~~(1) The court shall impose the correctional measure of confinement in a corrective training home/an educational reformatory home for juvenile offenders to a juvenile to whom intensified correctional/reformatory measures have to be applied.~~

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

~~(3) The juvenile shall remain in the corrective training home/educational reformatory home for a term not shorter than one year or longer than five years. When imposing the correctional measure referred to under paragraph 1, the court shall not determine its duration, but shall subsequently decide thereupon (Article 82, paragraph 2 of this Code).~~

#### **Confinement in Another Rehabilitation Institution**

##### **Article 81**

~~(1) To a juvenile whose mental or physical development is impeded the court may impose the correctional measure of confinement in another rehabilitation institution in lieu of the correctional measure of confinement in an educational institution or the correctional measure of confinement in a corrective training home/an educational reformatory home.~~

~~(2) The juvenile shall remain in the rehabilitation institution as long as it appears 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.~~

#### **Discontinuance and Modification of Decisions on Correctional Measures**

##### **Article 82**

~~(1) If after the decision on imposing a correctional measure of intensified supervision or an institutional correctional measure, circumstances arise 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 correctional measure of intensified supervision or an institutional correctional measure.~~

~~(2) In addition to the cases referred to in paragraph 1 of this Article, unless otherwise provided with respect to certain measures, the enforcement of correctional measures of intensified supervision or institutional correctional measures may be discontinued due to the success achieved in the correctional process, or these measures may be substituted by other such measures better suited to attainment of the purpose of correctional measures. As to the institutional correctional measures, the discontinuance or substitution of an institutional correctional measure by another type of institutional correctional measure shall be subject to the following restrictions:~~

~~1. Enforcement of the correctional measure of confinement in an educational institution may not be discontinued before the expiration of a term of six months, and until such time can only be substituted by the correctional measure of confinement in a corrective training home/an educational reformatory home or the correctional measure of confinement in some other rehabilitation institution;~~

~~2. Enforcement of the correctional measure of confinement in a corrective training home/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 correctional measure of a confinement in some other rehabilitation institution.~~

~~(3) Exceptionally, enforcement of the correctional measure of confinement in an educational institution or the correctional measure of confinement in a corrective training home/an educational reformatory home may be discontinued or be substituted by some other measure even before the expiration of the time limits referred to in items 1) and 2) of paragraph 2 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.~~

### **~~Reconsideration of Correctional Measures~~**

#### **~~Article 83~~**

~~(1) The court shall reconsider the need of enforcing the correctional measure imposed if more than one year has elapsed since the day when the decision imposing a correctional measure of intensified supervision or an institutional correctional measure took effect, 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 correctional measure of confinement in 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 took effect, and if the enforcement of the measure has not yet commenced.~~

### **~~Impact of Punishment on Correctional Measures~~**

#### **~~Article 84~~**

~~(1) If the court pronounces a measure of juvenile imprisonment on a senior juvenile during the course of a correctional measure, such correctional measure shall terminate with commencement of the service of the sentence.~~

~~(2) If the court pronounces on an adult a sentence of juvenile imprisonment or imprisonment for not more than one year during the course of a correctional measure, such correctional measure shall terminate with commencement of the service of the sentence.~~

~~(3) If the court pronounces on an adult a sentence of imprisonment for not more than one year during the course of a correctional measure, the court shall decide whether upon the completion of the imprisonment term the correctional measure will be continued or cancelled.~~

### **~~Records of Correctional Measures Ordered~~**

#### **~~Article 85~~**

~~(1) Records on the correctional measures pronounced are to be kept with the competent social welfare body pursuant to regulations enacted by the Ministry of Health.~~

~~(2) Data on correctional measures ordered may be revealed only to the court, public prosecutor's office, internal affairs authorities and social care bodies in relation to criminal proceedings against persons on whom the correctional measures were pronounced.~~

### **~~Pronouncing Correctional Measures to Young Adults~~**

#### **~~Article 86~~**

~~(1) The court may pronounce an appropriate institutional measure on the offender who has committed a criminal offence as an adult, but who is under 21 at the time of trial, if, given his personality and circumstances in which he committed the act, it may reasonably be expected that the correctional measure would have the same result as an imprisonment sentence.~~

~~(2) Under conditions defined in this Code, the court may pronounce all security measures on a young adult on whom it had pronounced a correctional measure, except for a prohibition to carry out a certain occupation, activity or duty.~~

~~(3) The correctional measure pronounced may last only until the offender turns twenty-three.~~

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

#### **~~General Provision~~**

#### **~~Article 87~~**

~~Only a senior juvenile criminally liable may be punished if he has committed a criminal offence for which a punishment of imprisonment for a term exceeding five years has been prescribed, if it would not be justifiable to apply a correctional measure because of the grave consequences of the offence committed and the high degree of criminal responsibility culpability.~~

### **~~Juvenile Imprisonment~~**

#### **~~Article 88~~**

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

~~(2) In determining the level of juvenile imprisonment, the court shall take into consideration all circumstances that may influence the sentence being longer or shorter (Article 37(1) and 37(2)), paying special attention to circumstances relating to the offender's personality.~~

~~(3) In determining the level of 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.~~

**~~Imposing Correctional Measures and Juvenile Imprisonment for Concurrent Criminal Offences~~**  
**~~Article 89~~**

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

~~(2) The court shall proceed in the same manner as set forth in paragraph 1 of this Article in case it establishes that a juvenile had committed a criminal offence prior or after a correctional measure or juvenile imprisonment has been imposed.~~

**~~Statute of Limitations Applicable to Execution of the Punishment of Juvenile Imprisonment~~**  
**~~Article 90~~**

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

- ~~1) Ten years if the punishment of juvenile imprisonment for a term exceeding five years has been imposed;~~
- ~~2) Five years if the punishment of juvenile imprisonment for a term exceeding three years has been imposed;~~
- ~~3) Three years if the punishment of juvenile imprisonment for a term not exceeding three years has been imposed.~~

**~~Imposing Criminal Sanctions on Adults for Offences They Committed as Juveniles~~**  
**~~Article 91~~**

~~(1) An adult who has reached twenty one years of age may not be tried for a criminal offence he committed 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 correctional measure, i.e. the measures of intensified supervision or institutional 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 committed, the time that has elapsed since the commission, the conduct of the offender and the purpose of the correctional measure.~~

~~(3) An appropriate institutional correctional measure may be imposed on an adult for a criminal offence he committed as a senior juvenile, and under conditions referred to in Article 86 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 committed, the time that has elapsed since its commission, the conduct of the offender, as well as the purpose of these sanctions. An appropriate correctional measure of intensified supervision, institutional correctional measure may be imposed on an adult for a criminal offence he committed as a senior juvenile, and under conditions referred to in Article 87 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 committed, the time that has elapsed since its commission, the conduct of the offender, as well as the purpose of these sanctions.~~

~~(4) As an exception to the provision set forth in paragraph 3 of this Article, in lieu of juvenile imprisonment the court may sentence to imprisonment or impose a suspended sentence on an adult who has reached twenty one years of age at the time of the trial. Regarding rehabilitation, expungement of record 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.~~

#### **Effect of Correctional Measures and Juvenile Imprisonment** **Article 92**

~~Correctional measures and juvenile imprisonment do not entail the legal consequences consisting of the bar to acquire certain rights as set forth (Article 98(2)).~~

#### **Imposing Security Measures to a Juvenile** **Article 93**

~~(1) Under conditions determined in law, a juvenile offender, on whom a correctional measure or a sentence to juvenile imprisonment has been imposed, may be pronounced these security measures: mandatory psychiatric treatment, mandatory treatment for addiction, prohibition against driving a motor vehicle and forfeiture of property.~~

~~(2) A security measure of mandatory treatment of alcohol and drug addicts may be imposed together with disciplinary measures.~~

~~(3) Instead of a security measure of mandatory psychiatric treatment, a correctional measure of confinement in 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.~~

### **C H A P T E R   S E V E N** **FORFEITURE OF PROCEEDS OF CRIME**

#### **The Basis of the Forfeiture of Proceeds of Crime** **Article 94**

(1) Nobody is allowed to retain any proceeds of crime.

(2) The proceeds under paragraph 1 of this Article shall be forfeited by the court decision, which established the commission of a criminal offence, under the terms set forth under this Code.

#### **Ways of Forfeiting Proceeds of Crime** **Article 95**

(1) All the money, valuable objects and every other type of proceeds of crime shall be forfeited from the offender, and in case the forfeiture is not feasible - the offender shall be obliged to pay an amount of money which corresponds to the proceeds of crime.

(2) Proceeds of crime may be confiscated from persons to whom they have been transferred without compensation or with a compensation which does not correspond to the real value, if the persons knew or should have known that they were proceeds of crime.

### **Protection of Injured Party Article 96**

(1) If criminal procedure has resulted in satisfying property claims of the injured party, the court shall order the confiscation of proceeds of crime if they exceed the satisfied 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 forfeited value, provided that the civil case is started within six months from the day when the decision by which he has been directed to litigate took effect and if he demands to be compensated from the forfeited value within three months from the day when 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 forfeited value, if he has begun litigating his claims within three months from the day when he found out about the judgement ordering the forfeiture, but no longer than within two years from the day when the decision on the forfeiture took effect, or if within three months from the day when the decision by which his claim was established he demands compensation from the forfeited value.

## **C H A P T E R   E I G H T LEGAL CONSEQUENCES OF CONVICTION**

### **Legal Consequences of Conviction Article 97**

(1) Conviction for particular criminal offences may entail as legal consequences the termination or loss of certain rights, or bar on the acquisition of certain rights.

(2) Legal consequences of conviction may not occur when the offender has received a fine or a suspended sentence, or when the court has released him from punishment.

(3) Legal consequences of conviction may be prescribed only by law and they take effect by the force of the law in which they were set forth.

### **Types of Legal Consequences of Conviction Article 98**

(1) Legal consequences following conviction relating to the termination or loss of certain rights are the following:

- 1) Cessation of the performance of particular jobs or functions in government agencies, business enterprises or other legal persons;
- 2) Termination of employment or cessation of the performance of a particular profession, occupation or activity;
- 3) ~~Degradation of military officers or civil servants in army~~ **Confiscation of permits or approvals issued by an authority or status recognized by the decision of the authority;**
- 4) Revocation of decorations.

34 Unofficially consolidated by Halisa Skopljak

(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

(2) Legal consequences of conviction which consist of a bar on the acquisition of particular rights are as follows:

- 1) Bar to the performance of certain jobs or functions in government agencies, business enterprises or other legal persons;
- 2) Bar to giving statements in the press, radio, TV and public events, bar to carrying on publishing activities or bar to being a party to establishment of associations;
- 3) Bar to the acquisition of a particular office, title, position or promotion in service;
- 4) Bar to the acquisition of particular permits or licenses that are issued by a decision of government agencies.

#### **Beginning and Duration of Legal Consequences of Conviction Article 99**

(1) The legal consequences of conviction take effect on the day of effectiveness of the sentence.

(2) The legal consequences of conviction which consist of a bar to the acquisition of particular right may not exceed ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitations, except for certain legal consequences for which law provides a shorter period of duration.

(3) The legal consequences of conviction cease by the expungement of record.

### **CHAPTER NINE STATUTORY AND JUDICIAL REHABILITATION AND REQUIREMENTS FOR RELEASING INFORMATION FROM CRIMINAL RECORD**

#### **Statutory and Judicial Rehabilitation Article 100**

(1) Statutory and judicial rehabilitation deletes the conviction and all its legal consequences and the convict shall be considered unconvicted.

(2) Statutory and judicial rehabilitation shall terminate also the additional punishment that has not been served.

(3) Rehabilitation shall happen either by the operation of law (statutory rehabilitation) or by court decision issued at the request of the convict (judicial rehabilitation).

(4) Statutory and judicial rehabilitation shall not impair third persons' rights arising from the judgment of conviction.

(5) 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 limitations, convicted persons shall freely enjoy all rights provided by the constitution, law and other regulations, even before the statutory and judicial rehabilitation, except those whose exercise is limited as a result of a security measure imposed on them or a legal consequence of the conviction. The provision also applies to persons on parole.

#### **Statutory Rehabilitation Article 101**

(1) Statutory rehabilitation shall happen only with regard to persons who have not been convicted earlier or are considered unconvicted by law.

(2) Statutory rehabilitation shall happen:

- 1) A sentence of judicial admonishment and a sentence by which a person who has committed a criminal offence has been released from punishment shall be expunged from the criminal record, provided he does not commit 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 expunged from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the person convicted has committed another criminal offence within that period.
  - 3) A sentence of a fine, **or** a term not exceeding one year ~~or of juvenile imprisonment~~ shall be expunged from the criminal record after the lapse of the period of three years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitations, provided the convicted person does not commit a new criminal offence within that period.
  - 4) The sentences of imprisonment for a term between one year and three years, shall be expunged 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 limitations, provided that the convicted person does not commit a new criminal offence within that period.
- (4) Sentences may not be expunged from criminal records for as long as security measures are in force.
- (5) When the requirements for expungment of sentence under preceding provisions have been met, the sentence shall be considered expunged from criminal record at the moment when the requirements have been met.

### **Judicial Rehabilitation**

#### **Article 102**

- (1) Judicial rehabilitation may be granted to a person sentenced to imprisonment for a term between three and five years, if a period of eight years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by statute of limitations, provided that the convicted person has not committed a new criminal offence within that period.
- (2) In deciding cases under preceding paragraph, the court may grant rehabilitation if it established that the convicted person has deserved it through his conduct and that he is reasonably expected not to commit any criminal offence in future.
- (3) Judicial rehabilitation shall not be granted for as long as security measures are in force.
- (4) Exceptionally, the court may grant rehabilitation to a person having received multiple sentences, if statutory periods of time have expired or other requirements set forth in preceding paragraphs have been met for each of the sentences he received.

### **Revealing Information from Criminal Record**

#### **Article 103**

- (1) Information from criminal record may be given to the court, prosecutor and law enforcement authorities in connection with the criminal proceedings conducting against a person earlier convicted, to authorities implementing criminal sanctions and to authorities competent to grant amnesty, pardon or expungement of record.

- (2) Information from criminal record may be given to state agencies, companies and other legal person at their reasoned request if certain legal consequences of the conviction or security measure are still in force or if justified interest for it exists by law.
- (3) Information about deleted convictions shall not be given to anyone.
- (4) Nobody shall ask of citizens to submit any evidence of conviction or non-conviction.
- (5) Information from criminal record may be given to citizens at their request only if the information is required for entitlements or interests to be exercised ~~abroad~~.

**Termination of Security Measures and Legal Consequences of Conviction on the Basis  
of the Court Decision  
Article 104**

- (1) The court may decide to discontinue the application of the security measure of a prohibition to carry out a certain occupation, activity or duty or revocation of driving licence, if one year has elapsed from the day on which the security measure took effect.
- (2) The court may decide to terminate the legal consequence of a sentence consisting in the bar on the acquisition of a certain right after the lapse of one year from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitations.
- (3) In deciding whether to order the termination of a security measure or a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate for damage caused by the commission of a criminal offence and to return material gain acquired by the commission of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or a legal consequence of a sentence.
- (4) The termination of legal consequences following conviction in no way affects the rights of third parties arising from the judgement.

**CHAPTER TEN  
GENERAL PROVISIONS ON EXECUTION OF CRIMINAL SANCTIONS**

**Limits on the Execution of Punishments  
Article 105**

- (1) A person upon 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 nature and purpose of the particular sentence and in the way that ensures respect of the offender's personality and his human dignity.
- (2) A person upon whom a punishment is to be executed shall not be subject to torture or other types of cruel, inhuman or degrading treatment. Should he be subject to such treatment, he shall have access to a judicial recourse.

**Institutions in Which Sentences of Imprisonment and Juvenile Imprisonment Are  
Served  
Article 106**

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

~~(3) The sentence of juvenile imprisonment shall be served in special institutions for juvenile offenders, where they are allowed to stay until they reach twenty three years of age. Those who have reached twenty three years of age and have not served their term shall be placed to serve the remainder of the juvenile term in the institution where adults serve sentences.~~

### **Treatment of Convicted Persons**

#### **Article 107**

- (1) In the execution of a criminal sanction, the convicted person shall be treated in a human manner with the respect for his human dignity and corporal and mental integrity.
- (2) No correctional, medical or psychological treatment that infringes the convicted person's privacy shall be applied if the convicted person refuses them explicitly.

### **Release on Parole**

#### **Article 108**

- (1) A convicted person who has served one half of his sentence may be released from serving the punishment of imprisonment on the condition that he does not commit another criminal offence before expiration of the time of the sentence (parole, conditional release).
- ~~(2) A convicted person who has served one 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, but not before he has served at least one year of the term. During the parole, the court may order the measure of intensified supervision by a competent social welfare body.~~
- ~~(3)~~<sup>(2)</sup> The person punished by long-term imprisonment may be granted conditional release after three-fifths of the punishment have been served on the condition that he does not commit another criminal offence in future.
- ~~(4)~~<sup>(3)</sup> In determining whether to release a convicted person on parole, an account shall be taken of his conduct during the term of the sentence, of his discharging duties in accordance with his working ability as well as other circumstances indicating that the purpose of the punishment has been attained.

### **Revocation of Parole**

#### **Article 109**

- (1) The court shall order revocation of parole if the convicted person, while on parole, commits one or more criminal offences for which a punishment of imprisonment for a term exceeding one year has been imposed.
- (2) The court may order revocation of parole if the parolee commits 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 committed, their significance, the motives from which they were committed, as well as other circumstances indicating the appropriateness of revoking parole.
- (3) When the court orders revocation of parole, it shall impose punishment in pursuance of Articles 42 and 43(2) 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 committed prior to his release on parole.
- (5) If the parolee is convicted to imprisonment for a term up to 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.
- ~~(6) The preceding provisions shall be applied to revocation of parole granted to a person sentenced to juvenile imprisonment.~~

#### **Specific Provision Article 110**

The execution of criminal sanctions shall be regulated in a separate law.

### **CHAPTER ELEVEN STATUTE OF LIMITATIONS**

#### **Application of Statute of Limitations to Prosecution Article 111**

- (1) Unless it is stipulated otherwise in this Code, criminal prosecution shall not be instituted when the following time periods have elapsed since the commission of a criminal offence:
  - 1) Thirty-five years in the case of a criminal offence for which a punishment of long-term imprisonment is prescribed;
  - 2) Twenty years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding ten years is prescribed;
  - 3) Fifteen years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding five years is prescribed;
  - 4) Ten years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding three years is prescribed;
  - 5) Five years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding one year is prescribed;
  - 6) 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 statute of limitations applicable to the most severe punishment prescribed shall be applied.

#### **Running and Interruption of the Period Set by Statute of Limitations Regarding the Institution of Prosecution Article 112**

- (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 committed.
- (2) The running of the period set by statute of limitations is suspended for any time during which the prosecution cannot be legally instituted or continued, and if the consequence caused by that offence takes effect later, the statute of limitations of the criminal prosecution shall last from the day the consequence took effect.

(3) The running of the period set by statute of limitations is interrupted by every motion that relates to the prosecution of the offender on account of the criminal offence committed.

(4) The running of the period set by statute of limitations is also interrupted if the offender, before the period of limitation has elapsed, has committed 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 period set by statute of limitations to institute criminal prosecution expires in any case when twice as much time lapses as is set by the statute of limitations for the initiation of criminal prosecution.

(7) The statute of limitation for the criminal offences against the gender integrity, marriage and family perpetrated against the persons under the age of 18 shall run from the day of majority of the damaged person.

### **Period Set by Statute of Limitations Regarding the Execution of Punishment Article 113**

Unless it is stipulated otherwise in this Code, the imposed sentence shall not be executed when the following time periods have elapsed:

- 1) Thirty-five years if a punishment of long-term imprisonment has been imposed;
- 2) Twenty years if a punishment of imprisonment for a term exceeding ten years has been imposed;
- 3) Fifteen years if the punishment of imprisonment for a term exceeding five years has been imposed;
- 4) Ten years if the punishment of imprisonment for a term exceeding three years has been imposed;
- 5) Five years if the punishment of imprisonment for a term exceeding one year has been imposed;
- 6) Three years if the punishment of imprisonment for a term not exceeding one year or a fine has been imposed.

### **Period Set by Statute of Limitations Regarding the Execution of Additional Punishments and Security Measures Article 114**

(1) The execution of a fine as an additional 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, the measure of mandatory treatment for 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 or the measure of revocation of driving licence shall be barred after the lapse of the period for which this measure has been ordered.



**The Running and Interruption of the Period Set by Statute of Limitations Regarding  
the Execution of Punishments and Security Measures  
Article 115**

- (1) The running of the period set by statute of limitations 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 limitations shall not run during the time the punishment cannot be executed by operation of law.
- (3) The running set by statute of limitations 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 statutes of limitation shall commence anew.
- (5) The period set by statute of limitations to execute the punishment shall expire in any case when twice as much time lapses as is set by the statute of limitations for the execution of punishments but it shall not be applied if the sentence is being served.
- (6) The provisions of paragraphs 2 through 5 of this Article shall be applied accordingly to bar the execution of security measures.

**CHAPTER TWELVE  
AMNESTY AND PARDON**

**Amnesty  
Article 116**

By an amnesty, the persons covered by it are given a release from prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, expungement of record, or cancellation of legal consequences of conviction.

**Pardon  
Article 117**

- (1) By means of pardon, the specifically designated persons are given ~~a release from criminal prosecution,~~ complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one or suspended sentence, expungement of record, or annulment or shortening the duration of the security measure or a certain legal consequence following conviction.
- (2) A pardon for the criminal offences punishable by long-term imprisonment shall not be granted before the convict has served three fifths of the term.

**Comment [a1]:** OG RS 108/04

**Impact of Amnesty and Pardon on Third Parties' Rights  
Article 118**

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

## **CHAPTER THIRTEEN**

### **APPLICATION OF THE RS CRIMINAL CODE ACCORDING TO THE PLACE OF COMMISSION OF CRIMINAL OFFENCE**

#### **Application of the RS Criminal Code to Anyone who Commits a Criminal Offence in the Territory of RS Article 119**

- (1) The RS Criminal Code shall apply to anyone who commits a criminal offence in the territory of RS.
- (2) The RS Criminal Code shall apply to anyone who commits a criminal offence aboard a national vessel, regardless of the whereabouts of the vessel at the time of commission.
- (3) The RS Criminal Code shall apply to anyone who commits a criminal offence aboard national civilian or military aircraft while in the air, regardless of the whereabouts of the aircraft at the time of commission.

#### **Application of the RS Criminal Code to Some Criminal Offence Committed Outside its Territory or Abroad Article 120**

The RS Criminal Code shall apply to anyone who commits a criminal offence under articles 293 through 311 outside the territory of RS or abroad.

#### **Application of the RS Criminal Code to RS Citizens Having Committed a Criminal Offence Abroad Article 121**

The RS Criminal Code shall apply to anyone who commits any criminal offence other than those under article 120 abroad if he happens to be found in the territory of RS or if he is extradited to RS.

#### **Application of the RS Criminal Code to Aliens Having Committed a Criminal Offence Abroad Article 122**

- (1) The RS Criminal Code shall apply to any alien who commits any criminal offence against RS or its citizen not defined under article 120 outside the territory of RS if he happens to be found in the territory of RS or if he is extradited to RS.
- (2) The RS Criminal Code shall apply to any alien who commits any criminal offence against a foreign country or an alien, which is punishable by five or more years of imprisonment under the RS Criminal Code, outside the territory of RS if he happens to be found in the territory of RS and he is not extradited to the foreign country. In this case the court shall not pass a sentence that is more severe than the one provided for in the legislation of the country where the criminal offence was committed.

### **Special Conditions for Prosecution**

#### **Article 123**

- (1) If in the cases under article 119 of this Code the criminal proceedings have been instituted or completed in a foreign country, prosecution may be carried on in RS only with the approval of RS Chief Prosecutor.
- (2) In cases under article 121 and 122 of this Code prosecution shall not be carried on if:
  - 1) the offender has served the entire term he received abroad,
  - 2) the offender has been acquitted by a finally binding verdict,
  - 3) under the foreign legislation, the criminal offence is prosecuted only upon the motion of the injured party but the motion has not been filed.
- (3) In cases under article 121 and 122 of this Code prosecution shall be carried on only if the criminal offence is punishable also under the legislation of the country where the criminal offence was committed. When in cases under article 121 and 122 of this Code the criminal offence is not punishable under the legislation of the country where the criminal offence was committed, prosecution shall be carried on only with the approval of RS Chief Prosecutor.
- (4) In cases under article 122, paragraph 2, of this Code prosecution shall be carried on only with the approval of RS Chief Prosecutor, regardless of the legislation of the country where the criminal offence was committed if at the time of commission the act was considered criminal offence under general legal principles recognized by the international community.
- (5) In cases under article 119 of this Code prosecution of an alien may be relinquished to a foreign country on the condition that reciprocity shall be applied.

### **Crediting Pre-trial Detention and Imprisonment Term Served Abroad**

#### **Article 124**

Pre-trial detention, detention during the extradition procedure and the prison term served in pursuance of a foreign court shall be credited against the prison term passed for the same criminal offence by the court in RS or, if the sentences are not of the same type, the court shall exercise discretion in crediting the earlier sentence.

