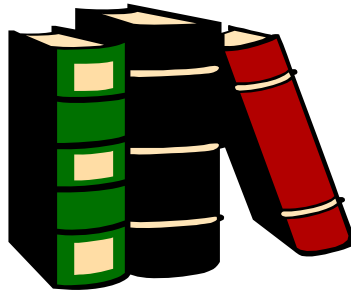




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## Department for Legal Affairs



# CRIMINAL CODE OF REPUBLIKA SRPSKA

**“Official Gazette of Republika Srpska”, 49/03, [108/04](#), [37/06](#), [70/06](#)**

**NOTE: The Law on Changes and Amendments to the Criminal Code of Republika Srpska, published in the “Official Gazette of Republika Srpska”, 73/10, is not included in this translation.**

**NOTE: On the day of entry into force of this code, [Criminal Code of Republika Srpska](#), published in the "Official Gazette of Republika Srpska", 22/00 shall cease to be effective.**

# THE CRIMINAL CODE OF REPUBLIKA SRPSKA<sup>1</sup>

## GENERAL PART

### I CHAPTER ONE

#### BASIC PROVISIONS

##### **Function of the Criminal Legislation of Republika Srpska Article 1**

- (1) Criminal legislation of the Republika Srpska shall protect the fundamental human rights and freedoms and other fundamental individual and general values established and protected by the legal system.
- (2) This protection shall be implemented by defining particular criminal offences, by specifying punishments and other criminal sanctions for the perpetration of the criminal offenses and by pronouncing the sentences against the offender in the legally prescribed proceedings.

##### **Basis and Limits of Criminal Justice Compulsion Article 2**

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

##### **There is no Offence or Punishment if it is not Prescribed by Law Article 3**

No punishment or other criminal sanction may be pronounced on any person for an act which, prior to being perpetrated, 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.

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

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

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

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

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<sup>1</sup> The High Representative's Decision Enacting the Law on Amendment to the Criminal Code of the Republika Srpska was published in the "Official Gazette" of Republika Srpska 108/04.

**Application of General Part  
Article 6**

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

**CHAPTER TWO**

**CRIMINAL OFFENCE AND CRIMINAL RESPONSIBILITY**

**1. General Provisions on Criminal Offences and Criminal Responsibility**

**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 danger it poses and for which a criminal sanction is prescribed by law.
- (2) The offence that poses minor danger due to little significance or insignificance or absence of harmful consequences 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 of the perpetrator or his personal circumstances indicate so.

**Manner of Perpetrating Criminal Offence  
Article 8**

- (1) A criminal offence can be perpetrated by an act or an omission<sup>2</sup> to act.
- (2) A criminal offence is perpetrated by omission<sup>3</sup> only when the perpetrator fails to perform an act he is obligated to perform.

**Time of Perpetrating Criminal Offence  
Article 9**

A criminal offence is perpetrated at the time the perpetrator acts or ought to have acted, irrespective of the time when the consequences of his action or omission<sup>4</sup> to act occurred.

**Place of Perpetrating Criminal Offence  
Article 10**

- (1) A criminal offence is perpetrated both at the place perpetrator acts or ought to have acted, and at the place where the consequence of his action or omission to act<sup>5</sup> occurs.
- (2) A criminal offence in the case of a punishable attempt is perpetrated both at the place perpetrator acts and at the place where the consequence of his action ought to have occurred according to the perpetrator's expectation.

**Necessary Defence (Self-Defence)  
Article 11**

- (1) An act committed in necessary defence is not considered a criminal offence.

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<sup>2</sup> Note of the interpreter: "omission to act" equals "failure to act".

<sup>3</sup> .....by "failure to act..."

<sup>4</sup> ...."or failure to act..."

<sup>5</sup> ..."or failure to act..."

- (2) A defence is considered to be necessary if it is absolutely necessary for the defender to avert an immediate or direct and imminent illicit attack from defender's property or from somebody else's property.
- (3) If the perpetrator 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 perpetrator 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 an immediate or direct and imminent and 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 perpetrator 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 court may release him from punishment.
- (4) There is no extreme necessity if the perpetrator was under an obligation to expose him self to the danger.

### **Criminal Responsibility**

#### **Article 13**

- (1) A perpetrator who is mentally capable<sup>6</sup> and has committed a criminal offence with intent or out of negligence shall be held criminally responsible.
- (2) A perpetrator shall be held criminally responsible if he has perpetrated a criminal offence out of negligence only when the law prescribes so.

### **Mental Capacity**

#### **Article 14**

- (1) A mentally incapable person is one who, at the time of perpetrating the criminal offence, was incapable of comprehending the significance of his acts or controlling his actions due to a mental disease, temporary mental disorder or retardation (mental incapacity).
- (2) If the capacity of the perpetrator to comprehend the significance of his act, and his ability to control his actions was considerably diminished due to any of the mental conditions referred to in paragraph 1 of this Article, he may be punished less severely (considerably diminished mental capacity).
- (3) The perpetrator shall be held criminally responsible if, by consuming alcohol or narcotic drugs or otherwise, he brought himself into such a state of not being capable to comprehend the significance of his actions or to control his actions, and if prior to bringing himself into such a condition, the act was intended by him, or there was negligence on his part in relation to the criminal offence in cases where criminal responsibility is prescribed by law for such an offence even if perpetrated out of negligence (voluntary intoxication).
- (4) The state of considerably diminished mental capacity to which the perpetrator has brought himself in the way provided under paragraph 3 of this Article may not constitute grounds for the reduction of punishment.

### **Intent**

#### **Article 15**

- (1) A criminal offence may be perpetrated with direct or indirect intent.
- (2) The criminal offence was perpetrated with direct intent when a perpetrator was aware of his act but still desired its perpetration.
- (3) The criminal offence was perpetrated with indirect intent when a perpetrator was aware that a prohibited consequence might have resulted from his action or omission to act<sup>7</sup> but nevertheless consented to its occurrence.

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<sup>6</sup> mentally sound, mentally accountable

<sup>7</sup> failure to act

**Negligence**  
**Article 16**

- (1) A criminal offence may be perpetrated by voluntary or involuntary negligence.
- (2) The criminal offence was perpetrated with voluntary negligence when the perpetrator was aware that a prohibited consequence might have occurred as a result of his action or omission to act<sup>8</sup>, but carelessly assumed that it would not occur or that he would be able to prevent it.
- (3) The criminal offence was perpetrated with involuntary negligence when the perpetrator **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 perpetrator's negligence.

**Mistake of Fact**  
**Article 18**

- (1) A person shall be not held criminally responsible if at the time of the perpetration of a criminal offence he was not aware of one of its elements defined by law, or if he has mistakenly believed that circumstances existed which, if they had actually existed, would have rendered such act permissible.
- (2) If the person's mistake resulted from his negligence, he shall be criminally responsible for the criminal offence perpetrated out of negligence, provided that the criminal offence in question is punishable by law when perpetrated out of negligence.

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

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

**Attempted Criminal Offense**

**Attempt**  
**Article 20**

- (1) Whoever intentionally commences execution of a criminal offence, but does not complete such offence, shall be punished for the attempted criminal offence for which the punishment of imprisonment for a term of three years or a more severe punishment may be pronounced, and for the attempt of another criminal offences only when the law explicitly prescribes punishment for the attempt alone.
- (2) Perpetrator shall be punished within the limits of the punishment prescribed for the criminal offence in case of attempt, but may be also punished less severely.

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

If a person tries to perpetrate a criminal offence by inappropriate means or on an inappropriate object, he may be released from punishment.

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<sup>8</sup> failure to act

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

- (1) A perpetrator, 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 perpetrator shall be punished for those acts that constitute some other separate criminal offences.

**Accessories and Accomplices**  
**Accomplices**

**Article 23**

If several persons who, by participating in the perpetration of a criminal offence or otherwise, have jointly perpetrated a criminal offence, each of them shall be punished as prescribed by law.

**Incitement**  
**Article 24**

- (1) Whoever intentionally incites another to perpetrate a criminal offence, shall be punished as if he himself has perpetrated the offence.
- (2) Whoever intentionally incites another to perpetrate a criminal offence for which a punishment of imprisonment for a term of five 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.