## **CHAPTER FOURTEEN**

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

#### **Liability of Legal Persons**

##### **Article 125**

- (1) This Chapter regulates criminal liability of a legal person, excluding Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brčko District of Bosnia and Herzegovina, and any canton, city, municipality and local community, for a criminal offence, committed in the name of, on account of or in favour of the legal person.
- (2) The application of some punishments or other criminal sanctions imposed on legal persons may be excluded or limited under the conditions stipulated by the law.
- (3) Provisions of the General Part of this Code shall be applied accordingly unless otherwise provided in this Chapter.
- (4) The criminal procedure against legal persons shall be conducted in accordance with Criminal Procedure Code of the Republika Srpska.

43 Unofficially consolidated by Halisa Skopljak

(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

**Territorial Applicability of This Code Relating to ~~Criminal Liability~~ Culpability of  
Legal Person  
Article 126**

(1) Pursuant to this Code, national and foreign legal persons shall be liable for criminal offences committed within the territory of the Republika Srpska.

(2) Pursuant to this Code, national and foreign legal persons, which have its head office in the territory of Bosnia and Herzegovina or if they carry out its activities in the territory of the Republika Srpska, shall also be liable for a criminal offence committed outside the territory of the Republika Srpska if the offence was committed against the Republika Srpska, its citizens or national legal persons.

**(3) Pursuant to this Code a domestic legal person shall also be liable for a criminal offence perpetrated outside the territory of Republika Srpska against a foreign state, foreign citizens or foreign legal persons, under conditions referred to in Article 121 of this Code.**

**Basis of Liability of a Legal Person  
Article 127**

For a criminal offence committed in the name of, on account of or for the benefit of the legal person, the said legal person shall be liable:

- 1) when the purpose of the criminal offence arises from any decision, order or permission of its managerial or supervisory bodies; or
- 2) when its managerial or supervisory bodies have influenced the offender or enabled him to commit the criminal offence; or
- 3) when a legal person disposes of illegally obtained property or uses any objects acquired in a criminal offence; or
- 4) when its managerial or supervisory bodies have failed to carry out proper supervision of the legality of the work of its employees.

**Limits of Liability of a Legal Person  
Article 128**

(1) In addition to the conditions under Article 127 of this Code, a legal person shall also be liable for a criminal offence when the offender is not himself criminally liable for such offence.

(2) The liability of the legal person shall not exclude ~~criminal liability~~ culpability of physical or responsible persons for the committed criminal offence.

(3) For criminal offences due to negligence, a legal person may be liable under the conditions referred to in Article 127, item 4) of this Code, and in such case the legal person may be punished less severely.

(4) When, within the legal person there is no other individual person or body except the offender himself, which could direct or supervise the offender, the legal person shall be liable for the criminal offence within the limits of the offender's liability.

### **Liability of a Legal Person while Changing the Status**

#### **Article 129**

- (1) A legal person in bankruptcy may be criminally liable for a criminal offence regardless of the fact that the criminal offence was committed before the beginning of bankruptcy proceedings or in the meantime, but no punishment may be imposed on a legal person in bankruptcy, save for the security measure of forfeiture or the confiscation of proceeds of crime.
- (2) In the event that the legal person has ceased to exist before criminal proceedings are completed with a finally binding judgement, and in those criminal proceedings that legal person was found liable, punishments and other criminal sanctions shall be imposed on the legal person which is its legal successor, if its managerial or supervisory bodies had knowledge of the committed criminal offence before the cessation of the existence of the legal person.
- (3) The security measure of forfeiture of property or proceeds of crime shall be imposed upon the legal person, which is the legal successor of the convicted legal person, if its management or supervisory bodies had knowledge of the committed criminal offence.
- (4) In the event of the legal person ceasing to exist upon the completion of criminal proceedings, the criminal sanction shall be executed pursuant to the provisions of paragraphs 2 and 3 of this Article.

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

#### **Article 130**

- (1) Where a legal person commences a planned criminal offence, but does not complete such offence, under the conditions under Article 127 of this Code, the legal person shall be liable where the law prescribes that the attempt is so punishable.
- (2) The legal person shall be punished for any attempt as a full criminal offence, but may be punished less severely.
- (3) Where the managerial or supervisory authorities of the legal person have prevented the offender from completing the full criminal offence, the legal person may be released from punishment.

### **Continued Criminal Offence**

#### **Article 131**

Where the same grounds for liability of the legal person exist with respect to several similar and time-related criminal offences committed by several persons, such legal person shall be liable as if a single criminal offence was committed.

### **Complicity of Legal Persons**

#### **Article 132**

- (1) Where two or more legal persons are found to have participated in the commission of a criminal offence, each shall be subject to liability pursuant to Article 127 of this Code.
- (2) Where there is complicity involving legal persons under paragraph 1 of this Article, each separate legal person shall be held accountable in the same way as if it were the only legal person criminally responsible for the offence.

### **Mitigation in the Punishment of Legal Person or Release from Punishment Article 133**

- (1) A legal person, whose managerial or supervisory authority reports the offender for a criminal offence, may be punished less severely.
- (2) A legal person whose managerial or supervisory authority, following the commission of a criminal offence, decides to return the proceeds of crime, to remove any harmful effects or to communicate information on the grounds for holding other legal persons responsible, may be released from punishment.

### **Punishment of Legal Persons Article 134**

The following types of punishment may be imposed upon legal persons:

- 1) fines;
- 2) forfeiture of property;
- 3) dissolution of the legal person.

### **Fines on Legal Persons Article 135**

- (1) Fines to be imposed on a legal person shall be no less than 5,000.00 KM and shall not exceed 5,000,000.00 KM.
- (2) Where, in committing any criminal offence, the legal person has caused material damage to another party or has in any way benefited from such offence, the scope of the fine imposed may be twice the amount of the said damage or benefit.
- (3) If a fine is not paid within the deadline set forth in the verdict, the procedure for forcible collection shall be implemented immediately.**

### **Forfeiture of Property Article 136**

- (1) Forfeiture of property may be imposed for any criminal offences punishable by a term of imprisonment of five years or more.
- (2) At least half of the property or the major part of the property or the entire property may be subject to forfeiture where activities of a legal person are wholly or partly used for the purpose of committing a criminal offence.
- (3) In the event of bankruptcy proceedings as a consequence of the aforesaid forfeiture, the creditors shall be permitted to settle their claims out of the so forfeited bankruptcy assets.

### **Dissolution of the Legal Person as a Punishment Article 137**

- (1) Dissolution of a legal person may be imposed where its activities are wholly or partly used for the purpose of committing a criminal offence.
- (2) In addition to dissolution of a legal person, forfeiture of property may be imposed.
- (3) In addition to the dissolution of a legal person, the court shall propose liquidation proceedings.

(4) Creditors may be paid from the property of the legal person so dissolved.

### **Imposition of Punishment on Legal Persons**

#### **Article 138**

(1) When imposing punishment on a legal person, in addition to the general principles on the imposition of punishments, the economic power of the legal person shall be taken into account.

(2) When imposing a fine for a criminal offence for which, in addition to a fine, property is subject to forfeiture, such forfeiture shall not exceed one half of the legal person's property.

### **Imposition of a Suspended Sentence on a Legal Person**

#### **Article 139**

(1) The court may impose a suspended sentence on the legal person in place of a fine.

(2) When imposing a suspended sentence, the court may impose a fine not exceeding 1,500,000.00 KM, but may, at the same time, decide that such fine shall not be imposed unless the legal person becomes liable for a further criminal offence within a time period between one and five years.

### **Security Measures of Legal Persons**

#### **Article 140**

In addition to the security measure of forfeiture of this Code, the following security measures may be imposed for criminal offences committed by legal persons:

- a) a publication of judgement;
- b) a ban on the performance of certain economic activities.

### **Publication of Judgement**

#### **Article 141**

(1) The security measure of a judgement publication shall be ordered where it is in the public interest to learn of such judgement, particularly where its publication could result in the removal of a threat to people's life and health, safety of traffic or the general economy.

(2) In deciding the significance of any particular criminal offence, the court shall also take into account the need for the public to learn about the judgement, the need for the judgement to be published in the printed media, by way of radio or television or in all branches of the media and at the same time to decide whether the judgment should be published wholly or in part. The court shall ensure that, whatever the method of publication, all those concerned by or in the judgement shall be informed.

### **Ban on Certain Economic Activities**

#### **Article 142**

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

~~(2) The security measure under paragraph 1 of this Article may be imposed on a legal person if its further performance of a particular economic activity would be likely to present a threat to the safety or lives of people, be prejudicial to the economic and financial operation of other legal persons or to the national economy in general, or if the said legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the commission of the criminal offence.~~

~~(3) The security measure under 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.~~

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

**(2) The security measure under paragraph 1 of this Article may be imposed on a legal person if its further performance of a particular activity would be likely to present a threat to the safety or lives of people, be prejudicial to the economic and financial operation of other persons or to the national economy in general, or if the said legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the commission of the criminal offence.**

**(3) The security measure under 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.**

#### **Forfeiture of Proceeds of Crime from Legal Person Article 143**

Where a legal person acquires material gain through the commission of a criminal offence, any proceeds from that offence shall be subject to forfeiture.

#### **Legal Consequences Following Conviction for a Legal Person Article 144**

- (1) Legal consequences following conviction of a legal person are:
- Prohibition of work based on a permit, authorisation or concession issued by the authorities of foreign countries;
  - Prohibition of work based on a permit, authorisation or concession issued by the institutions of the Republika Srpska.
- (2) Legal consequences following conviction of a legal person may take effect even when a fine has been imposed on that legal person for the commission of a criminal offence.

#### **Application of the Statute of Limitations Regarding the Institutions of Prosecution and Execution of Criminal Sanctions Imposed on Legal Persons Article 145**

- (1) Article 111 of this Code shall be applied to bar prosecution of a legal person in the event of lapse of time.
- (2) The execution of a sentence 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:
- Three years for the payment of a fine;



- 2) Five years for execution of forfeiture of property and of dissolution of the legal person.
- (3) The execution of a security measure shall become time-barred after the lapse of:
  - 1) Six months from the date of entry into force of the judgement whereby the publication of the judgement was imposed;
  - 2) A period equal to that for which a ban on performing certain economic activities is imposed.

### **Laws Prescribing the Criminal Offences of Legal Persons**

#### **Article 146**

Legal persons may be held accountable for criminal offences defined in this Code and other criminal offences defined by laws of the Republika Srpska.

## **CHAPTER FIFTEEN**

### **MEANING OF TERMS AS USED IN THIS CODE**

#### **Article 147**

- (1) The territory of the Republika Srpska as part of the territory of Bosnia and Herzegovina is meant to be the land and water surfaces within its borders and the air space over them.
- (2) The criminal legislation of the Republika Srpska comprises this Code and all criminal justice provisions contained in other laws of the Republika Srpska.

~~(3) An official person means: a person elected or appointed to legislative, executive and judicial office within the Republika Srpska and other governmental and administrative institutions or services which 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 administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law.~~

~~When an official person has been indicated as the offender of a particular criminal offence, persons under paragraph 3 of this Article may be considered the offenders of such offences provided that it does not follow from the characteristics of a particular criminal offence or under particular regulation that the offender may only be one of the specified persons.~~ An official person means: a person elected or appointed to legislative, executive and judicial office within Republika Srpska, local self-governance unit and other governmental and public institutions or services which perform particular administrative, expert and other duties, within the rights and responsibilities of the authority who has founded them; a judge of the Constitutional Court, a judge, a prosecutor and an attorney general; a person who continuously or occasionally executes official duty in the mentioned public bodies or institutions; notary public, executor or arbiter, an authorized person in a business enterprise or another legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the scope of the relevant authority on the basis of law or contract on arbitration; and other persons who are performing official duties on the basis of the authority stipulated by law or other regulations based on the law or other regulations originating from the law and a person who was actually entrusted with execution of certain official duties. When an official person has been indicated as the perpetrator of a particular criminal offence, persons referred to in this 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.

(4) 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 based on 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 are also considered responsible persons when the actions, in which the offender has been indicated as the responsible person, 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 any chapter of this Code.

(5) In cases when an official or responsible or military person has been indicated as the offender of a criminal offence, all these persons may be the offenders of such offence provided that it does not follow from the characteristics of a particular criminal offence that their perpetrator may only be one of the specified persons.

~~(6) A foreign official person means a member of a legislative, executive, administrative or judicial body of a foreign state, a public official person of an international organisation and its bodies, judge or other official person of an international court, serving in the Republika Srpska with or without remuneration.~~ A foreign official person means a member, functionary or official of a legislative or executive body of a foreign state, a person who is a judge, juror, member, functionary or other official person of a court of a foreign country or an international court, prosecutor, member, functionary or other official person of an international organization or of its bodies, as well as a person who is an arbiter in a foreign or international arbitration.

(7) A *legal person*, as under this Code, stands for the Republika Srpska, city, municipality, local community, any organisational form of a business enterprise and all forms of co-operating enterprises, institutions, crediting and other banking institutions or insurance of property and persons institutions, as well as other financial institutions, funds, political organisations and 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 legally recognised as legal persons.

~~(8) A business enterprise, for the purpose of this Code, means corporations, companies, firms, partnerships and any other organizational form registered for performing economic activities.~~ A business enterprise, for the purpose of this Code, means partnership, limited partnership, limited liability company and corporation (open and closed joint stock).

(9) *Several persons* mean at least two persons.

(10) A *body of people* constitutes at least five persons.

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

(12) A *structured criminal group* is a group of at least three persons that is formed for the immediate commission of an offence for which a punishment of imprisonment of three years or a more severe punishment may be imposed.

(13) An *organised criminal group* is a structured group of at least three persons, acting in concert with the aim of committing criminal offences. Activities of a criminal group with a high level of organization are directed towards taking and exercising control over particular

commercial or other activities by using intimidation or violence in order to make others to join the group or yield to it. *An organised criminal group* has a high level of connection among its members, the structure that is based on hierarchy, discipline and distribution of tasks. The organized criminal group is the basis of the notion of organized crime.

(14) *Refugees and displaced persons*, as under this Code, mean who left their property in the territory of the Republika Srpska, between 30 April 1991 and 4 April 1998, who are presumed to be refugees or displaced persons under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

(15) A *secret of the Republika Srpska* is so construed that it includes information or documents that have 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 national security or national interests of the Republika Srpska.

~~(16) A *military secret* is so construed that it includes information or documents that have been designated as a military secret by virtue of a law of the Republika Srpska, by virtue of a regulation of the Republika Srpska or by virtue of an enactment of a competent body of the Republika Srpska that is enacted in compliance with the law.~~

~~(17)~~ (16) An *official secret* is so construed that it includes information or documents that have been designated as official secret by virtue of a law of the Republika Srpska, a regulation of the Republika Srpska or a general enactment of the competent institution of the Republika Srpska made on the basis of law.

~~(18)~~ (17) *Professional secret* is a piece of information about personal or family life of clients or patients that attorneys, defence counsel, notaries public, 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.

~~(19)~~ (18) *Trade secret* is a piece of information or document which is defined as a trade secret in law, regulation or by-law of the trade company, institution or other legal entity, or any other information whose disclosure to an unauthorised person may bring about harm to the entity's interests.

~~(20)~~ (19) A *document* denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.

~~(21)~~ (20) *Money* denotes coins and banknotes, which are legal tender in Bosnia and Herzegovina or in a foreign country.

~~(22)~~ (21) *Instruments of monetary value* also include foreign instruments of monetary value as well as national and foreign mail stamps not in use any more.

~~(23)~~ (22) A *movable object* also includes any manufactured or accumulated energy used for producing light, heat or movement, and telephone and other impulses as well as any registered information that is the result of electronically processed information (computer data or programme).

~~(24)~~ (23) *Force* also includes the use of hypnotic suggestion or the use of intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacity for resistance.

~~(25)~~ (24) A *motor vehicle* is so construed that it includes every engine-run means for land, water and air traffic.

**(25) The hatred represents a motive for perpetration of a criminal offence provided in this code that is entirely or partly perpetrated due to actual or assumed ethnic or national origin, language or script, religious beliefs, race, colour, sex, sexual orientation, political or other affiliation, social origin, social status, age, health and other characteristics, or due to the association with persons with such characteristics. Hate**

crime is an offence entirely or partly perpetrated against a person for reasons of racial, national or ethnic origin, language, religious beliefs, colour, sex, or sexual orientation, health or gender.

(26) When the action of the criminal offence is specified with a continuous verb, the criminal offence is perpetrated if the action was taken one or more times.

## **SPECIAL PART**

### **CHAPTER SIXTEEN CRIMES AGAINST LIFE AND LIMB**

#### **Murder Article 148**

- (1) Whoever deprives another person of his life shall be punished by imprisonment for a minimum term of five years.
- (2) If the criminal offence under the preceding paragraph has been committed under particularly mitigating circumstances, the offender shall be punished by imprisonment for a term of between one and eight years.

#### **Murder (First Degree Murder) Article 149**

- (1) The punishment of imprisonment for a minimum term of ten years or long term imprisonment shall be imposed on a person who:
- 1) cruelly or insidiously deprives another person of his life;
  - 2) deprives another person of his life through greed, to commit or cover up another criminal offense, revenge, hatred or for any other base motive ~~or out of hatred~~;
  - 3) deprives another person of his life while acting ruthlessly and violently;
  - 4) deprives another person of his life and in doing so intentionally endangers the lives of other persons;
  - 5) commits premeditated killing of two or more human beings, which is not voluntary manslaughter, infanticide or killing under particularly mitigating circumstances (article 148, paragraph 2);
  - 6) who kills a child, a minor or a pregnant woman knowing that she is pregnant,
  - 7) who kills a judge or prosecutor in relation to their function or an official or a military person in the exercise of their duties of security, while keeping peace and order or apprehending an offender or guarding any person deprived of freedom.
- (2) The punishment under paragraph 1 of this article shall also be imposed upon offenders when a murder is committed by an organized group or has been ordered.

#### **Homicide Caused by Irresistible Impulse (Voluntary Manslaughter) Article 150**

Whoever kills a human being, having been innocently provoked into a state of extreme anger or terror by the victim's attack, torture or serious insult, shall be punished by imprisonment for a term of between one and ten years.

**Infanticide**  
**Article 151**

A mother who kills her newly born child at birth or immediately thereafter, under the influence of a condition that is caused by childbirth shall be punished by imprisonment for a term of between six months and five years.

**Negligent Homicide**  
**Article 152**

Whoever kills a human being through negligence, shall be punished by imprisonment for a term of between six months and five years.

**Incitement to Suicide and Assistance in Suicide**  
**Article 153**

- (1) Whoever induces another to commit suicide or renders assistance in committing suicide, and the suicide is thereby committed, shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever commits an offence under 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 of between two and ten years.
- (3) Whoever commits an offence under paragraph 1 of this article against a child or against a person who is unable to understand the meaning of his actions or control his actions, shall be punished pursuant to Articles 150 and 151 of this law by imprisonment of at least five years.
- (4) Whoever brutally or inhumanely treats a person who is in any way subordinate to, or dependent on, him, as a result of which that person commits suicide that may be attributed to the negligence of the offender, shall be punished by imprisonment for a term of between six months and five years.
- (5) Whoever assists another in committing suicide under particularly mitigating circumstances, shall be punished by imprisonment for a maximum term of three years.
- (6) If, as a result of an offence under paragraphs 1 to 4 of this article, suicide has been only attempted, the court may impose reduced punishment on the offender.

**Illegal Abortion**  
**Article 154**

- (1) Whoever, in contravention of abortion regulations, performs an abortion on a pregnant woman with her consent, commences performing abortion, or assist her in procuring her own miscarriage, shall be punished by imprisonment for a term of between three months and three years.
- (2) Whoever performs or commences performing an abortion on a pregnant woman without her consent, or, where a pregnant woman is less than 16 years old, whoever performs or commences performing an abortion on her without consent of her parent, adoptive parent or guardian,

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

(3) If grievous bodily harm, serious illness or the death of any pregnant woman occurs as a result of any offence under paragraphs 1 and 2 of this article, the offender shall be punished for an offence under paragraph 1 by imprisonment for a term of between six months and five years, and for an offence under paragraph 2 by imprisonment for a term of between two and twelve years.

### **Bodily Harm**

#### **Article 155**

~~(1) Whoever inflicts bodily harm upon another person or impairs his health, shall be punished by a fine or imprisonment for a maximum term of two years.~~

~~(2) The court may pass a judicial admonishment on the offender under paragraph 1 if he was provoked by severe insulting and violent behavior of the victim.~~

### **Light Bodily Harm**

#### **Article 155**

**(1) Whoever inflicts light bodily injury upon another person or lightly impairs his health,**

**shall be punished by a fine or imprisonment for up to one year.**

**(2) If such injury was inflicted by a weapon, dangerous tools or other means suitable for inflicting serious injuries or seriously impairs health, shall be punished by imprisonment for a maximum term of three years.**

**(3) The court may pass a judicial admonishment on the offender under paragraph 1-2 of this Article if he was provoked by severe insulting and violent behavior of the victim.**

**(4) Prosecution of the offence from paragraph 1 of this Article shall be initiated upon filed motion.**

### **Grievous Bodily Injury**

#### **Article 156**

(1) Whoever inflicts grievous bodily injury upon another person or gravely impairs his health, shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever inflicts bodily injury upon another person or impairs his health in such a serious manner that the injured person is endangered, if an important part or organ of his body is destroyed or permanently weakened to a substantial degree, if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place *or if the offence was perpetrated out of hatred*, shall be punished by imprisonment for a term of between one year and eight years.

~~**(3) Whoever commits criminal offence under paragraph 1 of this Article out of hatred shall be punished by imprisonment for a term of between one and ten years.**~~

~~(3) ~~(4)~~ (3)~~ If an offence under paragraphs 1 and 2 brings about the death of the victim, the offender shall be punished by imprisonment for a term of between one and twelve years.

(4) ~~(5)~~ (4) Whoever commits an offence under paragraphs 1 and 2 of this article through negligence, shall be punished by imprisonment for a maximum term of three years.

~~(5) ~~(6)~~ Whoever commits any offence under paragraphs 1 to 3 in the heat of passion, having been innocently provoked into a state of extreme anger or terror by the victim's physical or~~

~~serious verbal attack, shall be punished by imprisonment for a term of between three months and three years.~~

~~shall be punished for the criminal offence under paragraphs 1 and 2 by imprisonment for a maximum term of three years and for the criminal offence under paragraph 3 by imprisonment for a term of between six months and five years.~~

(5) Whoever commits the acts referred to in Paragraphs 1 through 3 in a fit of passion after having been provoked without his own fault into the state of intense irritation by the victim's attack, serious abuse or serious insult, shall be punished for the criminal offence referred to in paragraphs 1 and 2 by imprisonment for a term not exceeding three years, and for the criminal offence referred to in paragraph 3 by imprisonment for a term between six months and five years.

### **Participation in a Brawl Article 157**

(1) Whoever participates in a brawl which results in the death of any person, or in the infliction of grievous bodily harm to any person,

shall be punished for mere participation by imprisonment for a maximum term of three years.

(2) The criminal offence under paragraph 1 of this article does not exist if a person is involved in the brawl through no fault of his or defended himself or tried to separate the persons fighting.

### **Dangerous Implements Used in a Brawl or Quarrel Article 158**

Whoever wields any weapon, a dangerous implement or any other object suitable to inflict grievous bodily injuries or impair seriously the health of another,

shall be punished by a fine or imprisonment for a maximum term of six months.

### **Exposure to Danger Article 159**

(1) Whoever leaves another person without help in circumstances dangerous to life or health, which he himself has caused,

shall be punished by imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 above results in grievous bodily injury or grave impairment to health of the person,

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

(3) If any offence under paragraph 1 above results in the death of the person,

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

### **Abandonment of a Helpless Person Article 160**

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

shall be punished by imprisonment for a maximum term of two years.



(2) If any offence under paragraph 1 above results in grievous bodily injury or grave impairment to health of the helpless person,  
the offender shall be punished by imprisonment for a term of between six months and five years.

(3) If any offence under paragraph 1 above results in the death of the helpless person,  
the offender shall be punished by imprisonment for a term of between one and eight years.

#### **Failure to Render Help Article 161**

(1) Whoever leaves another person without help in life-threatening circumstances, although he could have rendered help without any risk to himself and others,  
shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any offence under paragraph 1 above results in grievous bodily injury of the person in life-threatening circumstances,  
the offender shall be punished by a fine or imprisonment for a maximum term of two years.

(3) If any offence under paragraph 1 above results in the death of the person in life-threatening circumstances, the offender shall be punished by imprisonment for a term of between three months and three years.

### **CHAPTER SEVENTEEN CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF CITIZENS**

#### **Infringement of the Equality of Individuals Article 162**

(1) Whoever, on the grounds of race, skin colour, national or ethnic background, religious, political or other belief, sex, sexual orientation, language, education or social status or social origins, denies or restricts the civil rights as provided for by the Constitution, any law or any ratified international agreement, or, whoever on the grounds of these differences grants unjustified privileges or favours to any person,  
shall be punished by imprisonment for a maximum term of three years.

(2) The punishment under paragraph 1 of this article shall also be applied to persons who persecute individuals and associations that advocate equality.

(3) If any criminal offence under paragraphs 1 and 2 is committed by an official person by abuse of official position or authority,  
the offender shall be punished by imprisonment for a term between six months and five years.

#### **Infringement of the Right to Language and Alphabet Article 163**

(1) Whoever restricts or denies any citizen the right to free use of his language or alphabet enshrined in the Constitution, any law or any ratified treaty,  
shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any criminal offence under paragraph 1 is committed by an official person by abuse of official position or authority,  
the offender shall be punished by a fine or imprisonment for a maximum term of two years.