**Accessories**  
**Article 25**

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

**Limitations in Responsibility and in 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) An accomplice, inciter or accessory who has voluntarily prevented perpetration of the criminal offence may be released from punishment.
- (3) The personal relations, characteristics and circumstances to which the law attaches the exclusion of criminal responsibility, or it permits or provides for the release from punishment or its mitigation, may be taken into consideration only if they are inherent to such perpetrators, 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.

## **CHAPTER THREE**

### **PUNISHMENTS**

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

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

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

In the framework of the purpose of criminal sanctions, the purpose of punishment is:

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

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

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

The following punishments may be pronounced on perpetrators of criminal offences who are criminally responsible:

- 1) Imprisonment;
- 2) Fine.

##### **Principal and Accessory Punishment**

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

- (1) Long-term imprisonment and imprisonment may be pronounced only as principal punishment.
- (2) A fine may be pronounced both as a principal and as an accessory punishment.
- (3) If both punishments are prescribed for a criminal offence, only one of them may be pronounced as a principal punishment.

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

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

- (1) The sentence prescribed by the law for the criminal offence committed shall be pronounced against the perpetrator and less severe sentence may be pronounced only under circumstances provided for in this Code.
- (2) For criminal offences motivated by greed, a fine may be pronounced as an accessory punishment even when not specifically prescribed by the law or in cases where the law prescribes that the perpetrator shall be punished by imprisonment or a fine, and the court decides to pronounce the punishment of imprisonment as the principal punishment.

##### **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 perpetrated with intent, imprisonment for a term between twenty-five and forty-five years may be exceptionally prescribed (long-term imprisonment).
- (3) Long-term imprisonment cannot be prescribed as the only principal punishment for a single criminal offence.
- (4) Long-term imprisonment shall not be pronounced against a person who was not twenty-one at the time of committing the crime or against a pregnant woman.
- (5) Juvenile imprisonment may be pronounced 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 pronounced, amnesty or pardon may be granted only after three-fifths of the punishment has been served.

**Pronouncing the Sentence of Imprisonment**  
**Article 33**

- (1) Imprisonment shall be pronounced in full years and months; however, the punishment of imprisonment for a term not exceeding six months shall be pronounced in full days. Long-term imprisonment shall be pronounced only in full years.
- (2) At the request of the convicted person, the court may replace the term of imprisonment not exceeding three months with a fine pursuant to Article 36, Paragraphs 2 and 3 of this Code.

**Community Service**  
**Article 34**

- (1) When the court pronounces sentence of imprisonment for a term not exceeding six months, at the same time the court may decide that such punishment, with the consent of the accused, be replaced with community service.
- (2) Under conditions referred to in Paragraph 1 of this Article, the decision on replacement of punishments may be issued by second instance court when deciding the appeal against the first instance verdict. After the verdict becomes final such decision cannot be issued.
- (3) When assessing whether to replace imprisonment with community service, the court shall take into consideration all the circumstances determining the type and range of the sentence, and that the execution of imprisonment would not be necessary to realize the purpose of punishment, but at the same time a suspended sentence would not be sufficient to accomplish the general purpose of the criminal sanction.
- (4) Community service shall be pronounced in duration proportional to the imposed imprisonment. The period for performing community service shall be neither shorter than one month nor longer than the pronounced imprisonment term. In assessing the duration of community service, the court shall take into consideration the pronounced imprisonment that is subject to substitute and the perpetrator's possibilities regarding personal circumstances and employment.
- (5) If, upon the expiry of the prescribed 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 abilities and the skills of the convicted person.

**Fines**  
**Article 35**

- (1) Fines are pronounced in daily amounts and if that is not possible, then in a fixed amount.
- (2) If a fine is pronounced in daily amounts, it may be a minimum of five and maximum of three hundred sixty (360) daily amounts, whereas for criminal offences motivated by greed, a maximum imposable fine is one thousand five hundred daily (1500) amounts, except in the cases foreseen by this Code.
- (3) If a fine is pronounced in a fixed amount, a minimum amount may not be less than 50 KM and a maximum one may not exceed 50.000 KM whereas for criminal offences motivated by greed, a maximum fixed amount imposable may not exceed 1.000.000 KM, except in the cases foreseen by this Code.
- (4) A number of daily amounts shall be determined by the court according to the general rules on meting out penalties. A daily amount shall be determined by the court based on the amount of the offender's daily income calculated on the basis of his three-month's net salary and his other incomes and family responsibilities. In determining the amount, the court shall rely on the data not older than six months at the moment when the fine is being pronounced.
- (5) If data referred to in the preceding Paragraph are unavailable to the court, they 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 closing of the main trial, a fine shall be pronounced in a fixed amount whereby the general rules for meting out penalties shall be applied.
- (6) A minimum daily amount of a fine is 1/60 and a maximum amount is 1/3 of the most recent officially



published employees' average net salary in the Republika Srpska, as published by the Institute of Statistics of the Republika Srpska.

(7) The court shall determine in its verdict 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 installments, whereby the deadline for payment may not exceed two years.

(8) Fines pronounced and collected under this Code shall be credited 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 within the period determined in the verdict, the court shall, without delay, issue a decision wherein the fine is being substituted with imprisonment.

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

(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 shall be suspended.

(5) A fine shall not be collected after the convicted person has died.

#### **Meting out Punishments**

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

##### **Article 37**

(1) The court shall mete out 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 magnitude of punishment (extenuating and aggravating circumstances), and, in particular the degree of criminal responsibility, the motives for perpetrating the offence, the degree of danger or damage to the protected object, the circumstances in which the offence was perpetrated, the past conduct of the perpetrator, his personal situation and his conduct after the perpetration of the criminal offence, as well as other circumstances related to the character of the perpetrator.

(2) When meting out 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 perpetrated with the same motive, and it will also take into consideration the period of time which has elapsed since the pronouncement of the previous conviction, or since the punishment has been served or pardoned.

(3) In meting out a fine, the court shall in particular take into consideration the financial situation of the perpetrator.

#### **Reduction of Punishment**

##### **Article 38**

The court may mete out the punishment below the limit prescribed by the law or may apply a milder 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 accomplished by a milder punishment.

#### **Limitations in Reduction of Punishments**

##### **Article 39**

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

- 1) If a punishment of imprisonment for a term 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 pronounced in the fixed amount, it may be reduced to 50 KM.
- (2) When deciding on the extent of reducing the 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 criminal offence in question.

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

- (1) The court may release the perpetrator from punishment only when the law explicitly prescribed so.
- (2) In cases when the court is authorized to release the perpetrator 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 perpetrator from punishment for a criminal offence perpetrated out of negligence when the consequences of the criminal offence perpetrated affect the perpetrator so severely that imposing a punishment would obviously not serve the purpose of punishment.
- (2) If the perpetrator voluntarily neutralized the consequences of the criminal offence before it was found out that he was the perpetrator or compensated for damage caused by the criminal offence he may be released from punishment.

#### **Concurrence of Criminal Offences<sup>9</sup> Article 42**

- (1) If the perpetrator, by a single action or by several actions, has perpetrated several criminal offences, for which he is tried at the same time, the court shall first establish the punishment for each of the offences separately, and then proceed with pronouncing a compound punishment.
- (2) The court shall adhere to the following rules in pronouncing a compound punishment:
  - 1) If the court has meted out a punishment of long-term imprisonment for one of several criminal offences perpetrated, this will be the only punishment pronounced;
  - 2) If the court has meted out a punishment of imprisonment for the concurrent criminal offences, the compound punishment must be higher than each of the individual punishments, but the compound 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 perpetrated in concurrence, a punishment of imprisonment not exceeding three years is prescribed, the compound punishment may not exceed eight years;
  - 4) If fines only have been meted out by court for the criminal offences in concurrence, the compound punishment may not exceed the sum of all fines meted out nor may it exceed 50,000 KM or 1.000.000 if a criminal offence was committed out of greed.
  - 5) If the court has meted out punishments of imprisonment for some of the concurrent criminal offences, and fines for others, the court shall pronounce one punishment of imprisonment and one fine, in accordance with the provisions set forth in items 2) through 4) of this Paragraph.

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<sup>9</sup> “concurrence of criminal offenses” is known to Continental legal system, but in Anglo-Saxon system this term is close to “merger of criminal offenses”.

(3) The court shall pronounce an accessory punishment if it has been determined for even one of the concurrent criminal offences, and if the court has meted out several fines, it shall pronounce a single fine pursuant to the provision referred to in item 4), Paragraph 2 of this Article.