**Coercion**  
**Article 164**

- (1) Whoever by force or threat of immediate use of force coerces a person into doing or not doing some act or suffering,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Whoever commits the criminal offence by a threat of death, grievous bodily harm or abduction or who commits the said offence as one of a group of people or organized group of people,  
shall be punished by imprisonment for a maximum term of three years.

**Abduction**  
**Article 165**

- (1) Whoever, by force, deceit or any other method, takes away or keeps another with the intention of extorting money or any other material advantage from him or another person or of coercing him or another person into doing or not doing some act or suffering, shall be punished by imprisonment for a term of between one to eight years.
- (2) Whoever commits an offence under paragraph 1 of this Code against a child or juvenile or threatens to kill or inflict grievous harm upon the abducted person or who commits the said offence as one of a group of people or organized group of people,  
shall be punished by imprisonment for a term of between one to ten years.
- (3) The sentence under paragraph 2 of this article shall be imposed where the abducted person is kept for more than fifteen days or if grave impairment of his health or any other serious consequences ensue.
- (4) If the abduction results in the death of the person abducted,  
the offender shall be punished by imprisonment for a term of between two and fifteen years.
- (5) Any offender under paragraphs 1 to 3 of this Code, who voluntarily releases the hostage before his demands are satisfied, may be released from liability for the offence.

**Unlawful Deprivation of Freedom**  
**Article 166**

- (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 maximum term of one year.
- (2) If any criminal offence under paragraph 1 is committed by an official person by abuse of official position or authority,  
he shall be punished by imprisonment for a maximum term of three years.
- (3) If the unlawful deprivation of freedom under paragraphs 1 and 2 is committed against a child or juvenile or lasts for more than fifteen days, or if cruelty is involved, or if grave impairment to a person's health or other serious consequences ensue,  
the offender shall be punished by imprisonment for a term of between one and five years.
- (4) If the person who is illegally deprived of freedom loses his life as a result of any criminal offence under paragraphs 1, 2 and 3,  
the offender shall be punished by imprisonment for a term of between two and twelve years.
- (5) An attempt of a criminal offence under paragraphs 1 and 2 is also punishable.

### **Prevention of Return of Refugees and Displaced Persons** **Article 167**

- (1) Whoever by use of force, serious threat or other illegal means, prevents refugees and displaced persons from returning to their homes of origin or any other place in the Republika Srpska or from having use of their property, shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever acts as a party to organized prevention or a group of people in committing a criminal offence under paragraph 1 of this article, or if grievous bodily harm is inflicted upon another, shall be punished by imprisonment for a term of between one and eight years.
- (3) If a person loses his life as a result of any criminal offence under paragraphs 1 and 2, the offender shall be punished by imprisonment for a minimum term of ten years.

### **~~Maltreatment~~** **~~Article 168~~**

- ~~(1) Whoever maltreats another person, inflicts grievous physical or mental suffering upon him, shall be punished by a fine or imprisonment for a maximum term of one year.~~
- ~~(2) If a criminal offence under paragraph 1 is committed against a child or juvenile, the offender shall be punished by imprisonment for a maximum term of two years.~~

### **Abuse, torture and other inhuman and degrading treatment** **Article 168**

- (1) Whoever abuses another person or treats him in a manner that degrades human dignity shall be punished by an imprisonment for a term not exceeding two years.*
- (2) Whoever by applying force, threat or other illicit manner inflicts on another person serious pain or serious suffering for such purposes as to obtain from him or a third person a confession, statement or information or to have him or a third person intimidated or illegally punished, or does that for any other reason based on any form of discrimination, shall be punished by imprisonment for a term between six months and five years.*
- (3) If the offence referred to in paragraphs 1 and 2 of this Article is perpetrated by and official in exercise of duty, he shall be punished for the criminal offence referred to in paragraph 1 of this Article by imprisonment for a term between six months and five years, and for the criminal offence referred to in paragraph 2 of this Article by imprisonment for a term between one year and ten years.*

### **Imperiling Security** **Article 169**

- (1) Whoever threatens the security of another by way of a serious threat to kill him or a person important to him, or inflict grievous bodily harm, deprive of freedom or abduct or inflict harm by arson, explosive or any other action or device dangerous to the public, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If the criminal offence under paragraph 1 is committed against an official person in relation to his duty or against a number of persons or if the offender commits the said offence as one of a group of people or organized group of people, the offender shall be punished by imprisonment for a maximum term of three years.

### **Infringing the Inviolability of Dwelling Article 170**

- (1) Whoever enters without authorization into an apartment or closed premises of another, or fails to leave them at the request of the authorized person, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) The punishment under paragraph 1 shall be applied to anyone who conducts an illegal search of an apartment or premises under preceding paragraph.
- (3) If any criminal offence under paragraph 1 of this article has been committed by an official by abuse of his position or authority, the offender shall be punished by imprisonment for a maximum term of three years.
- (4) An attempt of a criminal offence under paragraphs 1 and 2 is also punishable.

### **Illegal Search Article 171**

- (1) Whoever conducts an illegal search of a person or his belongings, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If the criminal offence under paragraph 1 of this article has been committed by an official by abuse of his position or authority, the offender shall be punished by imprisonment for a maximum term of three years.
- (3) An attempt of the criminal offence under paragraph 1 is also punishable.

### **Violation of Secrecy of Letters and Other Consignments Article 172**

- (1) Whoever, without authorization, opens any letter, telegram or any other sealed, written material or consignment belonging to another, or in any other way breaches its confidentiality or withholds it, without authorization, or who conceals, destroys or delivers to the wrong person any letter, telegram, fax, sealed written material or consignment belonging to another, shall be punished by a fine or imprisonment for a maximum term of six months.
- (2) Whoever, with the intention of gaining a benefit for himself or another, or for the purpose of inflicting damage to another, communicates or utilizes the content of a letter, telegram or any other sealed, written material or consignment belonging to another he gets to know by violating their secrecy, shall be punished by a fine or imprisonment for a maximum term of two years.
- (3) If any criminal offence under paragraphs 1 and 2 is committed by an official person by abuse of official position or authority, by a post clerk or any employee to whom handing over, transfer or delivery of a letter, telegram or any other sealed, written material or consignment belonging to another is entrusted, the offender shall be punished by imprisonment for a maximum term of three years in the case of a criminal offence under paragraph 1 and by imprisonment for a term between three months and five years in the case of a criminal offence under paragraph 2.
- (4) Prosecution of the criminal offence under paragraph 1 shall be carried only on request.

### **Unauthorized Disclosure of an Official Secret Article 173**

- (1) Any attorney, defense counsel, medical doctor or any other person who, without authorization, discloses any secret which becomes known to him during the exercise of his profession,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Whoever discloses a secret in the public interest or in the interest of another person which outweighs that of keeping the secret, shall not be held responsible in terms of the criminal offence under paragraph 1 of this article.
- (3) Prosecution of a criminal offence under paragraph 1 shall be carried only on request.

### **Unauthorized Tapping and Sound Recording Article 174**

- (1) Whoever, by use of special devices without authorization, taps or electronically records any conversation or statement which is not intended for him to hear it, or enables an unauthorized person to have knowledge of any conversation or statement that is tapped or recorded without authorization,  
shall be fined or punished by imprisonment for a maximum term of one year.
- (2) The punishment under paragraph 1 shall be applied to anyone who electronically records any conversation or statement, which is intended for him to hear it, without the knowledge or consent of the person who is giving it, with the intention of abusing it and to anyone who enables an unauthorized person to have knowledge of the conversation or statement.
- (3) If any criminal offence under paragraphs 1 and 2 of this article is committed by any official person in the course of his duty,  
he shall be punished by imprisonment for a maximum term of three years.

### **Unauthorized Photographing Article 175**

- (1) Whoever takes any photograph, film or other visual recording of another in his/her personal premises without that person's consent, violating the person's privacy blatantly, or who passes on or displays such a photograph to a third person or enables the third person by any other method to have direct access to the photograph,  
shall be fined or punished by imprisonment for a maximum term of one year.
- (2) If the criminal offence under paragraph 1 of this article is committed by any official by abuse of his position or authority,  
he shall be punished by imprisonment for a maximum term of three years.

### **Unauthorized Use of Personal Data Article 176**

- (1) Whoever, without the consent of any person and contrary to any conditions stipulated by the law, collects, processes, communicate or uses that person's personal data,  
shall be punished by a fine or by imprisonment for a maximum term of one year.
- (2) The punishment under paragraph 1 shall be also applied to anyone who, without authorization, accesses any database with personal details with the intention of using it for the

purpose of gaining advantage for himself or someone else, or for the purpose of inflicting damage to another.

(3) If any criminal offence under paragraphs 1 and 2 of this article is committed by any official by abuse of his position or authority,

he shall be punished by imprisonment for a maximum term of two years.

(4) An attempt of any criminal offence under paragraph 1 to 3 is punishable.

#### **Violation of the Right to Submit Complaints and Petitions Article 177**

(1) Whoever prevents another person from exercising his right to submit an appeal, objection, request, petition or complaint,

shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any criminal offence under paragraph 1 of this article is committed by any official by abuse of his position or authority,

he shall be punished by imprisonment for a maximum term of three years.

#### **Violation of the Freedom of Religion and Practice of Religion Article 178**

(1) Whoever prevents or denies the freedom of religion and practice of religion shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who violates the right of equality of a religious community honouring the law with other religious communities or who prevents a religious community from practicing the religion publicly.

#### **Violation of the Freedom of Expression of Nationality Article 179**

(1) Whoever prevents another from asserting his national or ethnic affiliation or national or ethnic culture, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who forces another to assert his national or ethnic affiliation.

(3) If any criminal offence under paragraph 1 and 2 of this article is committed by any official by abuse of his position or authority, shall be punished by imprisonment for a maximum term of two years.

#### **Violation of the Freedom of Expression Article 180**

(1) Whoever prevents or denies the freedom of expression or addressing the public, the establishment of an outlet of mass media, the freedom of the press or other mass media, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who orders or carries on censorship, denies any journalist access to information or restricts the freedom of information, unless it is a state, military or official secret.

**Preventing the Printing and Dissemination of Printed Materials  
Article 181**

Whoever unlawfully prevents the printing, sale or dissemination of books, magazines, newspapers or other printed material or production and broadcasting of radio and TV programmes,  
shall be punished by a fine or imprisonment for a maximum term of one year.

**Violation of the Right to Association and Political Organizing  
Article 182**

Whoever, by violating law or any other unlawful method, denies or prevents political, trade union or other association from organizing and whoever prevents political, trade union or other organization or citizens' association from operating,  
shall be punished by a fine or imprisonment for a maximum term of one year.

**Violation of the Right to Peaceful Assembly  
Article 183**

- (1) Whoever prevents or hinders the right of citizens to peaceful assembly or public gathering that is held in pursuance of law,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Whoever, by use of force, serious threat, deceit or other illegal method, prevents or hinders peaceful assembly or public gathering that is held in pursuance of law,  
shall be punished by imprisonment for a maximum term of two years.

**CHAPTER EIGHTEEN  
CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS**

**Preventing Elections and Voting  
Article 184**

- (1) Whoever, by force, serious threat or any other unlawful method, prevents or hinders elections or casting votes or whoever, in such a manner, prevents or hinders counting of ballots or announcement of election results,  
shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If any criminal offence under paragraph 1 of this article is committed in an organized manner or in two or more constituencies,  
the offender shall be punished by imprisonment for a maximum term of three years.

**Violation of the Right to Stand for Election  
Article 185**

Whoever, by violating laws or other regulations or by other unlawful method, prevents or denies the right to stand for election, shall be punished by a fine or imprisonment for a maximum term of one year.

### **Violation of Electoral Rights Article 186**

Whoever, with the purpose of preventing someone from exercising his electoral rights, unlawfully fails to enter a name in a voting list, or excludes a name out of the electoral roll, or prevents a person from voting in any other way, shall be punished by a fine or imprisonment for a maximum term of one year.

### **Violating the Free Decision-making of Voters Article 187**

- (1) Whoever, by use of force, serious threat, bribery, deceit or other illegal method, coerces any voter into voting for or against a particular proposal or into not voting at all or into voting in particular sense, shall be punished by a fine or imprisonment for a maximum term of ~~one year~~ **three years**.
- (2) A member of polling committee or election commission or any other person who commits an offence under paragraph 1 of this Article in the discharge of any duty entrusted to him with respect to any elections or vote, shall be punished by imprisonment for a maximum term of ~~two years~~ **between six months and five years**.
- (3) Any present or material advantage shall be confiscated.

### **Voting Fraud Article 188**

Whoever votes under the name or in place of another person, or votes or attempts to vote more than once, shall be punished by a fine or imprisonment for a maximum term of one year.

### **Corrupt Practises at an Election Article 189**

- (1) Whoever offers, gives or promises reward, present or any other material or immaterial advantage to a voter in order to induce him to vote for or against a particular proposal or into not voting at all or into voting in particular sense, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) The punishment shall be applied to a voter who asks or takes for himself or another a present or a promise of present or any other advantage in order to vote for or against a particular proposal or into not voting at all or into voting in particular sense.
- (3) The reward, present or other material advantage shall be confiscated.

### **Violation of Secrecy of Voting Article 190**

- (1) Whoever breaches the secrecy of the vote at an election, shall be punished by a fine or imprisonment for a maximum term of six months.
- (2) A member of polling committee or election commission or some other person who commits a criminal offence under paragraph 1 of this Article in the discharge of duty

entrusted to him with respect to any elections or vote, shall be punished by a fine or imprisonment for a maximum term of two years.

(3) The punishment under paragraph 2 of this article shall be applied to whomever who, by force, serious threat, by abusing official, labour related or financial dependency of another or by any illegal method requires a citizen to state for whom and how he voted.

### **Election Rigging Article 191**

(1) Whoever, by adding, subtracting or taking out votes or any other method falsifies results of any election or vote, shall be punished by imprisonment for a ~~maximum term of three years~~ **term of between six months and five years.**

### **Destroying Election Documents Article 192**

(1) Whoever at an election destroys, conceals, damages or removes any document relating to the election or vote, or any other object that is used for the election or the vote, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) A member of polling committee or election commission or some other person who commits any criminal offence under paragraph 1 of this Article in the discharge of duty entrusted to him with respect to any elections or vote, shall be punished by imprisonment for a ~~maximum term of three years~~ **term of between six months and five years.**

## **CHAPTER NINETEEN CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM**

### **Rape Article 193**

(1) Whoever compels another person to sexual intercourse or any other sex act by force or threat of immediate physical attack upon that person or upon someone close to that person, shall be punished by imprisonment for a term of ~~one~~ **two** to ten years.

(2) If the criminal offence under paragraph 1 of this Article is committed against a juvenile or in a particularly cruel or degrading manner or if at the same time more instances of sexual intercourse are performed by more offenders ~~or if the rape was perpetrated out of hatred~~ or if the criminal offence results in grievous bodily harm or serious effect on health or pregnancy of the female victim,

the offender shall be punished by prison term of ~~between three to fifteen years~~ **minimum five years between three and fifteen years.**

(3) If any criminal offence under paragraphs 1 and 2 results in the death of the victim, the offender shall be punished by prison term of not less than five years. **If any criminal offence under paragraph 1 of this Article results in the death of the victim, the offender shall be punished by imprisonment term of minimum five years. If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment term of minimum ten years.**

**(4) If any criminal offence under paragraph 2 results in the death of the victim,**



~~the offender shall be punished by imprisonment term of minimum ten years or long-term imprisonment.~~

~~(5) Whoever commits the offence from paragraph 1 of this Article out of hatred, shall be punished by imprisonment for a term of between three and fifteen years.~~

(4) ~~(6)~~ (4) Whoever compels another person to sexual intercourse or any other sex act by threat of disclosing some information that would harm his reputation or reputation of someone close to that person or by threat of any other serious harm, shall be punished by imprisonment for a term of between six months and five years.

#### **Sexual Intercourse with Helpless Person Article 194**

(1) Whoever has had sexual intercourse or any other sex act with a person, taking advantage of that person's mental disability, temporary mental disorder, infirmity or any other condition which makes him/her incapable of resisting, shall be punished by imprisonment for a term of between ~~six months~~ **one and five** ~~eight~~ **one to ten** years.

(2) If the criminal offence under paragraph 1 of this Article is committed against a juvenile or in a particularly cruel or degrading manner or if at the same time more instances of sexual intercourse are performed by more offenders or if the criminal offence results in grievous bodily injury or serious effect on health or pregnancy of the helpless female victim, the offender shall be punished by prison term of ~~between three to fifteen years~~ **minimum five years**.

~~(3) If any criminal offence under paragraphs 1 and 2 results in the death of the victim, the offender shall be punished by imprisonment for a minimum term of five years. If any criminal offence under paragraph 1 results in the death of the victim, the offender shall be punished by imprisonment for a minimum term of five years. If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment for a minimum term of ten years.~~

~~(4) If any criminal offence under paragraph 2 results in the death of the victim, the offender shall be punished by imprisonment for a minimum term of five ten years or long-term imprisonment.~~

#### **Sexual Abuse of Child Article 195**

(1) Whoever has sexual intercourse or any other sex act with a child, shall be punished by imprisonment for a term of between one to ~~eight~~ **ten** years.

(2) Whoever has forced sexual intercourse or any other sex act with a child (Article 195) or a helpless person (Article 194), shall be punished by imprisonment for a term of between three and fifteen years.

(3) If any criminal offence under paragraphs 1 and 2 is committed by any teacher, educator, guardian, adoptive parent, physician, priest or any person by abuse of his position against the child entrusted to him for teaching, up-bringing, care or looking after, the offender shall be punished by imprisonment for a term of between five and fifteen years.

(4) If any criminal offence under paragraphs 1, 2 or 3 of this Article is committed in a particularly cruel or degrading manner or if at the same time more instances of sexual intercourse are performed by more offenders or if there is a high disproportion of age of the

victim and the offender or if the criminal offence results in grievous bodily injury or a serious effect on health or pregnancy of the female victim,  
the offender shall be punished by imprisonment for a minimum term of five years.  
(5) If any criminal offence under paragraphs 1 to 4 of this Article results in the death of the child,  
the offender shall be punished by imprisonment for a minimum term of ten years or long term imprisonment.

#### **Sexual Intercourse by Abuse of Position Article 196**

(1) Whoever induces into sexual intercourse or any other sex act a person who is in a subordinate or dependent position in relation to him,  
shall be punished by imprisonment for a ~~maximum~~ term of **six months to five** ~~three~~ years.  
(2) Any teacher, educator, guardian, adoptive parent or any person who, by abuse of his position, has sexual intercourse or any sex act with a juvenile entrusted to him for teaching, up-bringing, care or looking after,  
shall be punished by imprisonment for a term of between ~~six months~~ **one** to five **eight** years.

#### **Satisfying Lust in Front of Others Article 197**

(1) Whoever has sexual intercourse or any other sex acts in the public,  
shall be punished by a fine or imprisonment for a maximum term of one year.  
(2) Whoever engages in his or another's debauchery in front of a child or juvenile or who incites a child to engage in debauchery in front of him or another,  
shall be punished by a fine or imprisonment for a maximum term of three years.

#### **Trafficking in Human Beings for the Purpose of Prostitution Soliciting to Prostitution Article 198**

(1) Whoever, in order to achieve material gain **or other benefits**, entices, incites or lures another into prostitution or whoever, in any way, enables turning a person over to another for the exercise of prostitution or whoever, in any way, takes part in organizing or managing prostitution,  
shall be punished by imprisonment for a term of between six months and five years.  
(2) ~~Whoever, in order to achieve material gain **or other benefits**, forces another into prostitution by force or threat with force or with infliction of harm or deceives another into prostitution,~~  
shall be punished by imprisonment for a term of between one and five **eight** years.  
(3) ~~The punishment under paragraph 2 of this article shall be applied to anyone who, in order to achieve material gain **or other benefits**, has forced or incited a person into prostitution in the manner set out in paragraph 2 of this article by taking advantage of any hardship the person may be suffering by being a foreigner in the country or who professionally engages another person to do so.~~  
(4) ~~Whoever commits any criminal offence under paragraphs 1 and 3 of this article against a child or juvenile,~~  
shall be punished by imprisonment for a term of between one and twelve **two and fifteen** years.

~~(5)~~ (2) No account shall be taken of any record of prostitution of any person who has been enticed, incited, lured or forced induced, incited or enticed into prostitution under this Article.

**Human Trafficking**  
**Article 198a**

*(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving or receiving of money or other benefits, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps a person for the purpose of the use or exploitation of that person's labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, establishment of slavery or similar relationship, forced marriage, forced sterilization, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.*

*(2) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between two and twelve years.*

*(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than five years.*

*(4) Whoever uses, or enables other person to use sexual services or other forms of exploitation, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term between six months and five years.*

*(5) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.*

*(6) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.*

*(7) The consent of the victim to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of the criminal offence of human trafficking.*

*(8) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.*

**Trafficking in Minors**  
**Article 198b**

*(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a person younger than 18 years of age with the purpose of use or exploitation of that person's labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation, pornography, establishment of slavery or similar relationship, forced marriage, forced sterilization, illegal adoption or similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than five years.*

*(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of office,*

*abuse of relationship of trust, dependence of vulnerability, difficult circumstances of another person, by giving money or other benefits, shall be punished by imprisonment for a term of not less than eight years.*

*(3) Whoever uses, or enables other person to use sexual services or other forms of exploitation of a minor, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term of not less than five years.*

*(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between three and fifteen years.*

*(5) If the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than ten years.*

*(6) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.*

*(7) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.*

*(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.*

*(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.*

#### **Organizing of a Group or of an Organized Criminal Group for the Purpose of Perpetration of Criminal Offences of Human Trafficking or Trafficking in Minors**

##### **Article 198v**

*(1) Whoever organizes a criminal group, association or organized criminal group for the purpose of perpetration of the criminal offences referred to in articles 198a and 198b of this Code, shall be punished by imprisonment for a term between three and fifteen years.*

*(2) Whoever becomes the member of a group or association offences referred to in paragraph 1 of this Article or otherwise assists the group or association, shall be punished by imprisonment for a term between one and ten years.*

#### **Abuse of a Child or Juvenile for Pornography**

##### **Article 199**

(1) Whoever photographs or films a child with a view to developing photographs, audio-visual tapes or other pornographic materials or incites such persons to play in pornographic shows,

he shall be punished by imprisonment for a term of between ~~six months and five~~ **one and eight** years.

(2) The articles under paragraph 1 of this article shall be subject to forfeiture.

#### **Production, Possession and Projecting Child Pornography**

##### **Article 200**

(1) Whoever **possesses**, sells, shows or renders available through public display or in any other way writings, pictures, audio-visual and other objects containing child pornography or

whoever produces, procures or possesses child pornography to this end or whoever projects any child pornographic show,

shall be punished by ~~a fine or imprisonment~~ for a maximum term of ~~one~~ **three** year.

(2) Where any offence under paragraph 1 is committed against a juvenile who is under 16, the offender shall be punished by imprisonment ~~for a maximum term of three~~ **of between six months and five** years.

(3) Where an offence under the preceding paragraphs is committed through the mass media or internet,

the offender shall be punished by imprisonment for a term of between ~~six months and five~~ **one and eight** years.

(4) Child pornography in terms of this provision means any pornographic material that visually shows:

(a) a child or juvenile involved in an obvious sexual act.

(b) realistic photographs that show a child or juvenile involved in an obvious sexual act.

(5) The articles under paragraphs 1 and 2 of this article shall be subject to forfeiture.

### **Incest Article 201**

(1) Whoever has sexual intercourse with a lineal relative or a sibling, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whoever commits an offence under paragraph 1 of this Article with a child or juvenile, shall be punished by imprisonment for a term of between one and eight years.

(3) The victim in an offence under paragraph 2, who was a juvenile at the time of commission of the criminal offence, shall not be held criminally accountable. This shall be applied even after the victim has become an adult.

## **CHAPTER TWENTY CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY**

### **Bigamy Article 202**

(1) Whoever, being married, enters into a new contract of marriage, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) The punishment set out in paragraph 1 of this article shall also be imposed on any person who enters into a contract of marriage with another, knowing such person to be married.

(3) If the earlier marriage was annulled or terminated, no prosecution shall be instituted, or if it has been so instituted, it shall be discontinued.

### **Connivance in Contracting an Illegal Marriage Article 203**

An authorized person before whom a contract of marriage is being conducted, who in the exercise of his duty knowingly permits a marriage to be contracted which is prohibited or null and void under the law, shall be punished by a fine or imprisonment for a maximum term of two years.

### **Non-Matrimonial Cohabitation with a Juvenile** **Article 204**

- (1) Any unwed adult who co-habits with a juvenile, who is under the age of 16, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) The punishment under paragraph 1 of this article shall also be imposed on a parent, adoptive parent or guardian who permits or induces a juvenile under paragraph 1 of this article to live in a non-matrimonial union with another person.
- (3) If any offence under paragraph 2 of this article is committed for material gain, the offender shall be punished by imprisonment for a maximum term of three years.
- (4) In the event that a valid marriage is contracted, no prosecution shall be instituted, or if it has been instituted, it shall be discontinued.

### **Abduction of a Child or Juvenile** **Article 205**

- (1) Whoever unlawfully takes a child or juvenile away from his parents, adoptive parents, guardian or any person into whose care he has been entrusted, who holds or prevents such child or juvenile from being with the person under whose care he should be entrusted, or who prevents the execution of a court decision on the supervision of such child or juvenile, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If any offence under paragraph 2 of this article is committed for material gain or other base motives or where an offence causes a serious effect on health, upbringing or schooling of the child, the offender shall be punished by imprisonment for a term of between ~~three~~ six months and ~~three~~ five years.
- (3) If the offender under paragraphs 1 and 2 above surrenders the child or juvenile voluntarily to the person or institution s/he is in custody of or allows the decision on custody of the juvenile to be enforced, he shall be released from punishment.
- (4) While passing a suspended sentence for an offence under paragraphs 1 and 2 above the court may order for the offender to surrender the child or juvenile voluntarily to the person or institution s/he is in custody of or to allow the decision on custody of the juvenile to be enforced within a time limit.