(4) If the court has meted out a punishment of imprisonment and juvenile imprisonment for the concurrent criminal offences, it shall pronounce a punishment of imprisonment as the compound sentence applying the rules set forth in Paragraph 2 of this Article.

#### **Meting out Punishment against the Convicted Person Article 43**

(1) If a convicted person is tried for a criminal offence he had perpetrated before commencing to serve the previous sentence, or for a criminal offence he perpetrated while serving a sentence of imprisonment or juvenile imprisonment, the court shall pronounce a compound 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 to the pronounced sentence of imprisonment or to the long-term imprisonment.

(2) For criminal offences perpetrated during the course of serving the punishment of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall pronounce the punishment against the perpetrator 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 not achieve the purpose of punishment considering the duration of non-served portion of the previous sentence.

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

#### **Crediting the Period Spent in Custody and Crediting the Previous Punishment Article 44**

(1) The time spent in pretrial custody, 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 imprisonment 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 pronounced for a criminal offence whose characteristics encompass the characteristics of the minor offence or breach of military discipline.

(3) In every counting of the credit, one day spent in pretrial custody, 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 KM shall be deemed equal.

### **CHAPTER FOUR**

#### **WARNING SANCTIONS**

##### **Types of Warning Sanctions and General Conditions for Their Application Article 45**

(1) Warning sanctions are: suspended sentence and judicial admonition.

(2) These sanctions shall be pronounced against a criminally responsible perpetrator only in cases where, given the nature and gravity of the criminal offence, circumstances under which the offense was perpetrated and the character of the perpetrator, the execution of punishment is not necessary and the purpose of punishment can be achieved through a warning with a threat of punishment (suspended sentence), or through admonition only (judicial admonition).

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

(1) By suspended sentence, the court shall impose a punishment on the perpetrator of criminal offence, but at the same time it shall order that the sentence shall not be executed if the convicted person does not

perpetrate another criminal offence over a period of time established by the court which may not be shorter than one or longer than five years (probation period).

(2) The court may decide in its suspended sentence on the condition that the suspended sentence shall be executed if within certain time-limit the convicted person 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 fulfillment of these obligations within the determined probation period.

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

### **Requirements for Pronouncement of the Suspended Sentence**

#### **Article 47**

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

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

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

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

#### **Article 48**

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

(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 pronounced, the court shall decide, upon consideration of all circumstances related to the criminal offences perpetrated as well as to the perpetrator, particularly the similarity of the perpetrated offences, their significance and motives out of which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on pronouncing a suspended sentence if a punishment of imprisonment for a term exceeding two years (Article 47, Paragraph 1) needs to be pronounced against the perpetrator for the criminal offence for which the suspended sentence was pronounced and for new criminal offences.

(3) In the event of revocation of the suspended sentence, the court shall pronounce one compound punishment both for the previously perpetrated 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 pronounce a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court decides that a suspended sentence should be pronounced for the newly perpetrated criminal offence as well, the court shall apply provisions set forth under Article 42 of this Code to pronounce one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine new probation period (Article 46, Paragraph 1) commencing on the day the new verdict becomes effective. If the court pronounces 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 Perpetrated Criminal Offence**

#### **Article 49**

(1) The court shall revoke a suspended sentence in case that, after it was pronounced, 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 pronouncement 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 Fulfill Particular Obligations Article 50**

If the suspended sentence sets forth some obligations referred to in Article 46, Paragraph 2 of this Code to be fulfilled by the convicted person and he fails to meet such obligations within the determined period specified in the verdict, the court may, within the probation period, extend the deadline for the fulfillment of the obligations or revoke the suspended sentence and order the execution of the punishment pronounced as the suspended sentence. If the court establishes that it is impossible for the convicted person to fulfill the obligations out of justified reasons, the court shall replace such obligations with other obligations provided for in criminal legislation or shall 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 perpetrates a criminal offence entailing revocation of the suspended sentence during this period, but it is established by verdict 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 fulfill certain obligation referred to in Article 46, Paragraph 2 of this Code within defined period of time, 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 pronounced as the suspended sentence.

(3) The decision revoking a suspended sentence has to become final within time limits set forth in Paragraphs 1 and 2 of this Article.

### **Suspended Sentence with Protective Guardianship Article 52**

(1) The court may order that a perpetrator against whom a suspended sentence has been pronounced is placed under protective guardianship for a particular period within the probation period.

(2) Protective guardianship encompasses statutory measures of assistance, care, supervision and protection.

(3) If during the protective guardianship, the court establishes that the purpose of this measure has been attained, it may terminate the protective guardianship even before its expiration.

(4) If a convicted person against whom a protective guardianship has been pronounced fails to fulfill the obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or extend the protective guardianship within the probation period, or may revoke the suspended sentence.

### **Contents of Protective Guardianship Article 53**

(1) Protective guardianship may include the following obligations:

- 1) Treatment in an appropriate health institution;
- 2) Refraining from intake of alcohol or opiates (intoxicating drugs);
- 3) Attending particular psychiatric, psychological or other counseling centers 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 perpetrator;
- 6) Disposing with the salary or other income and property in an appropriate way and in accordance with marital and family obligations.

(2) The court shall impose one or several obligations referred to in the preceding paragraph, closely defining what exactly they cover and how they are to be executed.

**Judicial Admonition**  
**Article 54**

- (1) Judicial admonition may be pronounced for criminal offences punishable by imprisonment not exceeding one year or by a fine provided that they have been committed under such mitigating circumstances which render them particularly minor.
- (2) Under conditions provided by law, judicial admonition may be pronounced even for criminal offences punishable by imprisonment not exceeding three years.
- (3) The court may pronounce judicial admonition for several concurrent crimes if each of the crimes meet the requirements referred to in Paragraphs 1 and 2 of this Article.
- (4) In deciding whether to pronounce a judicial admonition, the court shall, taking into account the purpose of judicial admonition, give special consideration to the character of the perpetrator, his past conduct, his conduct after the commission of the criminal offence, degree of the criminal responsibility and other circumstances under which the offence has been committed.
- (5) Judicial admonition may not be pronounced against military persons for criminal offences against the Army of Republika Srpska.

**CHAPTER FIVE**

**SECURITY MEASURES**

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

Within the framework of the general purpose of the criminal sanctions, the purpose of security measures is to remove situations or conditions that might influence a perpetrator to perpetrate criminal offences in the future.

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

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

1. Mandatory psychiatric treatment,
2. Mandatory medical addiction treatment,
3. Ban on carrying out a certain occupation, activity or duty,
4. Forfeiture of items.

**Pronouncement of Security Measures**  
**Article 57**

(1) The court may pronounce one or several security measures against a perpetrator of a criminal offence, when grounds for pronouncing them exist as defined in this Code.

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

- (1) The security measure of mandatory psychiatric treatment shall be pronounced against a perpetrator who perpetrates a criminal offence in a state of considerably diminished mental capacity, if the court establishes on the basis of the gravity of the criminal offence and the degree of mental incapacity that there is a danger that the perpetrator might perpetrate the same or more serious criminal offense and that it is necessary for the perpetrator to receive a treatment in order to neutralize this possibility.
- (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 during the suspended sentence.
- (3) The security measure of mandatory psychiatric treatment shall last until the reasons for its pronouncement cease to exist, but in any event shall not exceed the period of serving punishment of

imprisonment or the completion of community service or the expiry of the probation period following the suspended sentence.

(4) As in the case referred to in Article 34 (Community Service) Paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to undergo the mandatory psychiatric treatment.

(5) Under the conditions referred to in Paragraph 2 of this Article, after a convicted person has been conditionally released, his mandatory psychiatric treatment may continue outside a medical institution. If the convicted person does not continue the treatment, his conditional release shall be revoked.

(6) The perpetrator of a criminal offence, who does not undergo the psychiatric treatment during a probation period set forth 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 Fulfill Particular Obligations*).

### **Mandatory Addiction Treatment** **Article 59**

(1) The security measure of mandatory addiction treatment may be pronounced against a perpetrator who perpetrated criminal offence under the decisive influence of addiction to alcohol or to intoxicating drugs, if there is a danger that due to such addiction he will repeat the offence in future.