### **Change of the Family Status** **Article 206**

- (1) Whoever, by foisting a child upon another, substituting it or by any other method, changes the family status of a child, shall be punished by imprisonment for a maximum term of two years.
- (2) Whoever, by substituting or in any negligent way, changes the family status of a child, shall be punished by a fine or imprisonment for a maximum term of one year.
- (3) An attempt of an offence under paragraph 1 is punishable.

### **Neglecting or Maltreating a Child or Juvenile** **Article 207**

- (1) Any parent, adoptive parent, guardian or any other person who maltreats or grossly neglects a child or juvenile in whose care that child or juvenile is entrusted, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Any parent, adoptive parent, guardian or any other person who abuses the child or juvenile, compels the child or juvenile to carry out excessive work or work that is not appropriate for a child or juvenile of his age or to beg or, for personal gain, forces him to engage in other activities damaging to his upbringing, shall be punished by imprisonment for maximum term of three years.
- (3) If serious harm to the child's or juvenile's mental or physical health occurs as a result of any offence under paragraphs 1 and 2 of this article or if the child or juvenile has taken to begging, prostitution or other unaccepted behavior or delinquency, the offender shall be punished by imprisonment for a term of six months to five years.

### **Domestic Violence** **Article 208**

- ~~(1) Whoever, by use of violence, threatening behavior or mental cruelty violates the peace, life, physical or mental health of any member of his family or family household, shall be punished by a fine or imprisonment for a maximum term of two years.~~
- ~~(2) If during the commission of any criminal offence under paragraph 1 of this article, any weapons, dangerous implements or other instruments capable of inflicting grave bodily injury or harming a person's health are used, the offender shall be punished by imprisonment for a term of between three months and three years.~~
- ~~(3) If by the commission of any offence under paragraphs 1 and 2 of this article causes grievous bodily harm or impairment of health of any member of his family, or if any criminal offence under paragraphs 1 and 2 of this article is committed against a juvenile, the offender shall be punished by imprisonment for a term of one to five years.~~
- ~~(4) If the commission of any criminal offence under preceding paragraphs of this article the offender results in the death of any member of his family, the offender shall be punished by imprisonment for a term of between two and twelve years.~~
- ~~(5) Whoever kills a member of his family whom he has mistreated previously, shall be punished by imprisonment for a minimum term of ten years.~~
- ~~(6) Family members or members of family household are understood to mean also ex-spouses, their children and their parents.~~
- (1) Whoever by violence, insolent or arrogant behaviour violates peace, life and health or mental health of a member of his family or family household, and by that brings about the physical or psychological integrity of a passive subject, shall be punished by a fine or imprisonment for a term between three months and three years.*
- (2) If during the commission of the criminal offence referred to in paragraph 1 of this Article, weapons, dangerous implements or other instruments suitable to inflict grave bodily injuries or harm person's health have been used, the perpetrator shall be punished by imprisonment for a term between six months and five years.*
- (3) If the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article has resulted in grievous bodily injury of the family member or impaired his health or if the criminal offence referred to in paragraphs 1 and 2 of this Article has been committed against*



*a minor or in minor's presence, the perpetrator shall be punished by imprisonment for a term between two and ten years.*

*(4) If the commission of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article has resulted in the death of the family member, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.*

*(5) Whoever kills a member of family or member of household, whom he has abused previously, shall be punished by imprisonment for a term not less than ten years.*

*(6) Whoever violates the protective measures against the domestic violence ordered by the court on the basis of the law shall be punished by imprisonment for a term between three months and three years.*

*(7) For the purpose of this Chapter, family members or members of household shall be also understood to mean spouses or ex-spouses, their children and children of each of them, unwed partners or former unwed partners, their children and children of each of them, in-laws up to the second degree of kinship regardless of the fact that the marriage union has ended, parents of current and former wed or unwed partners, relatives from full adoption in direct line without limitation, and in indirect line up to the fourth degree of kinship, as well as the relatives from partial adoption, persons linked by relation of guardianship, persons who live or lived in the same family household regardless of kinship, and persons who together have a child or have conceived a child, even though they had never lived in the same household.*

### **Breach of Family Obligations Article 209**

(1) Whoever, in gross violation of his legal family obligations, leaves a member of his family, incapable of taking care of himself, in a position of physical or mental hardship, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) Should the health of a member of the family be severely impaired as a result of an offence under paragraph 1 of this article, the offender shall be punished by imprisonment for a term of between six months and five years.

(3) Should a member of the family lose his life as a result of an offence under paragraph 1 of this article, the offender shall be punished by imprisonment for a term of between one and eight years.

(4) Where a suspended sentence is passed, the court may additionally impose a condition upon the offender to regularly fulfill his obligations of taking care, upbringing and supporting.

### **Avoiding Payment of Maintenance Article 210**

(1) Whosoever fails to provide support for another whom he is obliged to support pursuant to a decision of the court, or pursuant to any agreement entered into before another competent body,

shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Should serious consequences occur for the supported member of the family as a result of any criminal offence under paragraph 1 of this article, the offender shall be punished by a fine and imprisonment for a maximum term of two years.

(4) Where a suspended sentence is passed, the court may additionally impose a condition upon the offender to regularly pay maintenance and arrears of maintenance.



## **CHAPTER TWENTY - ONE CRIMINAL OFFENCES AGAINST PUBLIC HEALTH**

### **Transmitting a Contagious Disease Article 211**

- (1) Whoever fails to comply with any regulation or ordinance whereby a competent health care body orders medical examinations, disinfecting, quarantine or other measures designated to suppress or prevent the spread of any contagious disease in human beings, and in so doing causes the contagious disease to be transmitted, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) The punishment under paragraph 1 of this article shall be similarly imposed on any person who, by failing to comply with any regulation and ordinance under paragraph 1 of this article designated to suppress and prevent the spread of any contagious diseases in animals, causes a contagious disease to be transmitted to people.
- (3) If an incurable contagious disease is transmitted by an offence under article 1, the offender shall be punished by imprisonment for a term of between one and ten years.
- (4) If any criminal offence under paragraphs 1 and 2 is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of six months.
- (5) If any criminal offence under the preceding paragraphs results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the offence under paragraphs 1 and 2 and for a maximum term of three years for the offence under paragraph 4.
- (6) If any criminal offence under paragraphs 1 to 4 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the offence under paragraphs 1 and 2, for a term of between two and fifteen years for the offence under paragraph 3 and for a term of between one and eight years for the offence under paragraph 4.

### **Failure to Comply with Sanitary Regulations During an Epidemic Article 212**

- (1) Whoever, at the outbreak of an epidemic or a contagious disease, fails to comply with any regulation, ordinance or decision which establishes measures for its suppression or prevention, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) The punishment under paragraph 1 of this article shall also be imposed on anyone who, at the time of an epidemic of a contagious animal disease transmissible to people, fails to abide by the regulations, ordinances and decisions which order measures for its suppression or prevention.
- (3) If any offence under articles 1 and 2 have been committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

### **Failure to Apply Measures for Prevention of Contagious Diseases Article 213**

- (1) Whoever, in any hospital, maternity hospital, boarding school, school, business enterprise, other statutory institution, retail food outlet, cleaning services, or in a similar organization or establishment, in contravention of sanitary regulations, fails to apply hygienic measures or employs or keeps in his employment any person suffering from a contagious disease, thereby causing the transmission of such contagious disease, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If any offence under paragraph 1 of this article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of six months.
- (3) If any criminal offence under paragraphs 1 or 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offences under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.
- (4) If any criminal offence under paragraphs 1 and 2 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Failure to Apply Proper Treatment to Patients Article 214**

- (1) A medical doctor who, in rendering any medical aid, fails to observe rules of the medical profession, thereby causing the deterioration of another's health, shall be punished by imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 of this article shall also be imposed on any health care worker who, in rendering medical aid, fails to observe rules of the medical profession, thereby causing the deterioration of another's health.
- (3) If any offence under paragraphs 1 and 2 of this article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.
- (4) If any offence under paragraphs 1, 2 and 3 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the criminal offences under paragraphs 1 and 2 and for a maximum term of three years for the offence under paragraph 3.
- (5) If any offence under paragraphs 1, 2 and 3 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraphs 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.

### **Failure To Render Medical Treatment Article 215**

- (1) A medical doctor or other health care worker who, contrary to his medical duty, refuses to render medical treatment to a sick person or a person who needs the treatment and whose life

is in imminent danger, although he was or should have been aware that such action may cause serious deterioration in the health, condition or death of that patient, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 results in grievous bodily harm or serious impairment of health of the person who has not received the treatment, the offender shall be punished by imprisonment for a term of between six months and five years.

(3) If any offence under paragraph 1 of this article results in the death of the person who has not received the treatment, the offender shall be punished by imprisonment for a term of between two and twelve years.

### **Quackery Article 216**

(1) Whoever, in contravention of the legislation and having no authorization, offers medical treatment or engages in some other medical activity, shall be punished by a fine and imprisonment for a maximum term of two years.

(2) If a criminal offence under paragraph 1 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) If a criminal offence under paragraph 1 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and fifteen years.

### **Prohibited Transplanting of Parts of a Human Body Article 217**

(1) Whoever removes an organ of a human body for the purpose of transplantation or implants an organ of a human body without justifiable medical grounds and in contravention of the medical profession, shall be punished by imprisonment for a term between six months and five years.

(2) The punishment under paragraph 1 of this law shall be imposed upon anyone who removes an organ of a human body for the purpose of transplantation before the death is established in a prescribed manner.

(3) Whoever removes an organ of a human body for the purpose of transplantation or implants an organ of a human body without the consent of a donor or a receiver or their legal representative, if they are not able to give consent, shall be punished by a fine or imprisonment for a maximum term of three years.

(4) The punishment under the preceding paragraph shall be imposed upon anyone who, without authorization, for remuneration, sells an organ of the body of another, live or deceased, for the purpose of transplantation or acts as an intermediary in it.

### **Improper Dispensing of Medicines Article 218**

(1) Any person in charge of dispensing medicines for human consumption who administers another medicine instead of the prescribed or requested one if the replacement is not allowed or has not been put up according to prescribed rations and quantities or who acts

unconscientiously in a general sense in dispensing medicines, thereby causing the deterioration of another's health,

shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 of this article is committed through negligence,

the offender shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons,

the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.

(4) If any offence under paragraphs 1 and 2 of this article results in the death of one or more persons,

the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Manufacturing and Sale of Articles Harmful to Health**

#### **Article 219**

(1) Whoever manufactures, sells or circulates medicines or other preparations for the treatment of diseases likely to be harmful to health,

shall be punished by a fine and imprisonment for a maximum term of two years.

(2) Whoever procures, process or circulates contaminated blood or other tissue or prepares medicines from them,

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

(3) If any offence under paragraphs 1 and 2 of this article is committed through negligence,

the offender shall be punished by a fine and imprisonment for a maximum term of two years.

(4) If any offence under paragraphs 1, 2 and 3 results in grievous bodily harm or serious impairment of the health of one or more persons,

the offender shall be punished by imprisonment for a term of between one and eight years for the criminal offence under paragraph 1 and 2 and for a term between three months and three years for the offence under paragraph 3.

(5) If any offence under paragraphs 1, 2 and 3 of this article results in the death of one or more persons,

the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.

(6) Any products under paragraph 1 of this article shall be subject to forfeiture.

### **Illegal Manufacturing and Circulation of Poison**

#### **Article 220**

(1) Whoever produces, circulates or uses poison without authorization,

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

(2) Any poison and the means whereby they are produced shall be subject to forfeiture.

### **Manufacturing and Circulating Tainted Food Products**

#### **Article 221**

- (1) Whoever manufactures for sale, sells or in any way circulates any foodstuffs, drinks or other such products likely to be harmful to health, shall be punished by a fine and imprisonment for a maximum term of two years.
- (2) The punishment under paragraph 1 of this law shall be imposed upon anyone who manufactures for sale, sells or in any way circulates toilet articles, toys and other products for general use or consumption likely to be harmful to health,
- (3) If any offence under paragraphs 1 and 2 of this article is committed through negligence, the offender shall be punished by a fine and imprisonment for a maximum term of one year.
- (4) If any offence under paragraphs 1, 2 and 3 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the criminal offence under paragraph 1 and 2 and for a maximum term of three years for the offence under paragraph 3.
- (5) If any offence under paragraphs 1, 2 and 3 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.
- (6) Any such harmful products and objects shall be subject to forfeiture.

### **Improper Inspection of Meat Destined to be Used as Food**

#### **Article 222**

- (1) Any veterinary surgeon or other authorized veterinary worker who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to regulations fails to carry out a proper inspection, thereby enabling meat, harmful to people's health, to be put into circulation, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If any offence under paragraph 1 of this article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.
- (3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.
- (4) If any offence under paragraphs 1 and 2 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Pollution of Drinking Water and Foodstuff**

#### **Article 223**

- (1) Whoever by the introduction of any injurious substance to drinking water or foodstuff, threatens the safety of any person's life or health,

shall be punished by a fine or imprisonment for a maximum term of two years.

(2) Whoever commits the offence under paragraph 1 of this article through negligence, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.

(4) If any offence under paragraphs 1 and 2 of this article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the offence under paragraph 1 and for a term of between one and eight years for the offence under paragraph 2.

#### **Unauthorized Production and Sale of Narcotics** **Article 224**

(1) Whoever, without authority, processes, sells, offers for sale, purchases, keeps or transfers for sale, acts as an intermediary in any sale or purchase, or otherwise puts into circulation substances or preparations which are listed intoxicating drugs, shall be punished by imprisonment for a term of between ~~one~~ **three** and ten years.

(2) If any offence under paragraph 1 of this article is committed by a few persons or if the offender has organized a ring of dealers or middlemen or if he uses a child or juvenile for the commission of the criminal offence, the offender shall be punished by imprisonment for a term of between ~~three~~ **five** and fifteen years.

(3) Whoever, without authority, manufactures, procures, possesses or lends equipment, material or substances, knowing they are intended for the production of intoxicating drugs, shall be punished by imprisonment for a term of between ~~one~~ **three** and five years.

(4) The court may pass a more lenient sentence or release the offender from punishment if he reports his supplier of intoxicating drugs.

(5) Any intoxicating drugs and the means whereby they are produced shall be subject to forfeiture.

#### **Possessing and Enabling Another to Enjoy Narcotics** **Article 225**

(1) Whoever induces another to enjoy intoxicating narcotics, or gives to another such narcotics for his or the use of a third person, renders available premises for the enjoyment of any such narcotics or otherwise enables another to enjoy any such narcotics, shall be punished by imprisonment for a term of between ~~six months and five~~ **two and ten** years.

(2) If any offence under paragraph 1 of this article is committed against a child, juvenile, mental patient or against a number of persons, causing particularly grave consequences, the offender shall be punished by imprisonment for a term of between ~~one~~ **three** and ten years.

(3) Any unauthorised intoxicating drugs shall be subject to forfeiture.

## **CHAPTER TWENTY - TWO LABOUR RELATED CRIMINAL OFFENCES**

### **Violation of Fundamental Rights of Employees Article 226**

~~Whoever knowingly disobeys laws, bylaws, other regulations or collective agreements on the entering into or the termination of contracts of employment, wages and other remuneration, working hours, vacation or leave, the protection of women, young and disabled, or on a prohibition on overtime or night work, and thereby denies a right to which the employee is entitled,~~

~~shall be punished by a fine or imprisonment for a maximum term of one year.~~

~~(1) Whoever knowingly disobeys regulations pertaining to entering into or termination of employment contract, on salary and other payments from the labour relation, on working hours, breaks, leaves, annual leaves or absence, protection of women, youth and disabled persons, protection of women due to pregnancy or parenthood, protection of elderly employees, on a ban on overtime or night work or payment of regulated remuneration, and thus denies or restricts a right the employee is entitled to, shall be punished by a fine or imprisonment for a term up to three years.~~

~~(2) If the offence referred to in paragraph 1 of this Article had for a consequence unjustified non-payment of five salaries in part or in whole, or the loss of rights arising from the unpaid benefits, and it is established that there were funds for payment, the perpetrator shall be punished by imprisonment for a term between six months and five years.~~

~~(3) Whoever terminates the employment of a female employee because of her pregnancy, or requests from the female employee to give a statement confirming that in such case she would give her notice or accept the termination of employment by consent, shall be punished by punishment referred to in paragraph 2 of this Article.~~

### **Breach of Rights During Recruitment and Periods of Unemployment Article 227**

(1) Whoever denies or limits the right of citizens to free employment under equal conditions provided for by law and other regulations, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) The punishment under paragraph 1 of this law shall be imposed upon anyone who knowingly fails to abide by law and other regulations respecting citizens' rights during unemployment, and who by doing so denies to another person a right he/she is entitled to.

### **Breach of Rights to Social Security Article 228**

Whoever knowingly fails to comply with the law and other regulations relating to social security, and thereby denies or limits a right, to which another person is entitled by reason of social insurance, shall be punished by a fine or imprisonment for a maximum term of one year.



**Abuse of Rights to Social Security  
Article 229**

Whoever feigns or causes an illness or working disability and thereby is granted a right to social insurance benefit which he otherwise would not be entitled under the legislation, shall be punished by a fine or imprisonment for a maximum term of one year.

**Failure to Implement Safety at Work Regulations  
Article 230**

- (1) The responsible person who knowingly fails to comply with the law and other regulations on safety at work and thereby threatens the safety of any employee's life or health, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) In imposing a suspended sentence, the court may set as a condition on the offender that he should comply with the regulations on safety at work within a set time-limit.

**CHAPTER TWENTY THREE  
CRIMINAL OFFENCES AGAINST PROPERTY**

**Theft  
Article 231**

- (1) Whoever unlawfully takes and carries away personal property belonging to another with the intention of depriving the owner of the property and of converting it to the use of the taker or some person other than the owner, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If the stolen property is of value of less than 200.00 KM and the offender intended to acquire material gain of small amount, shall be punished by a fine or imprisonment for a maximum term of one year.

**Aggravated Theft  
Article 232**

- (1) If a theft is committed:
- 1) by breaking open or breaking into or breaking of obstacles protecting closed buildings, rooms, strong-boxes, cupboards, safes or other enclosed premises or space;
  - 2) in a particularly dangerous or reckless manner;
  - 3) by a person who is in possession of a weapon or dangerous articles for committing the theft,
  - 4) by a group of people that associated with the intention of committing thefts,
  - 5) by exploiting the situation during a fire, flood, earthquake or a similar calamity,
  - 6) by exploiting the distress or other impaired state of the other person,
  - 7) **out of hatred.**
- the offender shall be punished by imprisonment for a term of between one and eight years.
- (2) If the value of stolen property exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.
- (3) If the stolen property is an object of special historical, scientific or cultural significance or if the value of stolen property exceeds 50,000.00 KM,



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

### **Aggravated Robbery Article 233**

(1) Whoever, by use of force against another or by threatening an immediate attack against his life or limb, takes personal property belonging to another with the intention of depriving the owner of it and converting it to the use of the taker or some person other than the owner, shall be punished by imprisonment for a term of between one and ten years.

(2) If, in the course of a criminal offence under paragraph 1 of this article, grievous bodily injury is intentionally inflicted on a person **or if the criminal offence was perpetrated out of hatred**, or if the robbery is committed by a group or a gang, or if the value of stolen property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between five and fifteen years.

(3) If, in the course of a criminal offence under paragraph 1 of this article, a person is intentionally killed,

the offender shall be punished by imprisonment for a minimum term of ten years or by long term imprisonment.

### **Robbery Article 234**

(1) Whoever, disturbed in the act of theft, and with the intention of retaining possession of the stolen property, uses force against another person or threatens immediate attack on his life or limb,

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

(2) If, during the commission of any criminal offence under paragraph 1 of this article, grievous bodily injury is intentionally inflicted on a person **or if the criminal offence was perpetrated out of hatred**, or if the robbery is committed by a group or a gang, or a weapon or dangerous articles are used during the criminal act or if the value of stolen property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between five and fifteen years.

(3) If, during the commission of any criminal offence under paragraph 1 of this article, a person is intentionally killed,

the offender shall be punished by imprisonment for a minimum term of ten years or by long term imprisonment.

### **Embezzlement Article 235**

(1) Whoever, with the intention of making an unlawful material gain for himself or for another person, unlawfully appropriates personal property of another which has been entrusted to his care,

shall be punished by a fine or imprisonment for a maximum term of two years.

(2) if the value of embezzled property exceeds 200.00 KM and the offender acts with the purpose of appropriating property of little value,

shall be punished by a fine or imprisonment for a maximum term of six months.

(3) If any offence under paragraph 1 of this article is committed by a guardian,

he shall be punished by a fine or imprisonment for a maximum term of three years.

- (4) If the embezzled property is an object of special historical, scientific or cultural significance or if its value exceeds 10,000.00 KM,  
the offender shall be punished by imprisonment for a term of between six months and five years or if its value exceeds 50,000.00 KM,  
the offender shall be punished by imprisonment for a term of between one and eight years.
- (5) Whoever unlawfully keeps personal property belonging to another which he has found or of which has accidentally come into possession, with the intention of making a material gain for himself or another,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (6) Any criminal offence under paragraphs 1, 2 and 5 of this article shall be prosecuted on request.

#### **Appropriating Personal Property Belonging to Another Article 236**

- (1) Whoever unlawfully takes away personal property belonging to another, with no intention of deriving a material gain there from,  
shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If the taken property is an object of special historical, scientific or cultural significance or if its value exceeds 10.000 KM, the offender shall be punished by imprisonment for a term of between six months and five years or if its value exceeds 50.000 KM,  
the offender shall be punished by imprisonment for a term of between one and eight years.
- (3) Any criminal offence under paragraph 1 of this article shall be prosecuted on request.

#### **Appropriating Car Belonging to Another Article 237**

- (1) Whoever takes away a car belonging to another with the intention of using and driving it unlawfully,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If the car is used for a longer period of time or a damage is caused to the car,  
the offender shall be punished by imprisonment for a term of between three months and three years.
- (3) An attempt of any criminal offence under paragraph 1 is punishable.

#### **Damaging Computer Data and Programs Article 238**

- ~~(1) Whoever, without authorization, accesses another's protected computer database and alters, damages, copies, uses, conceals, publish or enters his data or computer virus or in some other manner renders useless or unavailable computer data or programs belonging to another,  
shall be punished by imprisonment for a maximum term of two years.~~
- ~~(2) If proceeds of crime resulting from any criminal offence under the preceding paragraph is of a high value or if major damage is caused,  
the offender shall be punished by imprisonment for a term between one and eight years.~~
- ~~(3) An attempt of any criminal offence under paragraph 1 is punishable.~~

### **Fraud Article 239**

- (1) Whoever, with the intention of making unlawful material gain for himself or for another person, deceives someone through false representation or suppression of facts, or maintains that someone in deception, inducing him/her thereby to do or omit something to the detriment of his/her or someone else's property, shall be punished by imprisonment for a maximum term of three years.
- (2) If the value of proceeds of crime resulting from any criminal offence under the preceding paragraph exceeds 200.00 KM and the offender acts with the purpose of appropriating material gain of little value or causing minor damage, shall be punished by a fine or imprisonment for a maximum term of one year.
- (3) If the value of proceeds of crime or damage resulting from any criminal offence under paragraph 1 of this article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one year and ten years.
- (4) Whoever commits any criminal offence under paragraph 1 of this article solely for the purpose of causing harm to another, shall be punished by a fine or imprisonment for a maximum term of one year.
- (5) Any criminal offence under paragraph 2 of this article shall be prosecuted on request.

### **Abuse of Insurance Article 240**

- (1) Whoever, with a view to receiving payment under an insurance policy, damages or conceals property that has been insured against these destruction, damage, loss or theft and claims damages, shall be punished by imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 of this article shall be imposed upon anyone who, with a view to collecting payment under an insurance policy against bodily impairment, bodily injury or health impairment, causes harm to himself.
- (3) If proceeds of crime resulting from any offence under paragraphs 1 and 2 of this article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one year and ten years.

### **Organizing Illicit Games of Chance Article 241**

- (1) Whoever, with the intention of making an unlawful material gain for himself or another, organizes, participates or assists in organization of the games in which players pay fixed sums of money to the players who joined the game earlier and expect players who will join the game afterwards to pay the fixed sums of money to them, shall be punished by imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 shall be also imposed upon anyone who, with the intention of making an unlawful material gain for himself or another, organizes, participates or assists in organization of the games of chance for which the competent body has not issued a licence.

(3) If major damage results from any offence under paragraphs 1 and 2, the offender shall be punished by imprisonment for a term of between one and eight years.

#### **Extortion Article 242**

(1) Whoever, with the intention of making an unlawful material gain for himself or another, by force or serious threat compels another to do or not to do an act to the detriment of his property or property belonging to another,

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

(2) If the value of proceeds of crime resulting from any offence under paragraph 1 of this article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years, or if the amount exceeds 50,000.00 KM or, if the offender uses a weapon or dangerous article in the commission of any criminal offence under paragraph 1 of this article or if the criminal offence is committed by a group of people or in a particularly offensive manner,

the offender shall be punished by imprisonment for a term of between two and twelve years.

(3) Whoever commits the criminal offence of extortion for remuneration, shall be punished by imprisonment for a term of between three and fifteen years.

#### **Blackmail Article 243**

(1) Whoever, with the intention of obtaining an unlawful material gain for himself or another, threatens another to reveal a matter about that person or someone close to him of a nature likely to injure his honour or reputation, and thereby compels him to do or not to do an act to the detriment of his property or property belonging to another,

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

(2) If the value of proceeds of crime resulting from any offence under paragraph 1 of this article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years, or if the amount exceeds 50,000.00 KM or if the criminal offence is committed by a group of people or in a particularly offensive manner, the offender shall be punished by imprisonment for a term of between two and twelve years.

(3) Whoever commits the criminal offence of blackmail for remuneration, shall be punished by imprisonment for a term of between three and fifteen years.

#### **Abuse of Trust Article 244**

(1) Whoever representing the property interests of another or exercising care of another's property fails to perform his duty or misuses the authority vested in him with the intention thereby of obtaining an unlawful material gain for himself or another or of causing injury to the person whose property interests he represents or over whose property he exercises care, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the value of proceeds of crime or damage resulting from this criminal offence exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years, or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) If the offender under paragraph 1 or 2 of this article is a guardian or attorney, he shall be punished by imprisonment for a term of between six months and five years for the criminal offence under paragraph 1 and by imprisonment for a term of between one and eight years for the criminal offence under paragraph 2 if the amount exceeds 10,000.00 KM or by imprisonment for a term of between two and ten years when the amount exceeds 50,000.00 KM.

#### **Usury Article 245**

- (1) Whoever, in return for a service rendered to another, receives or obtains for himself or another a disproportionate material benefit by exploiting the financial situation, difficult housing conditions, state of emergency, lack of experience or the limited judgment of that person, shall be punished by imprisonment for a maximum term of three years and by a fine.
- (2) If any offence under paragraph 1 of this article results in major damage to the injured party or if the offender gains property worth more than 10,000.00 KM,
- (3) the offender shall be punished by imprisonment for a term of between six months and five years and a fine or by imprisonment for a term of between one and ten years and a fine, if the amount exceeds 50,000.00 KM.

#### **Concealment Article 246**

- (1) Whoever, by buying, accepting as a pawn, or otherwise, procures, conceals or passes on an article knowing it to have been obtained by the commission of a criminal offence, or it to have been obtained by sale or barter in place of something which has been obtained by commission of a criminal offence, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If any offence under paragraph 1 of this article is committed by a group of people or organized criminal group or if the value of property being concealed exceeds 20,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years if the value of property being concealed exceeds 100,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.
- (3) Whoever commits an offence under paragraph 1 of this article without knowing that the relevant article has been obtained by the commission of a criminal offence, although s/he ought to have known it, shall be punished by a fine or imprisonment for a maximum term of two years.

#### **Unlawful Occupation of Buildings Article 247**

- (1) Whoever, in breach of the law, occupies building, apartment, business premises or some other premises belonging to another, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) When passing a suspended sentence the court may order the offender to vacate the premises within a set time-limit.

### **Unlawful Occupation of Land Article 248**

- (1) Whoever, in breach of the law, occupies land belonging to another, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Whoever, in breach of the law, occupies land belonging to another, with a view to building on it, shall be punished by a fine or imprisonment for a maximum term of three years.

### **Malicious Mischief Article 249**

- (1) Whoever damages, destroys or renders unusable any property belonging to another, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If the damage resulting from any offence under paragraph 1 of this article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one year and eight years.
- ~~(3) Whoever commits criminal offence under paragraphs 1 and 2 of this Article out of hatred, shall be punished by imprisonment for a term of between six months and five years. Whoever commits criminal offence under paragraphs 1 and 2 of this Article out of hatred, shall be punished by punishment referred to in paragraph 2 of this Article.~~
- ➔ (4) Any criminal offence under paragraph 1 of this article shall be prosecuted on request.

### **Arson Article 250**

- (1) Whoever maliciously burns a dwelling or house belonging to another or any commercial or industrial property or public property, shall be punished by imprisonment for a term of between one and eight years.
- (2) If any offence under paragraph 1 of this Article results in major damage, the offender shall be punished by imprisonment for a term of between two and twelve years.

### **Fraud in Law Article 251**

- (1) Whoever, for the purpose of frustrating the satisfaction of a claim to property, conveys to another, destroys or damages the property on which another person has a lien or a right to use, and in doing so causes damage to that person, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) The punishment under paragraph 1 of this article shall also be imposed on anyone who destroys, alienates or renders unusable all or part of his property or assumes false liability, or enters into a fraudulent contract or takes any other fraudulent step apparently or actually to diminish his assets and thereby diminishes chances of or prevents settlement of at least one of his creditor's debts.
- (3) Any criminal offence under paragraph 1 of this article shall be prosecuted on request.

**Damaging Dwelling and Business Buildings and Premises**  
**Article 252**

- (1) Any occupant, tenant, jointer, owner or any other person who removes or damages outside or inside equipment, fittings or parts fitted in a dwelling, business building or premises or diminishes usability of the building or premises otherwise, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If any offence under paragraph 1 of this article renders the building or premises unusable, the offender shall be punished by imprisonment for a maximum term of three years.

**Appropriation, Destruction or Damaging of Cultural Monuments, Protected Natural Sites and Objects That Are of Cultural And Historical Significance**  
**Article 253**

- (1) Whoever, while carrying on archaeological, geological, palaeontological or mineralogical research or excavations, archive research or in some other manner, appropriates excavations, excavated material or objects of cultural and historical significance, archive materials or natural rarities, shall be punished by imprisonment for a term between six months and five years.
- (2) The punishment under paragraph 1 of this article shall be imposed upon anyone who unlawfully destroys or damages an ancient monument, protected natural site, other object that is of great cultural and historical significance or an object that is public property.
- (3) Whoever, without proper permission given by the relevant authority, carries out conservation, restoration or research work on a cultural monument or, notwithstanding a prohibition or without the permission of the relevant authority, carries out archaeological excavations or research, as a result of which the monument is destroyed or seriously damaged, shall be punished by a fine or imprisonment for a maximum term of three years.
- (4) If any offence under paragraphs 1, 2 and 3 of this article is committed in respect of a cultural monument of special value or significance, or if substantial damage has occurred, the offender shall be punished by imprisonment for a term of between one and eight years.

**Taking Away Objects That Are of Cultural And Historical Significance or Natural Rarities from the Country**  
**Article 254**

- (1) Whoever takes away an objects that is of cultural and historical significance or a natural rarity from the country or enables another to do so, shall be punished by imprisonment for a maximum term of three years.
- (2) If any offence under paragraph 1 is committed in respect of property that is of great cultural, historical or natural significance, the offender shall be punished by imprisonment for a term of between six months and five years.



### **Genuine Remorse Article 255**

If the offender under articles 231, 235, 236, 237, 247, 248, 249, 251 and 252 of this law returns a taken or appropriated article, compensates for the damage or remedies consequences of the criminal offence in any way before knowing that the offence has been discovered, he may be released from punishment.

### **Prosecution of Criminal Offences Committed Against Close Relatives Article 256**

In cases of criminal offences under articles 231(2), 235, 236, 237, 247, 249, 251 and 252 of this law committed against the spouse, a direct blood relative, a sibling, an adoptee or adoptive parent or another person the offender lives with in the household, prosecution shall be carried on request.

## **CHAPTER TWENTY - FOUR CRIMINAL OFFENCES AGAINST THE ECONOMY AND THE PAYMENT SYSTEM**

### **Monopolization Article 257**

Any responsible person in an enterprise or a legal person or any self-employed person who, in breach of the law or regulations, enters into an agreement with any other legal or other person to restrict another legal or other persons' freedom in the commercial market within a particular region or enters into an agreement to obtain a monopoly for any other legal or other person in the commercial market by any other method, thereby obtaining significant material gain or causing significant damage to another, shall be punished by imprisonment for a term of between six months and five years.

### **Fraud on Creditors Article 258**

(1) Whoever, by actually or ostensibly diminishing the value of his property with the intention of avoiding payment of his debts, causes bankruptcy whereby:

- 1) he sells the whole or part of his property, actually or ostensibly transfers it for little or no consideration, conceals or destroys it;
- 2) he makes false contracts or acknowledges false liabilities;
- 3) he conceals, destroys, changes or keeps statutory business books, documents and files in such a manner that a true financial account cannot be kept or, by making fake documents or in any other way, records a financial position that leads to the institution of bankruptcy proceedings,

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

(2) If any offence under paragraph 1 of this article results in any serious consequences to any creditor,

the offender shall be punished by imprisonment for a term of between two years and ten years.



### **Causing Bankruptcy Article 259**

- (1) Whoever, in the full knowledge of his own insolvency and with a view to diminishing any loss with respect to his non-exempt property, unreasonably spends resources, transfers property at a gross undervalue, excessively runs into debts, assumes excessive engagements in loans and credits, frivolously makes or renews contracts with insolvent entities, fails to enforce his claims on time or damages his property in some other way that is obviously in contravention of good financial practice and diligent business management, thereby causing bankruptcy or significantly diminishing property of the legal person and thereby causing damage to another, shall be fined and punished by imprisonment for a term of between six months and three years and a fine.
- (2) If the offender under paragraph 1 of this article remedies consequences of the criminal offence before knowing that the offence has been discovered, he shall be punished by imprisonment for a maximum term of one year or may be released from punishment.

### **Violation of Equality in Performing Economic Activities Article 260**

- (1) Whoever, by abuse of his official position, influence or powers, restricts the free movement of people, goods, services or capital in the territory of the Republika Srpska, denies or restricts the right of a business enterprise or another legal person to engage in trade and sale of goods and services in the territory of the Republika Srpska, places a business enterprise or any other legal person in an unequal position in relation to other organisations with respect to conditions for work or turnover of goods and services or restricts free exchange of goods and services in the territory of the Republika Srpska, shall be punished by imprisonment for a term between six months and five years.
- (2) Any official or competent person in the Republika Srpska, who, by abuse of his official position, influence or powers, restricts the free movement of people, goods, services 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 person to engage in the trade and sale of goods and services in the territory of the other Entity or Brčko District of Bosnia and Herzegovina, places a business enterprise or any other legal person in an unequal position in relation to other organisations with respect to 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 of between one and eight years.

### **Abuses in Bankruptcy or Forced Settlement Procedure/Rehabilitation Article 261**

- (1) Whoever files a false claim or seek a false order of payment in bankruptcy or forced settlement procedure in order to exercise a right he does not possess, shall be punished by a fine and imprisonment for a maximum term of one year.
- (2) Any creditor, member of a creditors' board or receiver who obtains for himself or another any material gain or promise thereof in order to pass or fail to pass a particular decision or to

harm, in some other way, at least one creditor in the bankruptcy or forced settlement procedure,

shall be punished by a fine and imprisonment for a maximum term of three years.

(3) The punishment under paragraph 1 of this article shall be imposed upon anyone who offers or promises material gain to a creditor, member of a creditors' board or receiver for the commission of any criminal offence under paragraph 2 of this article.

### **Damaging or Favouring the Creditors Article 262**

(1) Whoever, knowing that he is insolvent, pays debts or in some other way places any creditor in a more favorable position, thereby causing substantial financial damage to another creditor,

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

(2) The punishment under paragraph 1 shall be imposed upon anyone who, knowing that the legal person is insolvent, and with the intention of defrauding creditors, acknowledges a false claim, draws up false contracts or by some other fraudulent act financially damages a creditor of the legal person.

(3) If any criminal offence under paragraphs 1 and 2 of this article results in serious damage or if the injured party has to undergo forced settlement procedure/rehabilitation or to file for bankruptcy,

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

### **Abusing Powers in Business Article 263**

(1) The responsible person in an enterprise or other legal person, which commercially engages in a business activity, who, with the intention of acquiring illegal profit for the legal person for which he is employed or another legal person:

- 1) creates or keeps illicit funds in the country or abroad;
  - 2) by drawing up false documents, balance-sheets, appraisals, inventories or other misrepresentations, factual concealments and false display of the financial situation, flow of assets and business results;
  - 3) puts a legal person in a more favourable position in granting resources or benefits that the legal person would have not been granted in pursuance of the valid legislation;
  - 4) while paying taxes and honouring other obligations determined by law, fails to do payments that are public revenue;
  - 5) misuses any powers or means he has available;
  - 6) in some other way grossly violates the law and business rules with regard to the disposal, use or management of property of the legal person,
- shall be punished by imprisonment for a term of between six months and five years.

(2) If any offence under paragraph 1 of this article results in a significant pecuniary advantage to the offender or major damage,  
the offender shall be punished by imprisonment for a term of between one and ten years.

### **Business Mismanagement Article 264**

(1) A responsible person in an enterprise or a legal person in which he is not a majority shareholder who, despite knowledge of the illegality of his actions carries out such illegal action, thereby causing significant material damage to the legal person, shall be fined or punished by imprisonment for a maximum term of three years.

(2) If any offence under paragraph 1 of this article results in the compulsory winding up or bankruptcy of the legal person, the offender shall be punished by imprisonment for a term of between one year and five years.

### **Abuse in the Procedure of Public Procurement Article 264a**

*(1) The responsible person in an enterprise or in other entity of economic business that has the capacity of a legal person, or an entrepreneur who in the procedure of public procurement submits a bid based on false data, or agrees in an illicit manner with other bidders, or undertakes other illicit actions with intention to thus influence the decision making of the purchaser in any stage of the procedure of public procurement, shall be punished imprisonment for a term between six months and five years.*

*(2) If the offence referred to in paragraph 1 of this Article was perpetrated in the procedure of public procurement value of which exceeds the amount of three million convertible marks, the perpetrator shall be punished imprisonment for a term between one year and ten years.*

*(3) The perpetrator who voluntarily discloses that the bid is based on a false data or on an illicit agreement with other bidders, or that he undertook other illicit actions with intention to influence the decision making of the purchaser before he makes the decision of the selection of the bid, may be punished more leniently or be acquitted.*

### **Corporate Fraud Article 265**

(1) Whoever, in entering into and performing a contract or work, misleads another by inducing him to believe that the obligations will be satisfied or by concealing that the obligations will not be or will not be able to be satisfied and, owing to partial or full non-satisfaction of the obligations, causes damage to the other party's property or property belonging to another,

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

(2) If any offence under paragraph 1 of this article results in damage in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and if the damage exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Making a Prejudicial Contract Article 266**

(1) Whoever, acting as an agent or representative of a legal person in its line of business, in which he is not a majority shareholder, makes any contract being aware of its prejudicial

nature to the legal person, or whoever enters into a contract contrary to the authority vested in him, thereby causing financial damage to the legal person,

shall be punished by imprisonment for a maximum term of three years.

(2) If any offence under the preceding paragraph results in serious financial damage to the legal person,

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

### **Unlawful Accepting of Gifts or Presents**

#### **Article 267**

(1) Whoever, while representing a legal person, demands or accepts a reward, gift or any other benefit in order to make or not to make a contract or to do or not to do some act to the legal person's prejudice, thereby causing financial damage to the legal person,

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

(2) The offender under paragraph 1 of this article who demands or accepts a reward, gift or any other benefit after having made or not having made a contract or having done or not having done some act to the legal person's prejudice,

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

(3) Any reward, gift or other benefit shall be subject to forfeiture.

### **Unlawful Giving Gifts or Presents**

#### **Article 268**

(1) Whoever gives or attempts to give or promises a reward, gift or any other benefit to a person representing a legal person in order to obtain some unlawful advantage in making a contract in terms of paragraph 1 of article 258 of this law,

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

(2) Whoever gives or attempts to give or promises a reward, gift or any other benefit or advantage to a person representing a legal person as a reward for making a contract or performing some act,

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

(3) The offender under the preceding paragraphs who gives a gift or reward on request or reports the offence before it has been discovered or before knowing that the offence has been discovered,

may be released from punishment.

(4) Any gift or reward shall be subject to forfeiture, while in a case under Paragraph 3 of this Article, it may be returned to the giver.

### **Disclosure and Unauthorised Procuring of Trade Secrets**

#### **Article 269**

(1) Whoever, without authorization, communicates, passes on or in any way makes accessible to another person any information which constitutes a trade secret, or obtains such information with the intention of passing it to an unauthorized person,

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

(2) The punishment under paragraph 1 of this article shall be imposed on anyone who, with the intention of making an unauthorized use of such information, unlawfully procures any information kept as a trade secret.

- (3) If disclosure or procuring of such information is carried on with a view to taking them abroad or to obtaining material gain,  
the offender shall be punished by imprisonment for a term between one and eight years.
- (4) If any offence under paragraph 1 of this article is committed through negligence,  
the offender shall be punished by a fine or imprisonment for a maximum term of one year.

### **Disclosure and Unauthorized Procuring of Stock Market Secrets Article 270**

- (1) Whoever communicates to an unauthorized person any stock market information unavailable to all stock brokers or whoever comes into possession of such information and uses it in the stock market with the intention of obtaining unlawful material gain,  
shall be punished by imprisonment for a term of between three months and five years.
- (2) If any offence under paragraph 1 of this article results in material gain in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and if the damage exceeds 50,000.00 KM,  
the offender shall be punished by imprisonment for a term of between two and ten years.

### **~~Illicit Access to a Computer System Article 271~~**

- ~~(1) Whoever, without authorization, alters, deletes, publishes, conceals or destroys another's computer data or program belonging to another in order to obtain unlawful material gain for himself or a third party or to cause financial damage to another,  
shall be punished by imprisonment for a maximum term of three years.~~
- ~~(2) If any offence under paragraph 1 of this article has obtained material gain or caused damage in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years and if the damage exceeds 50,000.00 KM,  
the offender shall be punished by imprisonment for a term of between one and ten years.~~

### **Unauthorized Use of Trade-Name, Prototype or Model Belonging to Another Article 272**

- (1) Whoever, with the intention of defrauding purchasers of goods or users of services, uses protected trade-name, seal, trade-mark, mark of geographic origin, or other mark of distinction belonging to another or inserts certain features of these marks into his own trade-name, seal or trademark or in his own mark of distinction,  
shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 of this article shall be imposed on anyone who, with the intention described in the preceding paragraph and without authorization, uses protected prototype or model belonging to another or sells articles produced according to them.
- (3) Any article under paragraphs 1 and 2 shall be subject to forfeiture.

### **Breach of Inventor's Rights Article 273**

- (1) Whoever, in the course of business activities, without authorization, uses registered or protected invention belonging to another,  
shall be punished by imprisonment for a maximum term of three years.

- (2) Whoever releases the idea of invention belonging to another before the invention is published in a legally prescribed manner,  
shall be punished by a fine or imprisonment for a maximum term of two years.
- (3) Any product made according to the unauthorized use of another's invention shall be forfeited.

#### **Counterfeiting or Destruction of Business or Commercial Books or Documents Article 274**

- (1) Whosoever enters false data in statutory business or trade books, documents or files, fails to enter required data, by use of 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 such business or trade book, document or file containing false data, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 above shall be imposed to anyone who uses a false business or trade book, document or file as genuine, or who destroys, damages, conceals or in some other way renders worthless any business or trade book, document or file.

#### **Counterfeiting of Securities Article 275**

- (1) Whoever creates false securities, alters genuine securities or obtains false securities, with the intention to placing them into circulation as genuine,  
shall be punished by a fine and imprisonment for a maximum term of two years.
- (2) If the securities under paragraph 1 of this article exceed 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and if they exceed 50,000.00 KM,  
the offender shall be punished by imprisonment for a term of between two and ten years.
- (3) Whoever, having received any false or altered security, knowing it to be false or altered, circulates such security,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (4) Any false security shall be subject to forfeiture.

#### **Counterfeiting of Credit Cards and Debit Cards Article 276**

- (1) Whoever manufactures a false credit card or debit card, with the intention of using it as genuine, alters such genuine card or uses such false card as genuine,  
shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If any offence under paragraph 1 of this article results in material gain,  
the offender shall be punished by a fine and imprisonment for a maximum term of three years.
- (3) If any offence under paragraph 1 of this article results in material gain in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and if any offence under paragraph 1 of this article results in material gain in excess of 50,000.00 KM,  
the offender shall be punished by imprisonment for a term of between two and ten years.

### **Counterfeiting of Instruments of Monetary Value Article 277**

(1) Whoever produces false instruments of monetary value or alters genuine instruments of monetary value with the intention of passing them off as genuine or permitting another to use them, uses such false instruments of monetary value as genuine or obtains them with such intention,

shall be punished by a fine and imprisonment for up to two years.

(2) If the instruments of monetary value under paragraph 1 of this article exceed 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years and if they exceed 50,000.00 KM,

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

(3) Whoever removes the canceling stamp from any instrument of monetary value or, in any other way, and for the purpose of repeated use, attempts to make such false instruments appear unused, or utilises used instruments or sells them as valid,

shall be punished by a fine or imprisonment for a maximum term of one year.

(4) Any false instruments of monetary value shall be subject to forfeiture.

### **Manufacturing, Buying, Possessing, Selling and Lending Equipment for Counterfeiting Article 278**

(1) Whoever manufactures, buys, sells or lends equipment for the manufacture of counterfeit money or false securities,

shall be punished with a sentence of imprisonment for a term of between six months and three years.

(2) Whoever manufactures, buys, sells or lends equipment for the manufacture of false instruments of monetary value,

shall be punished by a fine or imprisonment for a maximum term of two years.

(3) Any equipment under paragraphs 1 and 2 shall be subject to forfeiture.

### **Counterfeiting of Trade Marks, Measures and Weights Article 279**

(1) Whoever, with the intention of passing them off as genuine, manufactures false trademarks used in the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver, livestock, wood or other commodities, or whoever, with the same intention, alters such genuine trademarks, or whoever uses false trademarks as genuine,

shall be punished with a sentence of imprisonment for a term of between three months and three years.

(2) The punishment under paragraph 1 of this article shall be imposed also upon a person who falsifies measures or weights.

(3) Whoever manufactures, buys, sells or lends equipment for the manufacture of false marks of labelling or false measures and weights,

shall be punished by a fine or imprisonment for a maximum term of two years.

(4) Any false marks, measures and weights shall be subject to forfeiture.



### **Money Laundering Article 280**

- (1) Whoever receives, exchanges, keeps, disposes of or uses in corporate or other business, conceals or tries to conceal money or property he knows of to have been proceeds of crime, shall be punished with a sentence of imprisonment for a term of between six months and five years.
- (2) If the offender under paragraph 1 is at the same time an accessory or accomplice in the criminal offence resulting in the proceeds of crime under the preceding paragraph, he shall be punished by imprisonment for a term of between one and eight years.
- (3) If the money or property under paragraphs 1 and 2 is of high value, the offender shall be punished by imprisonment for a term of between one and ten years.
- (4) If any offence under the preceding paragraphs is committed by a group of people who joined with the intention of committing such criminal offences, the offender shall be punished by imprisonment for a term of between two and twelve years.
- (5) If, while committing the criminal offences under paragraphs 1, 2 and 3 of this article, the offender acts negligently concerning the fact that the money or property was obtained through the commission of a criminal offence, he shall be punished by imprisonment for a maximum term of three years.
- (6) Any money and property under preceding paragraphs shall be subject to forfeiture.

### **Illicit Commerce Article 281**

- (1) Whoever, without a valid licence, purchases any goods of a high value or in large quantities with the intention of re-sale or who, without licence, trades or acts as an intermediary or agent in selling commodities and services on a large scale, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Whoever trades in commodities whose unlawful production is organized by him, shall be punished by imprisonment for a term of between six months and five years.
- (3) The punishment under paragraph 2 of this article shall be imposed upon anyone who unlawfully sells, purchases or exchange goods and commodities whose trade is restricted or forbidden.
- (4) Any person committing an offence under paragraphs 1, 2 or 3 above, who thereby sets up a ring of middlemen or retailers, or makes a profit in excess of 10,000 KM, shall be punished by imprisonment for a term of between one year and eight years.
- (5) Any goods or commodities traded in illicit commerce shall be liable to forfeiture.

### **Defrauding Purchasers Article 282**

- (1) Whoever, with the intention of defrauding purchasers, sells in the marketplace products with a mark showing information that does not comply with the content, brand, origin or quality of the product, or places into circulation products whose weight or quality does not comply the requisite standards, or sells a product in the marketplace without the prescribed marking of the content, brand, origin or quality of the product, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whoever, with the intention of defrauding buyers, falsely publishes a statement that the price of the goods has been reduced, that there is a “sale” of goods, that a price increase is expected or in any way utilises any false means of advertising, shall be punished by a fine or imprisonment for a maximum term of two years.

### **Deception in Getting Loans and Subventions Article 283**

(1) Whoever, with a view to obtaining for himself or another a loan, investment funds, subvention or some other grant, gives to the grantor or other person, competent to make such loan or grant, false or incomplete details with respect to his financial situation or other details required for such loan or grant,

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

(2) If any offence under paragraph 1 of this article involves a loan or grant in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years and if the sum exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between two and ten years.

(3) Whoever uses any loan, investment funds, subvention or other grant to a use other than that for which it is intended,

shall be punished by a fine and imprisonment for a maximum term of two years.

### **Illicit Banking Article 284**

(1) Whoever, without licence, or in contravention of any requirements under a licence, runs a banking institution,

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

(2) If any offence under paragraph 1 of this article results in material gain in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years, if the sum exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years and if the sum exceeds 200,000.00 KM,

the offender shall be punished by imprisonment for a minimum term of five years.