(2) Under the conditions referred to in Paragraph 1 of this Article, the security measure of mandatory addiction treatment may be pronounced along with the same criminal sanctions, for the same duration, and in the same manner as prescribed for the security measure of mandatory psychiatric treatment by this Code.

(3) As in the case referred to in Article 34, Paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to undergo the mandatory addiction treatment.

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

(5) The perpetrator of a criminal offence, who does not undergo the addiction treatment during a probation period set forth in a suspended sentence, may be treated pursuant to the provision of Article 50 of this Code.

### **Ban on Carrying out a Certain Occupation, Activity or Duty** **Article 60**

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

(2) The court shall decide on duration of the security measure referred to in Paragraph 1 of this Article which shall not last less than one but shall not exceed ten years, counting from the date the decision became final, provided that the time spent serving the punishment of imprisonment or time spent in medical institution shall not be credited to the term of this security measure.

(3) As in the case referred to in Article 34, Paragraph 5 of this Code, the execution of imprisonment may be ordered against the perpetrator of a criminal offence who, while performing community service as a substitute to imprisonment, fails to adhere to the ban on carrying out a certain occupation, activity or duty.

(4) The perpetrator of a criminal offence who fails to adhere to the ban on carrying out a certain occupation, activity or duty during a probation period set forth in a suspended sentence, may be treated pursuant to the provision of Article 50 of this Code.

### **Ban on Driving Motor Vehicle** **Article 61**

(1) The court may pronounce a ban on driving a motor vehicle against a person who has committed a criminal offence which has endangered traffic safety if there is a danger that the person in question will commit such criminal offence again if he is allowed to drive.

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

(3) The court shall decide on duration of the measure referred to in Paragraph 1 of this Article that shall not last less than three months but shall not exceed five years counting from the date the decision became final, provided that the time spent serving the punishment of imprisonment or time spent in medical institution shall not be credited to the term of this security measure.

(4) If the measure referred to in Paragraph 1 of this Article was pronounced against a holder of a foreign driving license, the measure shall encompass a ban on its using in the territory of Republika Srpska for a period between three months and five years.

(5) If the perpetrator, who was banned to drive motor vehicle as a substitute to imprisonment or suspended sentence, fails to adhere to the ban, Article 34, Paragraph 5 and Article 50 of this Code shall be applied.

#### **Forfeiture of Items**

##### **Article 62**

(1) Items used or destined for use in the perpetration of a criminal offence, or those items resulted from the perpetration of a criminal offence may be forfeited, if those items are owned by the perpetrator.

(2) Items referred to in Paragraph 1 of this Article may be forfeited even if not owned by the perpetrator when interest 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 of items.

### **CHAPTER SIX**

#### **EDUCATIONAL RECOMMENDATIONS, MEASURES AND PUNISHMENT FOR JUVENILES**

##### **General Provisions**

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

##### **Article 63**

(1) The special provisions of this Chapter shall be applicable to juveniles who have perpetrated criminal offences, while other criminal provisions, set forth in the Criminal Code shall be applied to juveniles only if they are not conflicting with these special provisions.

(2) Special provisions applicable for juvenile perpetrators of criminal offences shall also be applicable to adults who are being tried for criminal offences that they have perpetrated as juveniles, and exceptionally shall be also applicable to persons who have perpetrated a criminal offence as young adults.

##### **Exclusion of Criminal Sanctions Against Children**

##### **Article 64**

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

##### **Conditions for Applying Educational Recommendations**

##### **Article 65**

(1) Educational 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 educational recommendations may be applied to a juvenile by a competent prosecutor or judge for juveniles.

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

##### **Purpose of Educational Recommendations**

##### **Article 66**

The purpose of educational recommendations is:

- 1) To avoid initiation of criminal proceedings against juvenile perpetrators; and



- 2) To use the educational recommendations as a mean to influence juveniles not to perpetrate criminal offences in future.

### **Types of Educational Recommendations**

#### **Article 67**

- (1) Educational 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 organization or local community;
  5. Accepting an appropriate job;
  6. Being placed in another family, home or institution;
  7. Treatment in an adequate health institution;
  8. Attending instructive, educational, psychological and other forms of counseling.
- (2) Educational recommendations referred to in items 1) through 3) and item 8) of Paragraph 1 of this Article shall be applied by the competent prosecutor, while the recommendations referred to in items 4) through 7) shall be applied by the judge for juveniles.

### **Selection of Educational Recommendations**

#### **Article 68**

- (1) When deciding which particular educational 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 jeopardize the juvenile's regular schooling or work by applying educational recommendations.
- (2) The educational recommendations may not last longer than one year.
- (3) Upon becoming effective, one educational recommendation may be replaced with another, or may be revoked.
- (4) The selection and application of educational recommendations shall be carried out in cooperation with the juvenile's parents or guardians and social welfare body.

### **Criminal Sanctions for Juveniles**

#### **Article 69**

- (1) Against a juvenile who, at the time of perpetration of a criminal offence had reached fourteen (14) years of age but had not reached sixteen (16) years of age (a junior juvenile), only educational measures may be pronounced.
- (2) Against a juvenile who, at the time of perpetration of a criminal offence had reached sixteen (16) years of age but had not yet reached eighteen (18) years of age (a senior juvenile) educational measures may be pronounced under conditions laid down by this Code, and exceptionally, a punishment of juvenile imprisonment may be pronounced against him.
- (3) Security measures may be pronounced against juveniles under the conditions laid down under this Code.
- (4) Judicial admonition or a suspended sentence may not be pronounced against a juvenile.

### **Special Purpose of Criminal Sanctions for Juveniles**

#### **Article 70**

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

### **Types of Educational Measures**

#### **Article 71**

The following educational measures may be pronounced against a juvenile perpetrator:

- Disciplinary measure: court reprimand or committal to a disciplinary center for juveniles;
- Measures of intensified supervision: exercised by the parents, adoptive parents or guardians, in a foster home, or by a competent social welfare body;
- Institutional measures: committal to an educational institution, to an educational-reformatory home or some other rehabilitation institution.

**Selection of Educational Measures**  
**Article 72**

When deciding on the type of the educational measure, the court shall take into account the age of the juvenile, the degree of his mental development, psychological characteristics, his preferences, the motives out of which he perpetrated the offense, his previous education and upbringing, his environment and living conditions, the gravity of his offense, whether punishment or educational measure has already been pronounced against him, and all other circumstances relevant to the selection of a measure by which the purpose of educational measures can be best achieved.

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

- (1) Court reprimand shall be pronounced if it is sufficient only to reprimand the juvenile for the criminal offence he has committed.
- (2) When 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 against him should he relapse into crime.

**Committal to Disciplinary Center for Juveniles**  
**Article 74**

- (1) The court shall commit a juvenile to a disciplinary center for juveniles when it finds necessary to exert an influence on the personality and conduct of a juvenile perpetrator of criminal offence through an appropriate short-term measures.
- (2) A juvenile against whom a measure referred to in Paragraph 1 of this Article has been pronounced may be committed by the court to the disciplinary center:
  - For a specified number of hours on holidays, but not to exceed four consecutive days of a holiday;
  - For a specified number of hours during a day, but not to exceed one month;
  - For an uninterrupted stay over a specified number of days, but not to exceed twenty days.
- (3) When pronouncing a measure referred to in 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 shall be employed in the disciplinary center on useful tasks appropriate to his age.
- (5) Once pronouncing the committal to the disciplinary center for juveniles, the court may order that the intensified supervision be exercised by the competent social welfare body, which will commence after the committal to the disciplinary center for juveniles has been executed.

**Intensified Supervision Exercised by the Parents, Adoptive Parents or Guardian**  
**Article 75**

- (1) The measure of intensified supervision exercised by of the parents, adoptive parents or guardians, shall be ordered by the court if the parents, adoptive parents or guardians have failed in supervising the juvenile, but they are capable of exercising such supervision.
- (2) When pronouncing measure referred to in 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 regarding the education of the juvenile, his medical treatment and averting harmful influences from him.
- (3) In pronouncing the measure referred to in Paragraph 1 of this Article, the court may order the competent social welfare body to control the enforcement of the measure and render assistance to the parents, adoptive

parents or guardians. The court shall subsequently decide on the termination of this control, provided that it may not be less than one but shall not exceed 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 place the juvenile in a foster home that is willing to accommodate him and that has the ability to exercise an intensified supervision over him.
- (2) The enforcement of the measure referred to in Paragraph 1 of this Article shall be suspended 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 pronouncing the measure referred to in Paragraph 1 of this Article, the court shall order the competent social welfare body to control the enforcement of the measure throughout its duration, as well as to render necessary assistance to the family with which the juvenile has been accommodated.

### **Intensified Supervision Exercised 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 the conditions for placing juvenile in another family for the purpose of execution of such supervision do not exist, the court shall place the juvenile under intensified supervision exercised by the competent social welfare body.
- (2) The court shall subsequently decide on the suspension of the measure referred to in Paragraph 1 of this Article, provided that its duration may not be less than one year but shall not exceed 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 authorized person of the competent social welfare body.
- (3) The authorized person of the competent social welfare body shall take care of the juvenile's schooling, his employment, and his detachment from the environment affecting him in a harmful way, his necessary medical treatment and the improvement of his living conditions.

### **Special Obligations Alongside the Measures of Intensified Supervision Article 78**

- (1) When pronouncing some of the educational measure of intensified supervision referred to in Articles 75, 76 and 77 of this Code, the court may impose on a juvenile one or more special obligations, if that is necessary for the successful enforcement of the pronounced measure, provided that the obligations cannot last longer than the educational measure itself.
- (2) The court may impose on the juvenile the following obligations in particular: that he should apologize to the injured party, pay for the damage within his abilities, go to school regularly, undergo training for a job suitable for his abilities and preferences, restrain from using alcohol and intoxicating drugs, visit an appropriate health institution or counseling office, and not to associate with persons who have harmful influence over him.
- (3) The court may subsequently revoke or modify imposed obligations.
- (4) In the event that the obligations referred to in Paragraph 2 of this Article are not fulfilled, the court may substitute the pronounced measure of intensified supervision with some other educational measure.
- (5) When imposing the obligations referred to in Paragraph 2 of this Article, the court shall alert the juvenile to the consequences referred to in Paragraph 4 of this Article.

### **Committal to Educational Institution Article 79**

- (1) The court shall commit to an educational institution a juvenile who has to be provided with interrupted supervision exercised by the trained educators in the institution for the education of juveniles.

(2) The juvenile shall remain in the educational institution for a term not less than six months but shall not exceed three years. When pronouncing this measure, the court shall not decide on its duration, but shall subsequently decide thereupon (Article 82, paragraph 2 of this Code).

### **Committal to Educational-Reformatory Home Article 80**

(1) The court shall commit a juvenile to an educational-reformatory home for juvenile perpetrators over whom intensified reformatory measures have to be applied.

(2) When deciding whether to pronounce the measure referred to in Paragraph 1 of this Article, the court shall especially take into consideration the gravity and nature of the offence perpetrated, as well as the circumstance whether educational measures or juvenile imprisonment has already been pronounced against the juvenile.

(3) The juvenile shall remain in the educational-reformatory home for a term not less than one year but shall not exceed five years. When pronouncing the measure referred to in Paragraph 1, the court shall not decide on its duration, but shall subsequently decide thereupon (Article 82, paragraph 2 of this Code).

### **Committal to Another Rehabilitation Institution Article 81**

(1) The court may commit a juvenile who's mental or physical development is impeded to another rehabilitation institution as a substitute of committal to an educational institution or to an educational-reformatory home.

(2) The juvenile shall remain in the rehabilitation institution as long as it is necessary for his medical treatment or rehabilitation, but when the juvenile becomes an adult the need for his further committal in the institution shall be reassessed.

### **Suspension of Execution and Modification of Decisions on Educational Measures Article 82**

(1) If after the issuance of the decision on imposing a measure of intensified supervision or an institutional measure, circumstances appear which had not existed at the time of the issuance of the decision or had then been unknown, but might have affected the decision, the execution of the pronounced measure may be suspended, or the pronounced measure may be substituted with another measure of intensified supervision or with an institutional measure.

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

- 1) measure of committal to an educational institution may not be suspended before the expiration of a term of six months, and until such time it can only be substituted by the measure of committal of juvenile to an educational-reformatory home or to some other rehabilitation institution;
- 2) measure of committal to an educational-reformatory home may not be suspended before the expiration of a term of one year, and before such time it may only be substituted by the committal to educational institution or some other rehabilitation institution.

(3) Exceptionally, the measure of committal to educational institution or the measure of committal to an educational-reformatory home may be suspended or 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 character of the juvenile manifestly show that the purpose of these measures has been achieved. .

**Reassessment of Educational Measures**  
**Article 83**

- (1) The court shall reassess the need of executing the pronounced measure if more than one year has elapsed since the day when the decision on measure of intensified supervision or an institutional measure became final, and if until such time the execution of the measure has not commenced. When reassessing it, the court may decide that the previously pronounced measure be executed, not executed or substituted with another measure.
- (2) The measure of committal to a disciplinary center for juveniles shall not be executed if more than six months have elapsed since the day when the decision pronouncing the measure became final, and the execution of the measure has not yet commenced.

**Effect of Punishment on Educational Measures**  
**Article 84**

- (1) If the court pronounces a measure of juvenile imprisonment against a senior juvenile during the course of a educational measure, such educational measure shall terminate once the juvenile start serving the sentence.
- (2) If the court pronounces a sentence of juvenile imprisonment against an adult or sentence of imprisonment for a term not less than one year during the course of a educational measure, such educational measure shall terminate once the person in question start serving the sentence.
- (3) If the court pronounces a sentence of imprisonment against an adult for a term not exceeding one year during the course of an educational measure, the court shall decide whether the educational measure would be continued or suspended upon the completion of the imprisonment term.

**Records on Pronounced Educational Measures**  
**Article 85**

- (1) Records on the pronounced educational measures shall be kept with the competent social welfare body pursuant to regulations issued by the Minister of Health.
- (2) Data on the pronounced educational measures may be disclosed only to the court, public prosecutor's office, internal affairs authorities and social welfare bodies in relation to criminal proceedings against persons on whom the educational measures were pronounced.

**Pronouncing Educational Measures Against Young Adults**  
**Article 86**

- (1) The court may pronounce an adequate measure of intensified supervision or an institutional measure against the perpetrator who has committed a criminal offence as an adult, but who has not reached 21 at the time of trial, if, given his character and circumstances under which he committed the offense, it may be reasonably expected that the educational measure would have the same result as the pronouncement of punishment.
- (2) Under conditions defined in this Code, the court may pronounce all security measures against a young adult on whom it had pronounced an educational measure, except for a ban to carry out a certain occupation, activity or duty.
- (3) The pronounced educational measure may last at most until the perpetrator turns twenty three.

**Punishment of Senior Juveniles**

**General Provision**  
**Article 87**

Only a senior juvenile criminally responsible may be punished for perpetrated 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 an educational measure because of the grave consequences of the offence perpetrated and the high degree of criminal responsibility.

**Juvenile Imprisonment**  
**Article 88**

(1) The duration of the sentence of juvenile imprisonment may not be less than one or exceed ten years, and shall be pronounced in full years or half-years.

(2) When meting out the punishment of juvenile imprisonment, the court shall take into consideration all circumstances that may influence the sentence being longer or shorter (Article 37, Paragraph 1 and 2 of this Code), paying special attention to circumstances relating to the perpetrator's character .

The punishment of juvenile imprisonment for particular criminal offense may not be pronounced for a term longer than the term prescribed as a punishment of imprisonment for the offense in question.

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

(1) The court shall pronounce only one correctional measure against a juvenile for concurrent criminal offence, or only a sentence of juvenile imprisonment when legal conditions for pronouncing that sentence exist and when the court finds it necessary to pronounce it.

(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 perpetrated a criminal offence prior or after an educational measure or juvenile imprisonment has been pronounced against him. .

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

The sentence of juvenile imprisonment cannot be executed if the following time periods have elapsed from the date of entering into force of the verdict by which a punishment of juvenile imprisonment has been pronounced:

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

**Pronouncing Criminal Sanctions Against Adults for Offences They Have Perpetrated as Juveniles**  
**Article 91**

(1) An adult who has reached twenty-one years of age may not be tried for a criminal offence he perpetrated as a junior juvenile.

(2) If an adult has not reached twenty-one years of age at the time of the trial, he may be tried for criminal offenses he perpetrated as a younger juvenile only for those criminal offences for which a punishment of imprisonment for a term exceeding five years has been prescribed. The court may pronounce against such a person the adequate educational measures of intensified supervision or institutional measure. When deciding to pronounce such a measure, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since the perpetration, the conduct of the perpetrator and the purpose of this educational measure.