### **Abuse of Securities Article 285**

The punishment of imprisonment for a term of between one and eight years shall be imposed upon:

1) any responsible person in a bank or legal person issuing securities, who allows issuing of securities although s/he knew or might have known or was obliged to know that the issuer is not able to perform obligations arising from the issuance under terms, conditions and deadlines stipulated by law or in the decision on the issuance,

2) any official person, who allows issuing of securities although s/he knew or might have known or was obliged to know that the obligations arising from the issuance under terms, conditions and deadlines stipulated by law or in the decision on the issuance cannot be performed,

3) any responsible person in a bank who gives a guarantee for a particular issuance of securities although s/he knew or might have known or was obliged to know that the bank is

not able to perform obligations arising from the issuance under terms, conditions and deadlines stipulated by law or in the guarantee.

### **Abuse of Cheques and Cards**

#### **Article 286**

(1) Whoever, with the intention of gaining unlawful property for himself or another, by misusing any cheque belonging to him, requires a bank or other legal person to pay an amount he knows will render his account overdrawn, thereby gaining unlawful property exceeding 10,000 KM,

shall be punished by a fine and imprisonment for a maximum term of three years.

(2) The punishment under paragraph 1 of this article shall be imposed on anyone who, with the intention of gaining unlawful property for himself or another, by misusing acceptance orders or promissory notes, guarantees, credit or debit cards, other means of payment or collaterals belonging to him, requires a bank or other legal person to pay an amount he knows will render his account overdrawn, thereby gaining unlawful property exceeding 10,000.00 KM.

(3) If proceeds of crime resulting from any offence under paragraphs 1 and 2 exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and where the property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between two and ten years.

(4) Whoever, having committed an offence under paragraphs 1 and 2 of this article, pays the overdrawn amount in the account before knowing that the offence has been discovered, may be released from punishment.

### **Tax Evasion**

#### **Article 287**

(1) Whoever evades payment of sums required under the laws on taxes of the Republika Srpska or contributions to pension schemes and health insurance by failing to submit any required information, or by submitting false information relating to taxable income or to other facts effecting the determination of the amount of such liability, and where the liability evaded exceeds the sum of 10,000.00 KM,

shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whoever commits any offence under paragraph 1 of this Article involving the liability evaded in excess of 50,000.00 KM,

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

(3) Whoever commits any offence under paragraph 1 of this Article involving the liability evaded in excess of 150,000.00 KM,

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

### **False Tax Related Documents**

#### **Article 288**

(1) Whoever issues any false document required under the laws on taxes of the Republika Srpska or who fails to issue any document required under the legislation of the Republika Srpska on taxes,

shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever commits any offence under paragraph 1 of this Article involving a larger number of documents or if his offence results in the loss of substantial public revenue, shall be punished by a fine or imprisonment for a maximum term of three years.

#### **Filing a False Tax Return Article 289**

Whoever files a false tax return or some other false information required under the laws on taxes of the Republika Srpska, shall be punished by a fine or imprisonment for a maximum term of three years.

#### **Obstructing an Internal Revenue Service Official in Execution of his Official Activity Article 290**

(1) Whoever, by force or threat of immediate use of force, prevents or attempts to prevent an Internal Revenue Service (IRS) official from carrying out any official activity falling within the scope of his powers, or whoever, using such force or threat, compels him not to carry out an official activity,

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

(2) If, in the course of committing any criminal offence under paragraph 1 of this article, the offender insults or abuses the IRS official, or if he inflicts upon him bodily injury, or if he threatens him with the use of any weapon,

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

(3) If the offender under paragraphs 1 to 2 of this article is provoked by unlawful or offensive behaviour of the official, he may be released from the punishment.

#### **Attacking an Internal Revenue Service Official While Carrying Out His Duties Article 291**

(1) Whoever attacks or seriously threatens to attack any IRS official or any person assisting an IRS official in detecting and investigating violations of tax laws if the Republika Srpska, shall be punished by imprisonment for a term of between three months and three years.

(2) If, in the course of the commission of any offence under paragraph 1 of this article, bodily injury is inflicted upon any IRS official or the person who assists him, or if the offender threatens attack with the use of a weapon, the offender shall be punished by imprisonment for a term of between six months and five years.

(3) If, in the course of the commission of any offence under paragraph 1 of this article, severe bodily injury is inflicted upon any IRS official or the person who assists him, the offender shall be punished by imprisonment for a term of between one year and ten years.

#### **Wrong Appropriation of Funds by A Legal Person Article 292**

The competent person in a legal person, who is personally held responsible for tax liabilities of the legal person under the laws on taxes of the Republika Srpska and who approves appropriation of funds for other purposes instead of payment of tax liabilities of the legal

person and so renders the legal person insolvent with regard to the payment of tax liabilities in a timely manner,  
shall be punished by a fine or imprisonment for a maximum term of three years.

## **CHAPTER TWENTY - FOUR A** **CRIMINAL OFFENCES AGAINST COMPUTER DATA SECURITY**

### **Damage to Computer Data and Programs** **Article 292a**

- (1) Whoever, without authorization, deletes, alters, damages, conceals or otherwise renders unusable computer data or program, shall be punished by a fine or imprisonment term of a maximum one year.**  
**(2) If the offence referred to in paragraph 1 of this Article caused damages in the amount exceeding 10,000.00 KM the perpetrator shall be punished by imprisonment of a term between three months and three years.**  
**(3) If the offence referred to in paragraph 1 of this Article caused damages in the amount exceeding 30,000.00 KM the perpetrator shall be punished by imprisonment of a term between three months and five years.**  
**(4) Devices and means used for the perpetration of the offences referred to in paragraphs 1 and 2 of this Article, if owned by the perpetrator shall be forfeited.**

### **Computer Sabotage** **Article 292b**

**Whoever enters, destroys, deletes, alters, damages, conceals or otherwise renders unusable computer data or program, or destroys or damages a computer or other device for electronic processing and transmission of data with intent to prevent or significantly interfere with the process of electronic processing and transmission of data which are important for the governmental bodies, public services, institutions, companies or other entities shall be punished by imprisonment for a term of between six months and five years.**

### **Developing and Introducing Computer Viruses** **Article 292v**

- (1) Whoever develops a computer virus with the intention to introduce it into someone else's computer or computer network or telecommunications network, shall be punished by a fine or imprisonment term for maximum six months.**  
**(2) Whoever enters a computer virus to someone else's computer or computer network and causes damage shall be punished by a fine or imprisonment term for maximum two years.**  
**(3) Devices and means used for perpetration of criminal offence under paragraphs 1 and 2 of this Article shall be forfeited.**

**Computer Fraud**  
**Article 292g**

**(1) Whoever enters false information, fails to enter correct data or otherwise conceals or falsely represents data and thus affects the results of the electronic data processing with the intent of obtaining for himself or another illicit proceeds and thereby causes property damage to another, shall be punished by a fine or imprisonment term for maximum three years.**

**(2) If the material gain acquired by the offence referred to in paragraph 1 of this Article exceeds 10,000.00 KM the perpetrator shall be punished by imprisonment of a term between one and eight years.**

**(3) If the material gain acquired by the offence referred to in paragraph 1 of this Article exceeds 30,000.00 KM the perpetrator shall be punished by imprisonment of a term between two and ten years.**

**(4) Whoever commits the offence referred to in paragraph 1 of this Article with the intention of only causing damage to another, shall be punished by a fine or imprisonment term for maximum six months.**

**Unauthorised Access to Protected Computer, Computer Network, Telecommunications Network and Electronic Data Processing**  
**Article 292d**

**(1) Whoever, in violation of security measures, connects to a computer or computer network or accesses electronic data processing without authorization, shall be punished by a fine or imprisonment term for maximum six months.**

**(2) Whoever records or uses data obtained in a manner provided in paragraph 1 of this Article, shall be punished by a fine or imprisonment term of maximum two years.**

**(3) If the offence referred to in paragraph 1 of this Article stalls or seriously disrupts functioning of electronic processing and transmission of data or network or if there are other serious consequences, the perpetrator shall be punished by imprisonment term for maximum three years.**

**Preventing and Limiting Access to Public Computer Network**  
**Article 292d**

**(1) Whoever obstructs or prevents access to public computer network without authorisation, shall be punished by a fine or imprisonment term for maximum one year.**

**(2) If an official person in execution of duties commits the offence referred to in paragraph 1 of this Article, shall be punished by imprisonment term for maximum three years.**

**Unauthorised Use of Computers or Computer Networks**  
**Article 292e**

**(1) Whoever uses computer services or computer networks without authorization with the intention of acquiring illicit material gain to himself or another, shall be punished by a fine or imprisonment term for maximum three months.**

**(2) The prosecution of the offence referred to in paragraph 1 of this Article shall be initiated upon filed motion.**

## **CHAPTER TWENTY - FIVE**

### **CRIMINAL OFFENCES AGAINST THE ORDER OF THE REPUBLIKA SRPSKA**

#### **Attack on the Constitutional Order**

##### **Article 293**

Whosoever, by physical force or threat of physical force, or in some other unlawful manner, attempts to change the constitutional order of the Republika Srpska, shall be punished by imprisonment for a term of between two and twelve years.

#### **Endangering Territorial Integrity**

##### **Article 294**

Whosoever attempts to detach a part of the territory of the Republika Srpska by use of force or threat of force, or to annex any part of the territory thereof to another entity, shall be punished by imprisonment for a term of between three and fifteen years.

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

##### **Article 294a**

- (1) Whosoever incites and inflames national, racial or religious hatred, discord or hostility, or spreads ideas of superiority of one race or nation over another, shall be punished by a fine or imprisonment for a term of not more than two years.**
- (2) Whosoever commits an offence under paragraph 1 above by employing duress and torture, jeopardizing the safety of any person, 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 of between six months and five years.**
- (3) Where an offence under paragraphs 1 and 2 above results in riots, violence or any other serious consequence to the co-existence of the constituent peoples and others who live in the Republika Srpska, the offender shall be punished by imprisonment for a term of between one and eight years.**
- (4) Any material or article bearing messages under paragraph 1 above and equipment for their production, duplication or distribution shall be subject to forfeiture.**

#### **Rendering the Republika Srpska into a Position of Subjugation or Dependency**

##### **Article 295**

Any citizen of the Republika Srpska or Bosnia and Herzegovina attempting to render the Republika Srpska into a position of subjugation or dependency in relation to another State, shall be punished by imprisonment for a term of between three and fifteen years.

#### **Assassination of the Highest Officials of the Republika Srpska**

##### **Article 296**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, deprives of life the President or the Vice-president of the Republika



Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the Chief Prosecutor of the Republika Srpska, shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

### **Kidnapping the Highest Officials of the Republika Srpska** **Article 297**

(1) Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, kidnaps the President or the Vice-president of the Republika Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the Chief Prosecutor of the Republika Srpska, shall be punished by imprisonment for a term of between three and fifteen years.

(2) The offender under paragraph 1 above, who releases the kidnapped person voluntarily before his criminal offence has been discovered, shall be punished by imprisonment for a maximum term of two years or may be released from punishment.

### **Armed Rebellion/Mutiny** **Article 298**

(1) Whosoever takes part in an armed rebellion which is aimed against the constitutional order of the Republika Srpska or against its highest institutions, shall be punished by imprisonment for a term of between three and fifteen years.

(2) Whosoever organises or directs a mutiny, shall be punished by imprisonment for a term of between five and fifteen years.

### **Terrorism** **Article 299**

(1) Whosoever commits an act of terrorism with the intention of seriously intimidating a population or unduly compelling the authorities of the Republika Srpska to perform, or to abstain from performing any act, or with the aim of seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of the Republika Srpska, shall be punished by imprisonment for a minimum term of three years.

(2) If the death of any person results from the commission of an offence under paragraph 1 above, the offender shall be punished by imprisonment for a minimum term of five years.

(3) If, in the course of the commission of any offence under paragraph 1 above, the offender intentionally deprives another of his life, he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

(4) "An act of terrorism", in terms of this Article, means one of the following intentional acts which, given its nature or its context, may cause serious damage to the State or international organisation:

- 1) An attack upon a person's life, which may cause death;

- 2) An attack upon the physical integrity of any person;
- 3) Any unlawful confinement, keeping confined or in some other way depriving another of his liberty, or restricting his freedom of movement, capturing, detaining, or continuing to detain that person as a hostage, with the intention of compelling him or some other person to perform or refrain from performing any act or to suffer (abduction);
- 4) Causing serious damage to the facilities of the Republika Srpska, public facilities, the transport system, infrastructural facilities, including any information system, a fixed platform located on the continental shelf, a public place or private property, and likely to endanger any person or result in major economic loss;
- 5) Hi-jacking of aircraft, ships or other means of public transport or freight carriage;
- 6) Manufacture, possession, acquisition, transport, supply, use of, or training for the use of, weapons, explosives, nuclear, biological or chemical weapons or radioactive material, including research into, and development of, biological and chemical weapons or radioactive material;
- 7) Releasing dangerous substances, or causing fire, explosion or floods, the effect of which is likely to endanger human life;
- 8) Interfering with or disrupting the supply of water, power or any other fundamental natural resources, the effect of which is likely to endanger human life;
- 9) Threatening to commit any of the offences under items a) to h) of this paragraph.

#### **Taking of Hostages Article 300**

(1) Whosoever unlawfully confines, keeps confined or in some other way deprives another of his liberty, restricts his freedom of movement, captures, detains, threatens to kill, injure or continue to detain that person as a hostage, with the intention of compelling the Republika Srpska 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 of between one and ten years.

(2) If, as a result of any offence committed under paragraph 1 above, the death of any hostage is caused,

the offender shall be punished by imprisonment for a minimum term of five years.

(3) If, in the course of the commission of any offence under paragraph 1 above, the offender deprives a hostage of his life intentionally,

he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

#### **Funding of Terrorist Activities Article 301**

Whosoever, by any means, directly or indirectly, provides or collects funds with an intention that they should be used, or knowing that they are to be used, in full or in part, to commit:

- 1) Any offence under Articles 299 (*Terrorism*) and 300 (*Taking of Hostages*) of this Code;
  - 2) 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 any hostilities during armed conflict, where the purpose of such act, by its very nature or context, is to intimidate a population, or to compel the authorities of the Republika Srpska to perform or to abstain from performing any act,
- shall be punished by imprisonment for a term of between one and ten years.

### **Commando Raid Article 302**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, by demolishing, burning or in some other manner, destroys or damages industrial or agricultural facilities, means of transport, an installation or plant, communication system facilities, public facilities for the supply of water, heat, gas or power, a dam, a storage, a building or any other construction important for the security, utilities, industry or functioning of the public service, shall be punished by imprisonment for a term of between three and fifteen years.

### **Sabotage Article 303**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, in any insidious, underhand or similar manner causes serious damage to the authority or legal person he is working in or another authority or legal person while performing his duties, shall be punished by imprisonment for a term of between two and fifteen years.

### **Espionage Article 304**

- (1) Whosoever discloses, delivers or renders available military, trade or official information to a foreign State, foreign organisation or a person in the service thereof, shall be punished by imprisonment for a term of between three and fifteen years.
- (2) Whosoever within the Republika Srpska creates an intelligence service on behalf of a foreign State or organisation, or whoever runs such service, shall be punished by imprisonment for a term of between five and fifteen years.
- (3) Whosoever becomes a member of a foreign intelligence service, collects information for such a service or in any other way assists activities of such service, shall be punished by imprisonment for a term of between one and ten years.
- (4) Whosoever obtains secret information with the intention of disclosing or delivering it to a foreign State, organisation or a person in the service thereof, shall be punished by imprisonment for a term of between one and eight years.
- (5) If the offence under paragraphs 1 and 2 above, results in serious security, economic or military consequences, the offender shall be punished by imprisonment for a minimum term of five years.

### **Disclosing a Secret Belonging to the Republika Srpska Article 305**

- (1) Whosoever discloses or passes on to unauthorized person or mediates in disclosing information or a document entrusted to him or obtained by him in any way, which constitutes a secret belonging to the Republika Srpska, shall be punished by imprisonment for a term of between one and ten years.

(2) If an offence under paragraph 1 above is committed during a state of war or imminent threat of war, or if it leads to the endangerment of the security, economic or military power of the country,

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

(3) If an offence under paragraph 1 above is committed through negligence, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) If an offence under paragraph 2 above is committed through negligence, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Dispatching and Transferring Armed Groups, Arms and Ammunition into the Territory of Republika Srpska**

#### **Article 306**

Whosoever dispatches or transfers to the territory of Republika Srpska any armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of committing any criminal offence, as defined in this Chapter, shall be punished by imprisonment for a term of between one and ten years.

### **Incitement to Violent Change of the Constitutional Order of the Republika Srpska**

#### **Article 307**

(1) Whosoever, with a view to threatening the establishment and security of the Republika Srpska, calls or incites to violent change of the constitutional order of the Republika Srpska or to toppling of its highest officials,

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

(2) Whosoever commits an offence under paragraph 1 of this article with help from abroad, shall be punished by imprisonment for a term of between one and eight years.

(3) Whosoever, with a view to distributing it, prints or duplicates any material that calls and incites to the commission of an offence under paragraph 1 of this article or whosoever sends over or transports into the territory of the Republika Srpska such material or possesses such material with a view to his or another's distributing it, shall be punished by imprisonment for a maximum term of three years.

### **Accessory After the Fact in the Commission of Any Offences against the Constitutional Order of the Republika Srpska**

#### **Article 308**

(1) Whoever harbours a person who has committed any criminal offence under articles 293 to 307 or provides the offender with shelter, food, material, money or other resources, or in any other way, helps him to escape or make detection or arrest difficult, shall be punished by imprisonment for a term of between one and five years.

(2) No punishment for any criminal offence under paragraph 1 of this article shall be imposed on a person if that person is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.

**Setting up a Criminal Association for the Commission of Criminal Offences Against the  
Constitutional Order of the Republika Srpska  
Article 309**

- (1) Whosoever sets up any association with the intention of committing any criminal offence under articles 293 to 297, articles 299 to 301 and article 306 of this Code, shall be punished by imprisonment for a term of between one and eight years.
- (2) Whosoever joins an association under the preceding paragraph, shall be punished by imprisonment for a term of between six months and five years.
- (3) An offender under paragraphs 1 and 2 above who prevents the commission of any criminal offence under paragraph 1 or reveals their preparation in a timely fashion or reveals such association and its leaders, may be punished by imprisonment for a term of maximum two years or released from punishment.

**Preparation of Criminal Offences Against the Constitutional Order of the Republika  
Srpska  
Article 310**

- (1) Whosoever organizes, plans, agrees with another on, or procures means of committing or takes other steps to create necessary conditions for the commission of any criminal offence as defined in articles 293 to 297 and articles 304(1), 304(2), 299 and 300 of this Code, shall be punished by imprisonment for a term of between one and five years.
- (2) The offender under paragraph 1 above, who prevents the commission of a criminal offence under paragraph 1 above voluntarily, shall be punished by imprisonment for a maximum term of one year or may be released from punishment.

**Punishment for the Gravest Criminal Offences against the Constitutional Order of the  
Republika Srpska  
Article 311**

- (1) For a criminal offence under Articles 293 to 297 of this Code, which results in the death of a person or a number of persons or is coupled with heavy violence or a large-scale destruction, the offender shall be punished by imprisonment for minimum term of ten years.
- (2) If, in the course of committing an offence under paragraph 1 above, the offender intentionally deprives any person of his life, he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

**~~Chapter XXVI deleted: Criminal Offences against Army of RS~~**

**Comment [HS2]:** OG RS 37/06

## **CHAPTER TWENTY SEVEN CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES**

### **Abuse of Office or Official Authority Article 347**

(1) An official or responsible person who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty to the non-material benefit of himself or another person, causes damage to another or seriously infringes rights of another,

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

(2) Where an offence under paragraph 1 above results in damage to another or seriously infringes rights of another,

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

(3) An official or responsible person who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty to the material benefit of himself or another person,

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

(4) Where any material gain obtained in the course of the commission of an offence under paragraph 3 of this article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and where the material gain is more than BAM 50,000,

the offender shall be punished by imprisonment for a term of between two and ten years.

### **Embezzlement in Office Article 348**

(1) Whoever unlawfully appropriates money, securities or other movables entrusted to her/him by virtue of her/his office or, generally, her/his position within an institution or legal person,

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

(2) Where any material gain acquired in the course of the commission of any offence under paragraph 1 of this article is less than BAM 200.00, and the offender's intention is to obtain small value,

he shall be punished by a fine or a term of imprisonment of maximum one year.

(3) Where any material gain obtained in the course of the commission of an offence under paragraph 1 of this article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and where the material gain is more than BAM 50,000.00,

the offender shall be punished by imprisonment for a term of between two and ten years.

### **Fraud in Office Article 349**

(1) An official or responsible person who, with the intention of acquiring an unlawful material gain for her/himself or another, submits false accounts or otherwise deceives an authorized person into making an illegal disbursement,

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

(2) Where any material gain acquired in the course of the commission of an offence under paragraph 1 of this article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and where the material gain is more than BAM 50,000.00, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Unauthorized Use of Official Property Article 350**

Whoever makes an unauthorized use of money, securities or other movables entrusted to her/him by virtue of her/his office within an institution or legal person generally or without authority passes the same to another for unauthorized use, shall be punished by a fine or a term of imprisonment of maximum three years.

### **Accepting Bribe Article 351**

~~(1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit in order to perform, in the course of her/his official duties, an act, which ought not to be performed by him, or not to perform an act, which ought to be performed by her/him, shall be punished by a term of imprisonment of between one and eight years.~~

~~(2) An official or responsible person, who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit in order that s/he performs, in the course of her/his official duties, an act, which ought to be performed by him, or not to perform an act, which ought not to be performed by him, shall be punished by a term of imprisonment of between one and five years.~~

~~(3) An official or responsible person, who demands or accepts a gift or any other benefit following the performance or omission of an official duty under paragraphs 1 through 3 of this article in connection with the performance or omission, shall be punished by imprisonment for a term of maximum three years.~~

~~(4) Any gift or other benefit shall be subject to forfeiture.~~

*(1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts the promise of a gift or other benefit for himself or for other person in order to perform, within his official authorizations or in connection to his official authorizations, an official act, which must not be performed by him, or not to perform an official act, which must be performed by him, shall be punished by imprisonment for a term between two and ten years.*

*(2) An official or responsible person, who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit for himself or for other person in order to perform, within his authorizations or in connection to his authorizations, an act, which must be performed by him, or not to perform an act, which must not be performed by him, shall be punished by imprisonment for a term between one and eight years.*

*(3) An official or responsible person, who demands or accepts a gift or any other benefit after the performance or failure to perform an official duty referred to in paragraphs 1 and 2 of this Article in connection with the performance or failure to perform, shall be punished by imprisonment for a term between three months and three years.*

*(4) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 3 of this Article shall be punished with a punishment for that offence.*



(5) The accepted gift or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.

### **Offering Bribe Article 352**

(1) Whoever gives or promises a gift or any other benefit to an official or responsible person in order that s/he performs, in the course of her/his official duties, an act which ought not to be performed by him, or abstains from performing an act which s/he ought to perform, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever gives or promises a gift or any other benefit to an official or responsible person in order that s/he performs, in the course of her/his official duties, an act which s/he ought to perform, or abstains from performing an act, which s/he ought not to perform, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term of maximum three years.

(3) Whoever having committed an offence under paragraphs 1 and 2 of this Article by giving a bribe at the request of an official or responsible person reports the offence before it has been discovered or before knowing that the offence has been discovered, may be released from punishment.

(4) Any gift or other benefit shall be subject to forfeiture, while in a case under paragraph 3 of this article, they may be returned to the donor.

(1) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his official authorizations, an official act which must not be performed by him, or abstains from performing an official act which must be performed by him, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his official authorizations, an official act which must be performed by him, or abstains from performing an official act which must be not performed by him, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when the bribe is given, offered or promised to the foreign official or responsible person.

(4) The perpetrator of the offence referred to in paragraphs 1 and 3 of this Article who reported the offence before it was been discovered, may be acquitted.

(5) Given gift, i.e. other benefit that is seized from the person who received the bribe may be in the case referred to in paragraph 4 of this Article returned to the person who gave the bribe.

### **Unlawful Intervention Article 353**

(1) Whoever accepts a reward or any other benefit in return for intervening, by using her/his office or influence so that an official duty is or is not performed, shall be punished by imprisonment for a term of maximum three years.

- (2) Whoever by using her/his office or influence position intervenes so that an official duty, which ought not to be performed, is performed, or that an official duty, which ought to be performed, is not performed, shall be punished by imprisonment for a term of between six months and five years.
- (3) Where an offence under paragraph 2 of this article concerns the institution or conducting of criminal proceedings against a particular person, the offender shall be punished by imprisonment for a term of between one and five years.
- (4) Where a reward or any other benefit is received in return for an offence under paragraphs 2 and 3 of this article, the offender shall be punished by imprisonment for a term of between two and ten years.
- (5) Any reward or other benefit shall be subject to forfeiture.

**Trading in Influence**  
**Article 353**

- (1) Whoever demands or accepts a reward or any other benefit for himself or for another person, directly or through a third party for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and five years.
- (2) Whoever, directly or through a third party, offers or gives a reward or any other benefit for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term up to three years.
- (3) Whoever intercedes that that an official act, which must not be performed, be performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and eight years.
- (4) Whoever, directly or through a third party, promises, offers or gives a reward or any other benefit for interceding that that an official act, which must not be performed, be performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between six months and five years.
- (5) If a reward or any other benefit has been demanded or received in return for interceding referred to in paragraph 3 of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years.
- (6) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 4 of this Article shall be punished for that offence.
- (7) A reward or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.

**Unconscientious Behaviour in Office**  
**Article 354**

- (1) An official or responsible person who, by knowingly breaching the law or other regulations or general provisions, fails to exercise due supervision or in any other way manifestly acts in a clearly unconscientious manner in the performance of her/his official duties, although s/he was aware or was obliged to be aware that it could result in a serious breach of the rights of another or major property damage, thereby causing such breach or property damage,

shall be fined or punished by a term of imprisonment of maximum two years.

(2) Where a serious breach of the rights of another or damage to property of more than BAM 50,000.00 occurs as a result of any offence under paragraph 1 of this article, the offender shall be punished by imprisonment for a term of between one and eight years.

#### **Disclosure of an Official Secret Article 355**

(1) An official or responsible person who, without authority communicates, conveys or otherwise discloses to another person information which constitutes an official secret, or who obtains such information with the intention of conveying it to an unauthorized person, shall be punished by imprisonment for a term of between three months and three years.

(2) The punishment under paragraph 1 of this article shall be imposed upon anyone who, with the intention of making the unauthorized use of such information, unlawfully obtains any information kept as an official secret or who without permission discloses such information.

(3) Where an offence under paragraph 1 of this article is committed for gain or in respect of highly confidential information or for the purpose of disclosing or using the information abroad,

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

(3) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum one year.

(4) Whoever, with the intention of making public irregularities in the organisation, performance or management of the service, discloses or facilitates the disclosure of an official secret the subject of which is contrary to the constitutional provisions of the Republika Srpska, shall commit no offence under paragraph 2 of this article provided that the disclosure has no substantial prejudicial consequences for the Republika Srpska.

(6) An official secret is so construed that it includes information or documents that have been designated as official secret by virtue of a law, a regulation or an enactment of a competent body enacted in pursuance of law and the disclosure of which would have serious consequences for the service.

#### **Unlawful Collection and Disbursement Article 356**

An official or responsible person who collects from another something which the latter is not obliged to pay, or is in excess of what the other is obliged to pay, or who delivers less or pays less than is required on delivery or payment, shall be fined or punished by a term of imprisonment of maximum one year.

#### **Unlawful Release of a Detainee Article 357**

An official who unlawfully releases another in her/his detention, or who aids her/his escape, or facilitates any unlawful communication or correspondence the purpose of which is the preparation of an escape, shall be punished by imprisonment for a term of between three months and three years.

**Extraction of Statements  
Article 358**

- (1) Any official who, in the discharge of his duty, uses force, threat or other unauthorized method or means to extract information or some other statement from any defendant, any witness, expert witness or any other person, shall be punished by imprisonment for a term of between six months to five years.
- (2) If the extraction of the said information or statement is accompanied by serious violence, or if the defendant suffers serious consequences as a result of making his statement under duress, the offender shall be punished by imprisonment for a term of between one and eight years.

**Offence against Human Dignity by Abuse of Office or Official Authority  
Article 359**

An official who, by taking advantage of his office or official authority, abuses, intimidates or inflicts bodily injury on another or treats him/her in a manner offensive to dignity of the person, shall be punished by imprisonment for a term of maximum three years.

**Unlawful Appropriation of Objects in the Course of Search or Execution of an Enforcement Order  
Article 360**

- (1) An official who, in the course of a search of premises or persons, or while executing an enforcement order in an administrative or criminal procedure, takes a movable object with the purpose of obtaining unlawful material benefit for her/himself or another, shall be punished by imprisonment for a term of between six months to five years.
- (2) When the object taken away in the commission of an offence under paragraph 1 is of high value, shall be punished by imprisonment for a term of between one and eight years.

**CHAPTER TWENTY-EIGHT  
CRIMINAL OFFENCES AGAINST JUSTICE**

**Failure to Report the Preparation of Criminal Offence  
Article 361**

- (1) Whoever, knowing of continuing preparations to commit a criminal offence punishable by a term of imprisonment of five years or more fails to report the same at a time when the commission of the offence may be prevented, and the offence is committed or attempted, shall be fined or punished by a term of imprisonment of maximum one year.
- (2) Whoever fails to report any preparation to commit a criminal offence punishable by long-term imprisonment, shall be punished by a term of imprisonment of between three months and three years.
- (3) No punishment for failing to report any preparation to commit a criminal offence under paragraph 1 of this article shall be imposed on a person if that person is the offender's spouse,

cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.

(4) A more lenient sentence may be imposed on the offender of an offence under paragraph 2 of this article who is in some kind of relation set out in paragraph 3 of this article with the person who prepares an offence.

### **Preparation of a Criminal Offence**

#### **Article 361a**

~~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 act of perpetration, of a criminal offence prescribed by law, for which a punishment of imprisonment of five years or a more severe punishment may be imposed, unless more severe punishment is foreseen for preparation of a particular criminal offence, shall be punished by a fine or imprisonment term of maximum three years.~~

### **Failure to Report a Criminal Offence or Offender**

#### **Article 362**

(1) Whoever, knowing the identity of someone committing a criminal offence punishable by a term of imprisonment of ~~up to~~ twenty years or long term imprisonment, or whoever, knowing of the commission of such an offence, fails to report the same before detection of the offender or the offence has occurred,

shall be fined or punished by a term of imprisonment of maximum three years.

(2) An officer who fails to report a criminal offence ex officio prosecuted and punishable by a term of imprisonment of five years or more which s/he has discovered in the course of her/his duties,

shall be punished by imprisonment for a term of maximum three years.

(3) No punishment for failure to report any of the criminal offences under paragraph 1 of this article shall be imposed upon a person if that person is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child and their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the offender.

### **Accessory After the Fact**

#### **Article 363**

(1) Whoever harbours a person who has committed a criminal offence ex officio prosecuted or aids her/him to avoid detection by concealing the arms or the traces of an offence, or in any other way, or whoever harbours a convicted person or acts so as to prevent the execution of punishment, security measures or correctional measures against another or the committal of another to a correctional institution,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever renders any assistance to a person having committed a criminal offence punishable by a term of imprisonment of five years or more,

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

(3) Whoever renders any assistance to a person having committed a criminal offence punishable with long-term imprisonment,

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

(4) The punishment imposed for any of the offences under paragraphs 1 to 3 of this article may not exceed the punishment prescribed for the offence in respect of which the accessory after the fact has occurred.

(5) The punishment for any offence under paragraphs 1 to 3 of this article shall not be imposed upon anyone who is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.

#### **False Report Article 364**

(1) Whoever, knowing that a person is not guilty, reports that person as having committed a criminal offence ex officio prosecuted, shall be fined or punished by a term of imprisonment of maximum two years.

(2) The punishment under paragraph 1 of this article shall also be imposed on a person who fabricates evidence of a criminal offence or in some other way causes the institution of a prosecution for a criminal offence ex officio prosecuted against another person whom s/he knows not to have committed an offence.

(3) Whoever charges her/himself with the commission of a criminal offence ex officio prosecuted, although not guilty of criminal offence, shall be fined or punished by a term of imprisonment of maximum six months.

(4) The punishment under paragraph 3 of this article shall be imposed on anyone who reports a criminal offence ex officio prosecuted although s/he knows that such offence has not been committed.

#### **Making a False Statement Article 365**

(1) A witness, expert witness, translator or interpreter who makes a false statement before a court, in disciplinary, administrative or other statutory proceedings, shall be fined or punished by a term of imprisonment of maximum two years.

(2) The punishment under paragraph 1 of this article shall be imposed on any person who gives false testimony in the hearing of a civil action or administrative proceedings and the decision is based on such testimony.

(3) Where the false statement is made in the course of criminal proceedings, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) Where there are exceptionally serious consequences for the accused as a result of an offence under paragraph 3 of this article, the offender shall be punished by a term of imprisonment of between one and eight years.

(5) If the offender voluntarily withdraws his false statement before the finally binding decision has been given, s/he shall be fined and may be released from punishment.

#### **Falsifying Evidence Article 366**

(1) Whoever, with the intention of preventing or impairing the gathering of evidence at trial, conceals, destroys, damages or renders unusable property or documents belonging to another

which may be used as evidence, or moves or dislocates a boundary marker, geodetic mark or any other marker designed to demarcate the ownership of real property, or who, with the same intention, places a marker in a way which is misleading, shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever makes a witness or an expert witness give false testimony at a trial, in minor offence proceedings or in any administrative or disciplinary proceedings as a result of a threat or any other form of force or in return for the promise of a gift or some other benefit, shall be punished by imprisonment for a term of three months and three years.

### **Breach of Confidentiality of Proceedings** **Article 367**

(1) Whoever without authority discloses information received in the course of proceedings in court or in the course of administrative, minor offence or other legal proceedings, which must not be disclosed according to the law or has been deemed confidential by the relevant authority, shall be fined or punished by a term of imprisonment of maximum one year.

(2) The same punishment shall be imposed on any person who releases the status of criminal proceedings against a juvenile, her/his name or the verdict passed in the proceedings.

### **Disclosure of Identity of a Protected Witness** **Article 368**

A judge of the court or other official person who having heard the evidence of a protected witness in criminal proceedings, who discloses to an unauthorized person details of the identity of a protected witness, shall be punished by imprisonment for a term of between six months and five years.

### **~~Coercion of a Member of Judiciary~~** **~~Article 369~~**

~~(1) Whoever by force or the threat of immediate use of force compels a judge, prosecutor or deputy prosecutor to do or not to do an act or suffer, shall be fined or punished by a term of imprisonment of maximum two years.~~

~~(2) Whoever commits an offence under paragraph 1 of this article by threatening with immediate attack upon a person's life, infliction of serious bodily injury or kidnapping or whoever commits it in a group of people or organized criminal group, shall be punished by imprisonment for a term of between six months and five years.~~

### ***Obstruction of Justice*** ***Article 369***

*(1) Whoever calls another person to resistance or non-execution of court decisions, or otherwise obstructs the conduct of court proceedings, shall be punished by imprisonment for a term up to three years and a fine.*

*(2) Whoever uses physical force, threats or in other way obstructs or prevents a judge, prosecutor or deputy prosecutor in exercise of judge or prosecutor's duties shall be punished by imprisonment for a term between six months and five years.*

*(3) If, in perpetration of the offences referred to in paragraph 2 of this Article, the*



*perpetrator inflicts bodily injuries to the persons referred to in paragraph 2 of this Article, shall be punished by imprisonment for a term between one year and ten years.*

*(4) If the offence referred to in paragraph 2 of this Article was perpetrated by threat of murder, abduction, use of weapons or within a group, the perpetrator shall be punished by imprisonment for a term between two and twelve years.*

*(5) If, by the criminal offence referred to in paragraph 2 of this Article, a death of some of abovementioned persons is caused, the perpetrator shall be punished by imprisonment for a term of minimum eight years.*

### **Contempt of Court Article 370**

Whoever, in the course of proceedings in court, holds in contempt a court of law or whoever does it in a submission to a court, shall be fined or punished by a term of imprisonment of maximum six months.

### **Failure to Enforce or Comply with a Judgment of the Court Article 371**

(1) Any official or responsible person who knowingly fails to comply with the finally binding judgment of a court,

shall be fined or sentenced to a maximum of three years' imprisonment.

(2) The punishment under paragraph 1 of this article shall be imposed on a responsible person, who is obliged to, but refuses to enforce a decision of the Constitutional Court.

(3) Where a serious breach of the right of another or extensive damage to property occurs as a result of any offence under the preceding paragraph, the offender shall be sentenced to a term of imprisonment of between one to five years.

### **Breach of Court Order on the Prohibition on the Performance of Certain Activities Article 372**

Whoever, knowing that another has been prohibited by the court from performing her/his work, engagements or other duties or any specific duties or is prohibited from doing so by reason of a lawful conviction, allows that person to perform any of those activities or duties, shall be fined or punished by a term of imprisonment of maximum one year.

### **Riot by Detained Persons Article 373**

(1) Whoever is lawfully detained and who associates with other lawfully detained persons with the intention of escaping by force or of jointly attacking a guard, or force or threatens by force a guard to do or neglect to do something contrary to duty, shall be sentenced to a maximum of three years of imprisonment.

(2) The offender under paragraph 1 of this article, who use force or serious threat, shall be sentenced to a term of imprisonment of between one and five years.

(3) An offender under paragraph 1 of this article who voluntarily quits the riot before the use of force or serious threat, shall be released from punishment.

**Escape of a Detained Person  
Article 374**

Whoever is lawfully detained and, by force or by directly threatening the life or safety of another, escapes,  
shall be sentenced to a term of imprisonment term of between six months to five years.

**Facilitating the Escape of a detained Person  
Article 375**

- (1) Whoever by force or threat of force, deceit or otherwise facilitates the escape of a person in lawful detention,  
shall be punished by imprisonment for a term of between six months and five years.
- (2) Where the offence under paragraph 1 of this Article is committed jointly by several persons or a number of persons escape,  
the offender shall be punished by imprisonment for a term of between one and eight years.

**Breach of Law by a Judge  
Article 376**

A judge of the Constitutional Court of the Republika Srpska or of a court of the Republika Srpska, who, with the intention of benefiting or harming the interests of another, gives an unlawful judgment or otherwise breaks the law,  
shall be punished by imprisonment for a term between six months and five years.

**CHAPTER TWENTY NINE  
CRIMINAL OFFENCES AGAINST LEGAL TRANSACTIONS**

**Forging Documents  
Article 377**

- (1) Whoever creates a false document or alters a genuine document for the purpose of using it as being genuine, or whoever uses a false or altered document as being genuine or obtains it to this end,  
shall be fined or punished by a term of imprisonment of not more than three years.
- (2) Whoever creates a false public document, will, bill of exchange, cheque, public or official record or any other record maintained under a legal requirement or whoever alters such genuine document and places such forged or altered document in circulation or keeps it in order to use it as being genuine, or uses it as being genuine,  
shall be punished by imprisonment for a term of between three months and five years.

**Special Cases of Forging Documents  
Article 378**

The following persons shall be liable to punishment under article 377(1) of this Code:

- 1) whoever, without authority, completes a document, form or some other file containing a statement that creates legal relations which has already been signed by another person;

- 2) whoever deceives another person as to the content of a certain document and if the latter signs the document believing that s/he is signing a document of another kind or with some other content;
- 3) whoever issues a document on behalf of another person without authority or on behalf of a person who does not exist;
- 4) whoever issues a document falsely claiming by her/ his signature to hold a certain position, title or rank, and this substantially affects the weight of the evidence of the document.
- 5) whoever issues a document by using a genuine seal or mark without authority.

#### **Forging or Destroying an Official Document Article 379**

- (1) An official or responsible person who enters false data in an official or business document, record or file, or who fails to enter important data, or who by her/his signature or official seal certifies an official or business document, record or file containing false data, or who by her/his signature or official seal facilitates the drawing up of such documents, records or files containing false data,  
shall be punished by imprisonment for a term of between three months and five years.
- (2) The punishment under paragraph 1 of this article shall be imposed on an official or responsible person who, in the course of duty or business, uses a false official or business document, book or record as if authentic, or who destroys, conceals, substantially damages or otherwise renders useless any official or business document, record or file.

#### **Manufacturing, Buying, Possessing, Selling and Lending Equipment for Counterfeiting Article 380**

- (1) Whosoever manufactures, buys, sells or lends equipment for the manufacture of false documents,  
shall be punished by a fine or imprisonment for a term of maximum two years.
- (2) Any equipment for counterfeiting shall be subject to forfeiture.

#### **Certification of False Matter Article 381**

- (1) Whoever misleads a competent body into certifying any false matter in a public document, register or book, which has the purpose of providing evidence in legal transactions,  
shall be punished by a fine or imprisonment for a term of maximum two years.
- (2) The punishment under paragraph 1 of this article shall be imposed on those who use a document, register or book knowing it to be false.

#### **Issuing or Using a False Medical or Veterinary Health Certificate Article 382**

- (1) A doctor of medicine, dentist or veterinary surgeon who issues medical or veterinary health certificate knowing it to be false,  
shall be punished by a fine or a term of imprisonment of maximum one year.

(2) The punishment under paragraph 1 of this article shall be imposed upon anyone who uses a medical or veterinary health certificate knowing it to be false.

## **CHAPTER THIRTY CRIMINAL OFFENCES AGAINST PUBLIC PEACE AND ORDER**

### **Organised Criminal Group Article 383**

- (1) Whoever organizes an association with a view to committing criminal offences punishable by imprisonment for a term of three or more years, shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever joins the association under the preceding paragraph, shall be punished by imprisonment for a term of maximum two years.
- (3) The offender under paragraphs 1 and 2 of this article, who prevents the commission of criminal offence under paragraph 1 of this article or reports it in a timely fashion or reveals the existence of the association and its leaders, shall be released from punishment.

### **Organised crime Article 383.a**

- (1) Whoever perpetrates a criminal offence prescribed by the RS Criminal Code as a member of an organised criminal group, unless a heavier 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 organised criminal group perpetrates a criminal offence prescribed by the RS Criminal Code, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier 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 organised criminal group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the RS Criminal Code, shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.
- (4) Whoever becomes a member of an organised criminal group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the RS Criminal Code, unless a heavier 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 organised criminal group referred to in paragraph 1 through 4 of this Article, who exposes the organised criminal group, may be released from punishment.

**Comment [a3]:** OG RS 70/06

### **Conspiracy to Commit a Criminal Offence Article 384**

Whoever agrees with another to commit a criminal offence punishable by a term of imprisonment of three years or more,

shall be fined or imprisoned for a term of maximum one year.

### **Violent Behaviour Article 385**

(1) Whoever harshly insults, abuses, or commits an act of violence against another or otherwise endangers security of others and thereby causes serious disturbance and fear among citizens or disturbs public peace,

shall be fined or punished by a term of imprisonment of maximum two years.

(2) Where an offence under paragraphs 1 of this article is committed by two or more persons, or if a number of people is seriously insulted or abused, or if a minor bodily injury is inflicted upon another in the course of the offence,

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

### **Participating in a Group Committing a Criminal Offence Article 386**

(1) Whoever participates in a group which jointly engages in some violent behaviour against people, causes extensive damage to property or commits any other serious violence or attempts to commit any of these offences,

shall be sentenced to a term of imprisonment of between three months and three years.

(2) Where in the course of committing an offence under paragraph 1 of this article the death of one or more people or grievous bodily injury to another is caused,

an offender shall be sentenced to a term of imprisonment of between one and five years for being a party to the group.

(3) Whoever organizes or directs a group committing any offence under paragraphs 1 and 2 of this article,

shall be sentenced to a term of imprisonment of between one and eight years.

### **Obstructing an Official in Execution of His Official Duty Article 387**

~~(1) Whoever by force or the threat of immediate use of force prevents an official from carrying out or compels him to carry out any official duty within the remit of her/his powers, shall be fined or punished by a term of imprisonment of not more than two years.~~

~~(2) Where in the course of committing a criminal offence under paragraph 1 of this article an offender insults or abuses the official, or if s/he inflicts upon the official minor bodily injury, or if any offence under paragraph 1 of this article is committed with a threat of use of weapons,~~

~~he shall be punished by imprisonment for a term of not more than three years.~~

~~(3) Whoever commits an offence under paragraphs 1 and 2 of this article in relation to a judge or prosecutor in discharge of their duties or an official or a person assisting an official in performing duties of public security or apprehending offenders or guarding detained persons,~~

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

~~(4) An attempt of an offence under paragraph 1 of this article is punishable.~~

~~(5) Whoever commits any of the offences under paragraphs 1 to 3 of this article having been provoked by any unlawful or harsh treatment by the official,~~

may be released from punishment.

**(1) Whoever, by force or threat of immediate use of force, prevents an official person in the institutions of Republika Srpska 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 term of maximum three years.**

**(2) If, by the criminal offense referred to in paragraph 1 of this Article, the official person is maltreated or a ~~minor~~ light bodily injury is inflicted upon him, or the criminal offense has been perpetrated by threatening to use weapons, the perpetrator shall be punished by imprisonment for a term between six months and five years.**

**(3) Whoever perpetrates the criminal offense referred to in paragraphs 1 and 2 of this Article against an official person carrying out the work related to the security of Republika Srpska, to the apprehension of perpetrators of criminal offenses or to the guarding of confined persons, shall be punished by imprisonment for a term between one and ten years.**

**(4) If the perpetrator of the criminal offense referred to in paragraphs 1 through 3 of this Article has been provoked by illegal or rude treatment on the part of the official person, he may be relieved of punishment.**

**Attack against an Official Person while Carrying out Security Work, Discovering or Apprehending Perpetrators of Criminal Offenses**  
**Article 387a**

**~~(1) Whoever attacks or seriously threatens to attack an official person of the institutions of Republika Srpska or a person who assists an official person in carrying out work related to the security of Republika Srpska, discovering or apprehending perpetrators of criminal offenses or to the guarding of confined persons, shall be punished by imprisonment term of maximum three years.~~**

**~~(2) If, by the criminal offense referred to in paragraph 1 of this Article, a minor bodily injury is inflicted upon the official person or upon the person who assists him, or if the criminal offense referred to in paragraph 1 of this Article is perpetrated with the threat to use weapons, the perpetrator shall be punished by imprisonment for a term between six months and five years.~~**

**~~(3) If, by the criminal offense 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 offense referred to in paragraph 1, 2 and 3 of this Article has been provoked by illegal or rude treatment on the part of the official person or the person who assists him, he may be relieved of punishment.~~**

**Attacking an Official in the Execution of Duties**  
**Article 388**

**(1) Whoever attacks or seriously threatens to attack an official or a person assisting an official in the execution of duties, shall be punished by imprisonment for a term of not more than three years.**

(2) Where in the course of the commission of an offence under paragraph 1 of this article, bodily injury is inflicted upon the official or upon her/his assistant, or if the offender abuses her/him or threatens to use a weapon, the offender shall be punished by imprisonment for a term of between three months and three years.

(3) Where an offence under paragraphs 1 and 2 of this article is committed in relation to a judge or prosecutor in discharge of their duties or an official in performing duties of public security, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) Whoever commits any offence under paragraphs 1 to 3 of this article having been provoked by the unlawful or harsh treatment by an official or her/his assistant, may be released from the punishment.

### **Participation in a Group Obstructing an Official in Execution of Her/His Official Duty Article 389**

(1) Whoever participates in a group which jointly obstructs or attempts to obstruct an official in the execution of her/his official duty, or compels an official to carry out her/his official duty, shall be fined or punished by a term of imprisonment of maximum three years for being a party to the group.

(2) Whoever organizes or in any way directs a group committing an offence under paragraph 1 of this article, shall be punished by imprisonment for a term of between one and five years.

### **~~Inciting National, Racial or Religious Hatred, Discord or Hostility~~ ~~Article 390~~**

~~(1) Whosoever incites and inflames national, racial or religious hatred, discord or hostility, or spreads ideas of superiority of one race or nation over another,~~

~~shall be punished by a fine or imprisonment for a term of not more than two years.~~

~~(2) Whosoever commits an offence under paragraph 1 above by employing duress and torture, jeopardizing the safety of any person, 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 of between six months and five years.~~

~~(3) Where an offence under paragraphs 1 and 2 above results in riots, violence or any other serious consequence to the co-existence of the constituent peoples and others who live in the Republika Srpska,~~

~~the offender shall be punished by imprisonment for a term of between one and eight years.~~

~~(4) Any material or article bearing messages under paragraph 1 above and equipment for their production, duplication or distribution shall be subject to forfeiture.~~

### **Organizing Resistance Article 391**

(1) Whoever organizes or incites others to resist forcibly the execution of any lawful decision or measure issued by a competent body or to resist an official in the execution of her/his duty, shall be fined or punished by a term of imprisonment of maximum two years.



(2) Where a failure to execute a lawful decision or measure of a competent body occurs as a result of an offence under paragraph 1 of this article, or their execution is made significantly difficult,

the offender shall be sentenced to a term of imprisonment of between three months and three years.

(3) Whoever organizes or directs a group shall be sentenced to a term of imprisonment of between six months and five years.

### **Unlawful Changing the Territorial Integrity of the Republika Srpska Article 392**

Whosoever changes the territorial integrity of the Republika Srpska defined by law by use of force or serious threat of use of force,  
shall be punished by imprisonment for a term of between six months and three years.

### **Unauthorized Performance of Certain Activity Article 393**

Whoever without permission performs a certain activity for cash reward, where there is a legal requirement to obtain permission to do so from the relevant authority,  
shall be fined or sentenced up to a maximum of one year's imprisonment.

### **Removing or Damaging an Official Seal or Sign Article 394**

(1) Whoever removes or damages an official seal or sign applied by an authorized official for the purpose of safe-keeping particular items or premises, or whoever without removing or damaging the seal or sign enters such premises or opens the item officially sealed or marked,  
shall be punished by a fine or term of imprisonment of maximum one year.

(2) An attempt is liable to punishment.

### **Removing or Destroying Official Seal or Official Files Article 395**

Whoever unlawfully removes, conceals, destroys, damages or in some other way renders useless an official seal, register, file or document belonging to or in the possession of a state agency, company, institution or another legal person performing public functions,  
shall be punished by imprisonment for a term of maximum three years.

### **Impersonation Article 396**

(1) Whoever falsely claims to be an official or a military person, or without authority wears any insignia of an official or a military officer, with a view to obtaining a benefit for her/himself or another, or to cause damage to a third person,  
shall be fined or punished by a term of imprisonment of maximum one year.

(2) The punishment under paragraph 1 of this article shall also be imposed on anyone performing an activity which only a designated official or a military official is authorized to perform.