(3) An adequate institutional educational measure may be pronounced against an adult for a criminal offence he perpetrated as a senior juvenile, and under conditions referred to in Article 86 of this Code, a punishment of juvenile imprisonment may be pronounced. When deciding whether to and which of the sanctions to pronounce, the court shall take into account all the relevant circumstances of the case, in particular the gravity of the criminal offence perpetrated, the time that has elapsed since its perpetration, the conduct of the perpetrator, as well as the purpose of these sanctions.

(4) As an exception to the provision set forth in paragraph 3 of this Article, as a substitute to juvenile imprisonment, the court may sentence to imprisonment or pronounce a suspended sentence against an adult who has reached twenty-one years of age at the time of the trial. With respect to rehabilitation, deleting the

sentence and legal consequences of the sentence, the sentence of imprisonment in this case shall have the same legal effect as a sentence to juvenile imprisonment.

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

Educational measures and juvenile imprisonment do not entail the legal consequences consisting of the ban to acquire certain rights. h (Article 98, Paragraph 2).

### **Security Measures Against Juveniles Article 93**

(1) The court may, under conditions set forth in law, pronounce following security measures against a juvenile perpetrator, against whom an educational measure or a sentence to juvenile imprisonment has been pronounced: : mandatory psychiatric treatment, mandatory addiction treatment, ban on driving a motor vehicle and forfeiture of items.

(2) A security measure of mandatory addiction treatment may not be pronounced along with disciplinary measures.

(3) Instead of mandatory psychiatric treatment, an educational measure of committal to another rehabilitation institution may be pronounced if the treatment and the supervision may be enforced in that institution and thus the purpose of the security measure achieved.

## **CHAPTER SEVEN**

### **FORFEITURE OF THE PROPERTY GAIN OBTAINED BY COMMISSION OF CRIMINAL OFFENSE**

#### **The Basis of the Forfeiture of the Property Gain Article 94**

- (1) Nobody shall be allowed to retain property gain obtained by commission of criminal offense.
- (2) The property gain referred to in Paragraph 1 of this Article shall be forfeited by the court decision, which established the perpetration of a criminal offence, under the terms set forth under this Code.

#### **Manner of the Property Gain Forfeiture Article 95**

(1) The money, valuable items and every other type of property gain obtained by commission of criminal offense shall be forfeited from the perpetrator, and in case the forfeiture is not feasible - the perpetrator shall be obligated to pay an amount of money which corresponds to the obtained property gain.

(2) Property gain obtained by commission of criminal offense may be forfeited from persons to whom that property gain has been transferred without compensation or with a compensation which does not correspond to the real value, if the persons in question knew or should have known that the property gain was obtained by commission of criminal offense.

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

(1) If criminal procedure has resulted in awarding property claims to the injured party, the court shall order the forfeiture of property gain if such property gain exceeds the awarded property claim of the injured party.

(2) The injured party who has been directed to initiate civil case 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 instituted within six months from the day when the decision by which he has been directed to civil case became final and if he demands to be compensated from the forfeited value within three months from the day when the decision legally establishing his property claim became final.

(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 instituted civil case within three months from the

day when he found out about the verdict on forfeiture of property gain, and no later than two years from the day when the decision on the forfeiture of property gain became final, and if within three months from the day when the decision legally establishing his claim, 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 Taking Effect**

##### **Article 97**

- (1) Conviction for particular criminal offences or on particular punishments may entail, as legal consequences, the termination or loss of certain rights, or ban on the acquisition of certain rights.
- (2) Legal consequences of conviction may not take effect when a fine, suspended sentence or court admonition has been pronounced against the perpetrator of a criminal offence, 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 of conviction relating to the termination or loss of certain rights are the following:
  - 1) Cessation of the performance of particular jobs or functions in governmental bodies and authorities, business enterprises or other legal persons;
  - 2) Termination of employment or cessation of the performance of a particular profession, occupation or activity;
  - 3) Loss of rank of military officers or civil servants in the army;
  - 4) Deprivation of medals;
- (2) Legal consequences of conviction which consist of a ban on the acquisition of particular rights are as follows:
  - 1) Ban on performing certain jobs or functions in governmental bodies and authorities, business enterprises or other legal persons;
  - 2) Ban on giving statements in the press, radio, TV and public events, ban on performing publishing activities or ban on participating in founding an association;
  - 3) Ban on acquiring, title, position or promotion in service;
  - 4) Ban on acquiring particular permits or licenses that are issued by a decision of governmental bodies.

#### **Commencement and Duration of Legal Consequences of Conviction**

##### **Article 99**

- (1) The legal consequences of conviction shall take effect on the day the sentence becomes final.
- (2) Duration of the legal consequences of conviction which consist of a ban on acquisition of particular rights may not exceed five years from the day on which the sentence has been served, pardoned or has been barred by the statute of limitations, except if for certain legal consequences the law provides a shorter period of duration.
- (3) The legal consequences of conviction shall cease by the deletion of the sentence.

## **C H A P T E R   N I N E**

### **REHABILITATION AND REQUIREMENTS FOR RELEASING DATA FROM CRIMINAL RECORD**

#### **Rehabilitation**

##### **Article 100**

- (1) The conviction shall be deleted and all its legal consequences shall be terminated by rehabilitation and the convicted person shall be considered not convicted.



- (2) The accessory punishment that has not been served shall also be terminated by rehabilitation.
- (3) Rehabilitation shall take effect either on the basis of the law itself (statutory rehabilitation) or on the basis of court decision issued at the request of the convicted person (judicial rehabilitation).
- (4) Rehabilitation shall not impair third persons' rights arising from the conviction.
- (5) Upon served, pardoned or barred by the statute of limitations sentences of imprisonment, convicted persons shall freely enjoy all rights provided by the constitution, laws and other regulations, even before the rehabilitation, except those whose exercise is limited as a result of a security measure pronounced against them or as a result of commencement of legal consequence of the conviction. The provision shall also apply to convicted persons on parole.

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

- (1) Statutory rehabilitation shall occur only with respect to persons who have not been convicted earlier or are considered not convicted by law.
- (2) Statutory rehabilitation shall occur when:
  - 1) A sentence of court admonition and a decision releasing a perpetrator from punishment shall be deleted from the criminal record after one year has elapsed from the day when the court decision became final, provided that the convicted person does not perpetrate a new criminal offence within that period.
  - 2) A suspended sentence shall be deleted from the criminal record after one year has elapsed from the day when the probation period expired, provided that the convicted person does not perpetrate a new criminal offence within that period. 3) A sentence of a fine, of an imprisonment for a term not exceeding one year and of juvenile imprisonment shall be deleted from the criminal record after three years have elapsed from the day on which the punishment has been executed, served, pardoned or barred by the statute of limitations, provided the convicted person does not perpetrate a new criminal offence within that period.
  - 3) The sentences of imprisonment for a term not less than one year but not to exceed three years shall be deleted from the criminal record after five years have elapsed from the day on which the punishment has been served, pardoned or barred by the statute of limitations, provided that the convicted person does not perpetrate a new criminal offence within that period.
- (3) Sentences may not be deleted from criminal records for as long as security measures are in force.
- (4) When the requirements for deletion of sentence referred to in preceding provisions have been met, the sentence shall be considered deleted 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 elapsed from the day on which the punishment has been served, pardoned or barred by the statute of limitations, provided that the convicted person has not perpetrated a new criminal offence within that period.
- (2) In deciding cases under preceding Paragraph, the court may grant rehabilitation if it finds that the convicted person has deserved it with 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 who has been convicted several times, 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.

### **Releasing Data from Criminal Record** **Article 103**

- (1) Data from criminal record may be given to the court, prosecutor's offices and internal affairs authorities in connection with the criminal proceedings ongoing against a person earlier convicted, to competent bodies enforcing criminal sanctions and to competent bodies participating in the procedure of granting amnesty,

pardon or deletion of conviction.

(2) Data from criminal record may, at reasoned request, be given to governmental bodies, business enterprises and other legal person if certain legal consequences of the conviction or security measure are still in force or if justified interest for it exists based on law.

(3) Data about deleted convictions shall not be given to anyone.