**Autocracy  
Article 397**

- (1) Whoever arbitrarily exercises a right or a right s/he believes s/he has, shall be fined or punished by term of imprisonment of maximum six months.
- (2) Whoever arbitrarily exercises a right or a right s/he believes s/he has by using force or the serious threat of force against life and limb or as a party to an organized group, shall be punished by imprisonment for a term of between six months and three years.
- (3) Whoever commits an offence under paragraph 1 of this article on behalf of another, shall be punished by sentence prescribed for the offence.
- (4) Prosecution of the criminal offence under paragraph 1 of this article shall be carried only on request.

**Manufacturing and Procuring Weapons and Instruments for the Purpose of  
Committing a Criminal Offence  
Article 398**

- (1) Whoever manufactures, possesses, procures or facilitates the obtaining by another of weapons, explosive substances, toxic agents or materials necessary for their manufacture knowing they are to be used in the commission of a criminal offence shall be punished by imprisonment for a term of between ~~three months and three~~ **two and five years** ~~three months and three years~~.
- (2) Whoever creates or provides another with a false key, picklock or some other means for burglary knowing it is designed for the commission of a criminal offence, shall be punished by imprisonment for a term of not more than ~~one~~ **three** year.
- (3) The punishment under paragraph 2 of this article shall be imposed on anyone who makes, procure, sell or lend instructions or instruments for accessing a computer system.
- (4) Any item under paragraphs 1 to 3 above or equipment for their production, transport or distribution shall be subject to forfeiture.

**Illegal Possession of Weapons or Explosive Substances  
Article 399**

- (1) Whoever without authority manufactures, remodels, possesses, sells, procures, exchanges, exports or imports any firearms, chemical, biological or nuclear weapons, ammunition or explosive substances, or any other means of combat which private individuals are forbidden or restricted to manufacture, obtain, sell, possess or keep, shall be punished by term of imprisonment for a term of between ~~six months~~ **two six months** and five years.
- (2) Where an offence under paragraph 1 of this article involves a large quantity of or high value firearms, ammunition, explosive substances or any other means of combat, or where weapons and means of combat are of high destructive force and extremely dangerous, or where an offence is committed by a group, the offender shall be punished by term of imprisonment for a term of between ~~one~~ **three one** and ten years.
- (3) Whoever without authority manufactures, remodels, possesses, sells, procures, exchanges, exports or imports any firearms, chemical, biological or nuclear weapons, ammunition or

explosive substances, or any other means of combat which private individuals are forbidden or restricted to manufacture, obtain, sell, possess or keep, shall be punished by imprisonment for a term of between ~~three months~~ two-three months and five years.

(4) Whoever organizes an association with a view to committing criminal offences under paragraphs 1, 2 and 3 above, shall be punished by imprisonment for a term of not more than ~~three~~ five-three years.

(5) Whoever joins the association under the preceding paragraph, shall be punished by imprisonment for a term of not more than ~~two~~ five-three years.

**(6) Whoever, in public, without authority, carries firearms which acquisition to citizens is not forbidden, lacking a gun licence or permit, Shall be fined or punished by imprisonment term of maximum one year.**

**~~(7) Whoever, in public, without authority, carries firearms, chemical, biological or nuclear weapons, ammunition or explosive devices or any other weapon which acquisition is not at all allowed to citizens, shall be punished by imprisonment for a term of between one and three years.~~**

~~(6) (8) (7)~~ Any item under the preceding paragraphs or equipment for their production, transport or distribution shall be subject to forfeiture.

#### **Gambling Article 400**

(1) Whoever, without permission, organizes gambling or illegal games of chance, shall be punished by a fine or imprisonment for a term of maximum one year.

(2) The same punishment shall be imposed on anyone who for a pecuniary reward gives premises for gambling or facilitates gambling in some other manner.

(3) Whoever uses false or marked cards or practises deceit in any other way in gambling, shall be fined and punished by imprisonment for a term of maximum three years.

(4) Any gambling items or money found in gambling shall be subject to forfeiture.

#### **Defiling a Grave or a Corpse Article 401**

(1) Whoever without authority digs over, demolishes, damages or defiles a grave or another place of interment,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever without authority excavates, removes, damages, destroys or hides a corpse or a part thereof, or any mortal remains, or defiles a corpse, shall be fined or punished by a term of imprisonment of maximum two years.

(3) Where an offence under paragraphs 1 and 2 of this article involves two or more graves or is committed by two or more persons or in a particularly harsh manner, shall be punished by imprisonment for a term of between six months and three years.

**CHAPTER THIRTY ONE**  
**CRIMINAL OFFENCES AGAINST THE PUBLIC SAFETY OF PERSONS AND**  
**PROPERTY**

**Causing Public Danger**  
**Article 402**

(1) Whoever endangers human life or property of substantial value by fire, flood, explosion, poison or poisonous gas, ionising or radioactive radiation, mechanical force, electricity or other form of energy, or by shooting from firearms or in some other dangerous manner or with some other dangerous means,

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

(2) The punishment under paragraph 1 of this article shall also be imposed on an official or any other responsible person who fails to install proper devices for protection against fire, explosion, flooding, poisonous gases or ionizing or radioactive radiation, electricity or other dangerous agents, or fails to maintain the said devices in a proper condition, or fails to operate them when required, or generally fails to comply with rules or technical regulations on protective measures, and who thereby endangers human life or property on a large scale.

(3) Where any offence under in paragraphs 1 and 2 of this article is committed in a gathering of a large number of people,

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

(4) Whoever commits any offence under paragraphs 1 and 2 of this article through negligence,

shall be punished by imprisonment for a term of maximum three years.

**(5) Whoever commits offence under paragraphs 1, 2 and 3 of this Article out of hatred, The perpetrator shall be punished by imprisonment for a term of one and ten years.**

~~(5)~~ **(6)** Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2, 3 and 4 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to ten years for any of the offences under paragraphs 1 and 2, between one and twelve years for any of the offences under paragraph 3 and between six months and five years for any of the offences under paragraph 4.

~~(6)~~ **(7)** Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2, 3 and 4,

the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraphs 1, 2 and 3 and between one and eight years for any of the offences under paragraph 4.

**Causing Danger by Breach of Building Rules and Lawful Construction**  
**Article 403**

(1) Any person in charge who, in the course of designing a project, directing or carrying out the construction of a building, bridge, road or any other construction work, acts contrary to regulations and generally accepted technical rules, and thereby endangers human life or safety or threatens a major danger to property,

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

(2) Where any offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum three years.

- (3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 and 2,  
the offender shall be punished by imprisonment for a term of between one to ten years for any of the offences under paragraph 1 and between six months and five years for any of the offences under paragraph 2.
- (4) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 and 2,  
the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.
- (5) If any offence under paragraph 1 of this article results in material gain or damage in excess of 10,000.00 KM,  
the offender shall be punished by imprisonment for a term of between one and eight years and if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between three and fifteen years.

#### **Damaging Safety Equipment at Work Article 404**

- (1) Whoever destroys, damages, switches off or removes safety equipment in mines, factories, workshops or any other working sites, thereby causing a high degree danger to human life or property,  
shall be punished by imprisonment for a term of between one year and five years.
- (2) Any person responsible for a mine, factory, workshop or any other working site who fails to install safety equipment or fails to maintain it in working condition, or fails to operate it when necessary, or generally fails to comply with regulations or technical rules on protective measures, and thereby causes a high degree danger to human life or property,  
shall be punished by imprisonment for a term of between six months and five years.
- (3) Where any offence under paragraphs 1 and 2 of this article is committed through negligence,  
the offender shall be fined or punished by imprisonment for a term of maximum one year.
- (4) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2 and 3 or an extensive damage to property occurs,  
the offender shall be punished by imprisonment for a term of between one to ten years for any of the offences under paragraphs 1 and 2 and between six months and five years for any of the offences under paragraph 3.
- (5) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2 and 3,  
the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraphs 1 and 2 and between one and eight years for any of the offences under paragraph 3.

#### **Damaging or Destroying Important Economic or Public Facilities Article 405**

- (1) Whoever, by demolishing, damaging, changing, rendering unusable or removing any facilities for supply of water, heat, gas electricity or other energy, communication system facilities or other public facilities, thereby causing a disruption to the orderly civil life or impaired operation of industry,

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

(2) Where an offence under paragraph 1 of this article results in serious disruptions to the operation of facilities,

the offender shall be sentenced to between one and eight years' imprisonment.

(3) Whoever commits an offence under paragraphs 1 and 2 of this article through negligence, shall be punished by imprisonment for a term of maximum two years for an offence under paragraph 1 and maximum three years for an offence under paragraph 3.

### **Damaging a Dam or Water Facilities**

#### **Article 406**

(1) Whoever damages any artificial or natural dam serving as protection against natural disaster,

shall be sentenced to a term of imprisonment of between six months or three years.

(2) Whoever damages, destroys or renders unusable important water facilities,

shall be sentenced to a term of imprisonment of between one and five years.

(3) Whoever commits an offence under paragraph 2 of this article through negligence, shall be fined or sentenced to a maximum of three years' imprisonment.

### **Improper Transport of Explosive Substances or Inflammable Materials**

#### **Article 407**

Whoever contrary to regulations applicable to the transportation of explosive substances or highly inflammable materials consigns for transport those substances to any means of public transportation, or transports such material her/himself or transports it by way of public transportation,

shall be fined or punished by a term of imprisonment of maximum one year.

### **Failure to Avert Danger**

#### **Article 408**

(1) Whoever fails to take steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or safety or to a property on a wide scale, by notifying the relevant authorities in good time or in some other manner, even though s/he could have done so without exposing her/himself or another to danger,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever by dissuasion or otherwise prevents another from taking steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or safety or to property on a wide scale,

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

### **Failure to Participate in Averting Danger**

#### **Article 409**

Whoever, without good reason, refuses to participate in averting a fire, flood, explosion, traffic accident or some other emergencies in contravention of an order or call by relevant authorities or organization,

shall be fined or punished by a term of imprisonment of maximum one year.

## **CHAPTER THIRTY TWO CRIMINAL OFFENCES AGAINST SAFETY OF TRAFFIC**

### **Endangering Public Traffic Article 410**

(1) Where a road user fails to comply with traffic regulations and thereby jeopardizes public traffic to the point of creating an extensive danger to human life or property, and if as a result another is severely physically injured or if damage to property in excess of BAM 3,000.00 occurs,

he/she shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever commits an offence under paragraph 1 of this article through negligence, shall be fined or sentenced to a maximum of three years' imprisonment.

(3) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 and 2,

the offender shall be punished by a term of imprisonment of between two and twelve years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.

### **Endangering Specific Types of Traffic Article 411**

(1) Whoever violates rules and regulations of railway, waterway, tramway, trolley-bus, bus or cable railway traffic, thereby causing an accident,

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

(2) Whoever commits any offence under paragraph 1 of this article through negligence, shall be punished by imprisonment for a term of maximum three years.

(3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 and 2 or if extensive damage to property occurs,

the offender shall be punished by imprisonment for a term of between one to eight years for any of the offences under paragraph 1 and between six months and five years for any of the offences under paragraph 2.

(4) Where the death of one or more persons occurs as a result of any of the offences under paragraph 1,

the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.

### **Endangering Traffic by Dangerous Actions or Means Article 412**

(1) Whoever, by destroying, removing or seriously damaging traffic equipment, devices, signs or signalling devices designed for traffic safety, or by giving false traffic signs or signals, erecting road blocks or in some other way, jeopardizes public traffic to the point of creating an extensive danger to human life or safety or property on a large scale, shall be punished by imprisonment for a term of maximum three years.

(2) Whoever commits an offence under paragraph 1 of this article through negligence, shall be fined or punished by a term of imprisonment of maximum one year.



(3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 and 2 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between six months and five years for any of the offences under paragraph 1 and maximum three years for any of the offences under paragraph 2.

(4) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 and 2, the offender shall be punished by a term of imprisonment of between two and fifteen years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.

### **Careless Supervision of Public Traffic Article 413**

(1) A responsible person who has the duty of supervising the maintenance of roads and allied equipment, transportation, public traffic, or the implementation of prescribed working conditions for drivers, or an authorized person who has the duty of managing traffic and who in the careless performance of her his duties causes a risk of serious danger to human life or safety or property,

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

(2) The punishment under paragraph 1 of this article shall also be imposed on a responsible person who issues a travel order or permits travel notwithstanding her/his being aware that the driver is incapable of safely operating her/his vehicle due to fatigue, illness, the influence of alcohol or some other reason, or if the vehicle is not in a proper condition, and who thereby causes a risk of extensive danger to human life or safety or property.

(3) Where any offence under 1 and 2 of this article is committed through negligence, the offender shall be punished by imprisonment for a term of maximum three years.

(4) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2 and 3 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to eight years for any of the offences under paragraphs 1 and 2 and between six months and five years for any of the offences under paragraph 3.

(5) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2 and 3,

the offender shall be punished by a term of imprisonment of between two and twelve years for any of the offences under paragraphs 1 and 2 and between one and eight years for any of the offences under paragraph 3.

### **Failure to Render Aid to a Person Injured in a Traffic Accident Article 414**

(1) The driver of a motor vehicle or other means of transport who injures another with that vehicle or whose injury s/he has caused and abandons that person without rendering aid, shall be fined or punished by a term of imprisonment of maximum one year.

(2) Where grievous bodily injury of the injured person occurs as a result of the failure to render aid, the offender shall be punished by imprisonment for a term of between six months and three years.

(3) Where the death of the injured person occurs as a result of the failure to render aid,

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

### **CHAPTER THIRTY THREE CRIMINAL OFFENCES AGAINST ENVIRONMENT**

#### **Pollution of the Environment Article 415**

(1) Whoever, in breach of legislation on the protection, preservation and improvement of environment, pollutes air, soil or water to a large extent or over a wide area, shall be punished by a fine or a term of imprisonment of maximum two years.

(2) Where an offence under paragraph 1 of this article results in destruction or major damage to forests and plants over a wide area or if the environment has been polluted to such extent that the health of humans and animals is in danger, the offender shall be punished by imprisonment for a term of between one and five years.

(3) If the criminal offence under paragraphs 1 and 2 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum one year for an offence under paragraph 1 and fined or punished by imprisonment term of between six months and two years for an offence under paragraph 2.

#### **Pollution by Waste Article 416**

(1) Whoever, in breach of legislation, recycles, dumps, deposits, collects, stores or transports waste or generally treats waste in such a manner that s/he pollutes the air, soil or water to the extent that can cause a risk to the health of humans and animals or endanger forests and plants, shall be punished by a fine or a term of imprisonment of maximum two years.

(2) Whoever, by abuse of his official position or authority, authorises the commission of any offence under paragraph 1 of this article, shall be punished by imprisonment for a term of between six months and three years.

(3) Where an offence under paragraphs 1 and 2 of this article results in destruction or major damage to forests and plants over a wide area or if the environment is polluted to such an extent that the health of humans and animals is in danger, the offender shall be punished by imprisonment for a term of between one and five years.

#### **Noise Affecting the Environment Article 417**

(1) Whoever, in breach of legislation, creates noise so as to cause serious harm to the health of a large number of people, shall be fined or punished by a term of imprisonment of maximum one year.

(2) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum six months.

### **Illegal Construction and Operation of Facilities and Equipment Article 418**

- (1) An official or responsible person who, in breach of legislation on the protection, preservation and improvement of environment, authorizes construction, operation or use of facilities or equipment that pollute the environment to a larger extent over a wider area, shall be punished by a fine or a term of imprisonment of between three months and three years.
- (2) Where an offence under paragraph 1 of this article results in destruction or major damage to forests and plants over a wide area or if the environment is polluted to such an extent that the health of humans and animals is in danger, the offender shall be punished by imprisonment for a term of between one and five years.

### **Damaging Facilities and Equipment for the Protection of Environment Article 419**

- (1) Whoever destroys, damages, removes or in some other way renders unusable facilities and equipment for the protection of environment, thereby causing pollution of the environment to a larger extent over a wider area, shall be fined or punished by a term of imprisonment of maximum two years.
- (2) Where an offence under paragraph 1 of this article results in destruction or major damage to forests and plants over a wide area or if the environment is polluted to such an extent that the health of humans and animals is in danger, the offender shall be punished by imprisonment for a term of between one and five years.
- (3) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum one year.

### **Damage and Destruction of Protected Natural Objects Article 420**

- (1) Whoever damages or destroys a protected natural object, shall be fined or punished by a term of imprisonment of not more than three years.
- (2) Where an offence under paragraph 1 of this article involves a protected natural object of high value, the offender shall be punished by imprisonment for a term of between one and eight years.
- (3) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum six months for an offence under paragraph 1 of this article and fined or punished by a term of imprisonment of maximum two years for an offence under paragraph 2.

### **Producing Injurious Preparations for the Treatment of Livestock Article 421**

- (1) Whoever manufactures for the purposes of sale, or places into circulation preparations for the treatment or prevention of disease among livestock or poultry which are harmful to their health and life, shall be punished by a fine or term of imprisonment of maximum one year.
- (2) Where livestock or poultry die in large numbers or some other damage occurs as a result of the offence under paragraph 1 of this article,

the offender shall be fined or punished by a term of imprisonment of between three months and three years.

(3) Where any offence under paragraphs 1 and 2 of this article is committed through negligence,

the offender shall be fined or punished by a term of imprisonment of maximum six months.

#### **Contaminating Fodder or Water Used by Livestock Article 422**

(1) Whoever, by the use of any injurious substance, contaminates fodder or pollutes water for the watering of livestock, poultry or game, and thereby endangers the life and health of the animals,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) The punishment under paragraph 1 of this article shall be imposed on anyone who, by the use of any injurious substance pollutes water in a fish farm, lake, river or canal or by stocking them with fish from contaminated waters, endangers the life and health of the fish and other water animals.

(3) Where the death of a large number of animals or fish of high value occurs as a result of an offence under paragraphs 1 and 2 of this article,

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

(4) Where any offence under paragraphs 1 and 2 of this article is committed through negligence,

the offender shall be fined or punished by a term of imprisonment of maximum six months.

#### **Failure to Comply with Regulations for the Suppression of Animal and Plant Diseases Article 423**

(1) Whoever fails to comply with the regulations or an order of the relevant authority ordering measures for the suppression or prevention of a disease and thereby causes a risk of spreading the disease or causative agents in the disease or pests,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) The punishment under paragraph 1 of this article shall also be imposed on anyone who, during a threat of disease or pests, fails to comply with the regulations or an order stipulating measures for the suppression and prevention of the disease or pests.

(3) If substantial damage occurs as a result of any of the offences under paragraphs 1 and 2 of this article,

the offender shall be punished by imprisonment for a term of maximum three years.

(4) Where any of the offences under paragraphs 1 to 3 of this article is committed through negligence,

the offender shall be fined or punished by a term of imprisonment of maximum one year.

#### **Unconscientious Acts in the Circulation of Pesticide Article 424**

Whoever places any pesticide into circulation without permission or substitutes another pesticide for that prescribed in circumstances when substitution is forbidden, or otherwise unconscientiously acts in the circulation of pesticides and thereby endangers the life or health of humans, animals and the environment,

shall be fined or sentenced to a maximum of two years' imprisonment.

**Treatment by Unconscientious Veterinary Surgeon**  
**Article 425**

- (1) A veterinary surgeon or an authorized veterinary assistant who, in rendering veterinary treatment, prescribes or administers a manifestly inadequate preparation or a manifestly inadequate method of treatment, or who generally acts in an unconscientious manner and thereby causes the death of a large number of livestock or poultry, shall be fined or punished by a term of imprisonment of maximum two years.
- (2) Where an offence under paragraph 1 of this article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum six months.

**Treatment by Unqualified Veterinary Surgeon**  
**Article 426**

Whoever being unqualified or incompetent treats animals or performs other duties of a veterinary surgeon, shall be fined or punished by a term of imprisonment of maximum one year.

**Destruction of Plantations by Injurious Substances**  
**Article 427**

Whoever, by using any harmful substance, causes the destruction of plants, fruit trees or other cultivated crop, and whoever thereby inflicts wide scale damage, shall be fined or punished by a term of imprisonment of maximum two years.

**Failure to Comply with an Order on Measures for the Protection of the Environment**  
**Article 428**

- (1) An official or responsible person who fails to comply with a decision of the relevant body on measures for the protection of the environment, shall be fined or punished by a term of imprisonment of maximum two years.
- (2) In imposing a suspended sentence, the court may impose a condition on the offender that she/he should comply with the ordered measures within a set time-limit.

**Importing Hazardous Material into the Republika Srpska**  
**Article 429**

- (1) Whosoever, in contravention of the regulations, imports into the Republika Srpska radioactive material or other such wastes or material harmful to the life or health of any person, shall be punished by a fine or to imprisonment for a maximum term of two years.
- (2) Whosoever, by abuse of his position or authority, contrary to regulations, facilitates the importation of substances under paragraph 1 of this article into the Republika Srpska, shall be punished by imprisonment for a term of between six months and five years.
- (3) An attempt of the criminal offences under paragraph 1 is also punishable.

### **Forest Theft Article 430**

- (1) Whoever, intending to steal, cuts down one or more trees in a forest and the quantity of timber cut exceeds three cubic metres, shall be fined or punished by a term of imprisonment of maximum two years.
- (2) Where an offence under paragraph 1 of this article is committed with the intention of selling the cut timber, or if the quantity of the cut timber exceeds eight cubic metres, or if the offence is committed in a protected forest, national park or some other forest of a special purpose, the offender shall be punished by between six months and five years' imprisonment.
- (3) The cut down tree and the means used to cut it down shall be forfeited.

### **Depredation of Forests Article 431**

- (1) Whoever, in breach of any regulations or ordinances issued by the relevant authorities, fells or clears a forest, or whoever strips the bark off trees, or in some other way devastates a forest or cuts down one or more trees in a park or alley, shall be fined or punished by a term of imprisonment of maximum one year.
- (2) Whoever commits any offence under paragraph 1 of this article in a protected forest, national park or in some other forest of a special purpose, shall be punished by between three months and three years' imprisonment.

### **Causing Forest Fire Article 432**

- (1) Whoever causes a forest fire resulting in major damage, shall be sentenced to between one and eight years' imprisonment.
- (2) The punishment under paragraph 1 above shall be imposed on anyone who causes a fire in a protected forest, national park, orchard or other forest of a special purpose or in grain field.
- (3) Whoever commits any offence under paragraphs 1 and 2 of this article through negligence, shall be fined or sentenced to a maximum of two years' imprisonment.

### **Torture and Killing of Animals Article 433**

- (1) Whoever grossly abuses an animal or exposes an animal to unnecessary or prolonged suffering, or whoever inflicts unnecessary pain upon animal or unlawfully kills them or destroys their habitats to a great extent over a wide area, shall be fined or sentenced to a maximum of one year's imprisonment.
- (2) Whoever causes the death of larger number of animals of protected species, shall be fined or sentenced to between three months and three years' imprisonment.
- (3) If the criminal offence under paragraphs 1 and 2 of this article is committed through negligence,

the offender shall be fined or punished by a term of imprisonment of maximum three months for an offence under paragraph 1 and fined or punished by a term of imprisonment of maximum one year for an offence under paragraph 2.

### **Exporting Protected Plants or Animals Article 434**

Whoever, in breach of regulations, takes abroad or exports any protected plant or animal, shall be fined or punished by a term of imprisonment of not more than three years.

### **Usurpation of Real Property Article 435**

Whoever, with an intention of possessing and using real property that is declared public domain, a cultural monument, a natural rarity or any natural object of a special value, shall be fined and punished by a term of imprisonment of not more than three years.

### **Illegal Hunting Article 436**

- (1) Whoever hunts during the closed season, shall be fined or sentenced to a maximum of six months' imprisonment.
- (2) Whoever unlawfully hunts in a restricted chase, kills, wounds or catches game, shall be fined or sentenced to a maximum of one year's imprisonment.
- (3) Whoever commits an offence under paragraph 1 of this article against big game, shall be fined or sentenced to a maximum of two years' imprisonment.
- (4) Whoever hunts rare or less frequent game the hunting of which is forbidden, or whoever, without licence, hunts game for which hunting a special licence is required or whoever hunts in a manner or by means that kills game in a large number, shall be fined or sentenced to a maximum of three years' imprisonment.
- (5) Any game caught and any hunting equipment shall be subject to forfeiture.

### **Illegal Fishing Article 437**

- (1) Whoever catches fish and other freshwater animals during a closed season or in a prohibited fishing area, or catches fish and other freshwater animals by using explosives, electric power, poison, paralyzing substances and thereby causes their death or fishes in any way harmful to fish breeding, shall be fined or sentenced to a maximum of one year's imprisonment.
- (2) Whoever commits an offence under paragraph 1 of this article and thereby causes the death of a large number of fish or other freshwater animals, shall be fined or sentenced to a maximum of two years' imprisonment.
- (3) Any catch and any fishing equipment shall be subject to forfeiture.



## **CHAPTER THIRTY FOUR TRANSITIONAL AND FINAL PROVISIONS**

### **Article 438**

Any finally binding sentence of life imprisonment having been passed before the affective date of this Code shall become a sentence of long-term imprisonment of 45 years.

### **Article 439**

On the day this Code comes into force, all criminal provisions contained in other laws, which violates this Code, shall cease to apply.

### **Article 440**

No finally binding sentence having been passed before the affective date of this Code shall be executed if it involves an act which is criminalized neither in this Code nor in the Criminal Code of Bosnia and Herzegovina and if the execution has commenced, it shall stop.

### **Article 441**

This Code shall enter into force on 1 July 2003.