(4) Nobody shall have the right to request the citizen to submit evidence of his conviction or non-conviction.

(5) Data from criminal record may be given to citizens at their request only if the data in question is required for exercise of their rights 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 terminate the application of the security measure of a ban to carry out a certain occupation, activity or duty or of a ban to drive motor vehicle, 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 relating to the ban on the acquisition of a certain right after one year has elapsed from the day on which the punishment has been served, pardoned 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 damage caused by the perpetration of a criminal offence and to return property gain acquired by the perpetration of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or a legal consequence of a sentence.

(4) The termination of legal consequences of the sentence shall not impair the rights of third parties arising from the conviction.

**CHAPTER TEN**

**GENERAL PROVISIONS ON EXECUTION OF CRIMINAL SANCTIONS**

**Limits as to the Execution of Criminal Sanctions**  
**Article 105**

(1) A person against whom a criminal sanction is to be executed may be deprived of his rights or have his rights restricted only insofar as it may be necessary to achieve the nature and purpose of the particular sentence and only in the way that ensures respect of the perpetrator's integrity and his human dignity.

(2) A person against 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 protection.

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

(1) The sentence of 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 explicitly in the closed-type institution for execution of punishments.

(3) The sentence of juvenile imprisonment shall be served in a special institutions for juvenile perpetrators, 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 sent to serve the remainder of the juvenile term in the institution where adults serve sentences.

**Treatment of Convicted Persons**  
**Article 107**

- (1) During the serving of sentence, the convicted person shall be treated in a human manner with the respect for his human dignity and integrity.
- (2) No correctional, medical or psychological actions that infringes the convicted person's intimacy shall be employed 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 on parole provided that he does not perpetrate another criminal offence before sentence term has expired (parole, conditional release).
- (2) A convicted person who has served one-half of his sentence, and exceptionally a convicted person who has served one third of his sentence, may be released on parole, but not before he has served at least one year of the sentence. During the parole, the court may order the measure of intensified supervision by a social welfare body.
- (3) The person sentenced by long-term imprisonment may be released on parole after three-fifths of the sentence have been served provided that he does not perpetrate another criminal offence in future.
- (4) When deciding whether to release a convicted person on parole, the court shall take into account his conduct during the serving of the sentence, of his discharging of working duties in accordance with his working ability as well as other circumstances indicating that the purpose of the punishment has been achieved attained.

**Revocation of Parole**  
**Article 109**

- (1) The court shall order revocation of parole if the convicted person, while on parole, perpetrates one or more criminal offences for which a punishment of imprisonment for a term exceeding one year has been pronounced.
- (2) The court may order revocation of parole if the parolee perpetrates one or more criminal offences for which a punishment of imprisonment for a term not exceeding one year has been pronounced. In deciding whether to revoke the parole or not, the court shall take into special consideration the similarity in the nature of the offenses perpetrated, their significance, the motives out of which they were perpetrated, as well as other circumstances indicating the justifiability of revoking parole.
- (3) When the court orders revocation of parole, it shall pronounce the punishment pursuant to the provisions of Articles 42 and 43, Paragraph 2 of this Code considering the previously pronounced sentence as an already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited to the service of the new sentence, whereas the period of time spent on parole shall not be credited.
- (4) The provisions of Paragraphs 1 through 3 of this Article shall also be applied when the parolee is tried for a criminal offence perpetrated prior to his release on parole.
- (5) If the parolee is convicted to imprisonment for a term not exceeding one year, and the court does not order revocation of parole, the parole shall be extended for a period of time the convicted person spent serving the punishment of imprisonment.
- (6) The preceding provisions shall be accordingly applied to revocation of parole to a person serving juvenile imprisonment.

**Special Provision**  
**Article 110**

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

**CHAPTER ELEVEN**

**STATUTE OF LIMITATIONS**

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

(1) Unless otherwise prescribed by this Code, the criminal prosecution shall not be instituted when the following time periods have elapsed since the perpetration 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 Criminal Prosecution**  
**Article 112**

(1) The running of the period set by statute of limitations to institute criminal prosecution shall commence on the day on which the criminal offence has been perpetrated.

(2) The running of the period set by statute of limitations shall be suspended for any time during which the prosecution cannot be instituted or continued by the virtue of law.

(3) The running of the period set by statute of limitations shall be interrupted by every procedural action undertaken with respect to the prosecution of the perpetrator on account of the criminal offence perpetrated.

(4) The running of the period set by statute of limitations shall also be interrupted if the perpetrator, before the period of statute of limitations has elapsed, has perpetrated a new criminal offence of the same gravity or graver.

(5) After each interruption, the period set by statute of limitations shall commence anew.

(6) The statute of limitations to institute criminal prosecution shall apply in any case when twice as much time elapsed as was set by the statute of limitations pursuant to the law.

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

Unless otherwise prescribed by this Code, the pronounced 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 pronounced;
- 2) Twenty years if a punishment of imprisonment for a term exceeding ten years has been pronounced;
- 3) Fifteen years if the punishment of imprisonment for a term exceeding five years has been pronounced;
- 4) Ten years if the punishment of imprisonment for a term exceeding three years has been pronounced;
- 5) Five years if the punishment of imprisonment for a term exceeding one year has been pronounced;
- 6) Three years if the punishment of imprisonment for a term not exceeding one year or a fine has been pronounced.

**Application of Statute of Limitations Regarding the Execution of Accessory Punishment and Security Measures**  
**Article 114**

(1) The statute of limitations shall apply to execution of a fine as an accessory punishment after two years have elapsed from the date when the verdict pronouncing that punishment became final.

(2) The statute of limitations shall apply to execution of the security measure of mandatory psychiatric treatment, the measure of mandatory addiction treatment and the security measure of forfeiture after five years have elapsed from the date when the decision pronouncing those measures became final. .

(3) The statute of limitations shall apply to execution of the security measure of ban on carrying out a certain occupation, activity or duty or the measure of revocation of driving license after the period for which this measure has been pronounced has elapsed.

**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 shall commence on the date when the verdict became final, and in the case of the revocation of a suspended sentence, on the date when the decision on the revocation of a suspended sentence became final.

(2) The period set by statute of limitations shall not run during the time the punishment cannot be executed by virtue of law.

(3) The running set by statute of limitations shall be 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 statute of limitations to execute the punishment shall apply in any case when twice as much time elapsed as was set by the statute of limitations for the execution of punishments pursuant to the law but it shall not be applied if the execution of sentence is ongoing.

(6) The provisions of Paragraphs 2 through 5 of this Article shall be applied accordingly to statute of limitation with respect to execution of security measures.

**CHAPTER TWELVE**

**AMNESTY AND PARDON**

**Amnesty**  
**Article 116**

Persons subject to act of amnesty, shall be released from criminal prosecution, completely or partially released from the execution of punishment, or substitution of the pronounced punishment by a less severe one, deletion of sentence or revocation of legal consequences of conviction shall be given.

**Pardon**  
**Article 117**

(1) By means of pardon, to the specifically identified persons, <sup>10</sup>complete or partial release from the execution of punishment, substitution of the pronounced punishment by a less severe one or by suspended sentence, deletion or revocation of sentence or shortening the duration of the security measure or a certain legal consequence of the conviction shall be given.

(2) A person convicted for the criminal offences with long-term imprisonment shall not be granted pardon before the convicted person has served three fifths of the imprisonment sentence.

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

Granting amnesty or pardon shall not impair the rights of third parties that arise from the conviction.

**CHAPTER THIRTEEN**

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<sup>10</sup> The High Representative's Decision Enacting the Law on Amendment to the Criminal Code of the Republika Srpska deleted words "a release from criminal prosecution,".

## **APPLICATION OF THE CRIMINAL LEGISLATION OF REPUBLIKA SRPSKA WITH RESPECT TO THE PLACE OF COMMISSION OF CRIMINAL OFFENCE**

### **Application of the Criminal Legislation of Republika Srpska to Anyone who commits a Criminal Offence in the Territory of Republika Srpska Article 119**

- (1) The criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence in the territory of Republika Srpska.
- (2) The criminal legislation of Republika Srpska shall also 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 criminal legislation of Republika Srpska shall also 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 Criminal Legislation of Republika Srpska to Particular Criminal Offences Committed Abroad Article 120**

The criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence referred to in Articles 293 through 311 outside the territory of Republika Srpska or abroad.

### **Application of the Criminal Legislation of Republika Srpska to Citizens of Republika Srpska Who Had Committed a Criminal Offence Abroad Article 121**

The criminal legislation of Republika Srpska shall apply to citizens of Republika Srpska who commit any criminal offence abroad other than those referred to in Article 120 if he happens to be found in the territory of Republika Srpska or if he is extradited to Republika Srpska.

### **Application of the Criminal Legislation of Republika Srpska to Aliens Who Had Committed a Criminal Offence Abroad Article 122**

- (1) The criminal legislation of Republika Srpska shall also apply to any alien who commits any criminal offence outside the territory of Republika Srpska against Republika Srpska or its citizen and not only the offenses referred to in Article 120 of this Code if he happens to be found in the territory of Republika Srpska or if he is extradited to Republika Srpska.
- (2) The criminal legislation of Republika Srpska shall also apply to any alien who commits any criminal offence abroad against a foreign country or an alien, which is punishable by five or more years of imprisonment pursuant to the legislation of the country where the offense was committed, if he happens to be found in the territory of Republika Srpska and he is not extradited to the foreign country. Unless otherwise provided by this Code, in this case the court shall not pronounce 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 referred to in Article 119 of this Code, the criminal proceedings have been instituted or completed in a foreign country, prosecution may be carried out in Republika Srpska only with the approval of Republic<sup>11</sup> Chief Prosecutor.

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<sup>11</sup> Note of the interpreter: the term originally used here is “Republic Chief Prosecutor”, which instead should be “Chief Prosecutor of Republika Srpska”.

- (2) In cases referred to in Article 121 and 122 of this Code, prosecution shall not be carried out if:
- 1) the perpetrator has served the sentence he was convicted to abroad,
  - 2) the perpetrator has been acquitted by a final verdict,
  - 3) under the foreign legislation, the criminal offence is prosecuted only at the request of the injured party but such request has not been filed.
- (3) In cases referred to in Article 121 and 122 of this Code, prosecution shall be carried out only if the criminal offence is punishable also under the legislation of the country where the criminal offence was committed. When in cases referred to in 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 out only with the approval of Republic Chief Prosecutor.
- (4) In cases referred to in Article 122, Paragraph 2 of this Code, prosecution shall be carried out only with the approval of Republic 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 referred to in 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 Sentence Served Abroad**  
**Article 124**

Pre-trial detention, detention during the extradition procedure and sentence served pursuant to a verdict of a foreign court shall be credited to the sentence pronounced for the same criminal offence by the local court or, if the sentences are not of the same type, the court shall exercise discretion in crediting the earlier sentence.

**XIV CHAPTER FOURTEEN**

**LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES**

**Liability of Legal Persons**  
**Article 125**

- (1) This Chapter shall regulate liability of a legal person, with the exclusion of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska, Brcko District of Bosnia and Herzegovina, canton, city, municipality and local community, for a criminal offence perpetrated in the name of, on account of or for the benefit of the legal person.
- (2) For certain legal persons, the application of some punishments or other criminal sanctions that may be pronounced against legal persons may be excluded or limited under the conditions stipulated by this Code
- (3) Provisions of the General Part of this Code shall be applied accordingly unless otherwise prescribed by this Chapter.
- (4) The criminal procedure against legal persons shall be conducted pursuant to the provisions of the Criminal Procedure Code of Republika Srpska.

**Applicability of this Code with Respect to the Territory of Perpetration of Criminal Offense**  
**Regarding Criminal Liability of Legal Person**  
**Article 126**

- (1) Domestic and foreign legal persons shall, pursuant to this Code, be liable for criminal offences perpetrated on the territory of Republika Srpska.
- (2) Domestic and foreign legal persons who have their seats in the territory of Republika Srpska or perform their activities in the territory of Republika Srpska, shall, pursuant to this Code, be liable for a criminal offence perpetrated outside the territory of the Republika Srpska, if the offence was perpetrated against Republika Srpska, its citizens or domestic legal persons.

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

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

- 1) When the elements of the criminal offence are arising from the decision, order or permission of its managerial or supervisory bodies; or
- 2) When its managerial or supervisory bodies have influenced the perpetrator or enabled him to perpetrate the criminal offence; or
- 3) When a legal person disposes of illegally gained property or uses items acquired by the criminal offence; or
- 4) When its managerial or supervisory bodies failed to carry out due supervision over the legality of work of the employees.

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

- (1) Along with the conditions referred to in Article 127 of this Code, a legal person shall be liable for a criminal offence even when the perpetrator is not criminally liable for the perpetrated criminal offence.
- (2) Liability of the legal person shall not exclude criminal liability of physical or responsible persons for the perpetrated criminal offence.
- (3) For criminal offences perpetrated out of negligence, a legal person may be liable under the conditions referred to in Article 127, item 4) of this Code, and in that case the legal person may be punished less severely.
- (4) When in the legal person there is no other person or body except the perpetrator, which could direct or supervise the perpetrator, the legal person shall be liable for the criminal offence within the limits of the perpetrator's liability.

**Liability of a Legal Person During the Change of Status**  
**Article 129**

- (1) A legal person under bankruptcy may be criminally liable for a criminal offence regardless of whether the criminal offence was perpetrated before the beginning of the bankruptcy proceedings or in the meantime, but no punishment may be pronounced a legal person under bankruptcy, but only the security measure of forfeiture of items or forfeiture of property gain obtained by commission of criminal offense.
- (2) In the event that the legal person has ceased to exist before the criminal proceedings are completed with a final verdict, and the criminal proceedings established the criminal liability of that legal person, punishments and other criminal sanctions shall be pronounced against the legal person which is the legal successor of the person found to be criminally liable, if its managerial or supervisory bodies had knowledge of the perpetrated criminal offence before the cessation of existence of the legal person.
- (3) The security measure of forfeiture or forfeiture of property gain obtained by commission of criminal offense shall be pronounced against the legal person, which is the legal successor of the legal person found to be criminally liable, if its management or supervision bodies had knowledge of the perpetrated criminal offence.
- (4) In the event the legal person has ceased to exist after the final completion of the criminal proceedings, the pronounced 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) If the perpetrator had commenced the execution of a planned criminal offence, but had not completed such offence, the legal person shall be liable under the terms referred to in Article 127 of this Code, if the law prescribes that the attempt is punishable.
- (2) Legal person shall be punished for attempt with the same punishment as prescribed for the completed criminal offence, but may be punished less severely.



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

### **Continued Criminal Offence Article 131**

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

### **Complicity of Legal Persons Article 132**

- (1) In the event that two or more legal persons are found to have partaken in the perpetration of a criminal offence, each shall be liable pursuant to Article 127 of this Code.
- (2) Where there is complicity of legal persons referred to in paragraph 1 of this Article, each legal person shall be held accountable as if it were the only legal person criminally responsible for the criminal offence.

### **General Reasons for Mitigation of Punishment Against Legal Person or Release from Punishment Article 133**

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

### **Punishment Against Legal Persons Article 134**

The following types of punishment may be pronounced against the legal persons:

- 1) Fines;
- 2) Forfeiture of property;
- 3) Dissolution of the legal person.

### **Fines Against Legal Persons Article 135**

- (1) Fines shall be no less than 5.000 KM and shall not exceed 5.000.000 KM.
- (2) In the event that, by perpetrating the criminal offence, the legal person has caused material damage to another party or the legal person has come into possession of an unlawful property gain, the scope of the pronounced fine may be twice as much as the amount of this damage or benefit.

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

- (1) The forfeiture of property may be pronounced for criminal offences for which a punishment of imprisonment for a term of five years or more severe punishment is prescribed.
- (2) At least half of the property or the major part of the property or the entire property may be forfeited from a legal person, if activities of the legal person, partly or entirely were used to perpetrate the criminal offence.
- (3) In the event of bankruptcy proceedings being brought about as a consequence of the pronounced forfeiture, the creditors shall be able to settle their claims out of the forfeited bankruptcy estate.

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

- (1) Dissolution of a legal person may be pronounced in the case that the activities of the legal person were entirely or partly being used for perpetrating criminal offences.
- (2) Besides the dissolution of a legal person, the court may pronounce the forfeiture of property.
- (3) In addition to the dissolution of a legal person, the court shall propose the opening of a liquidation procedure.
- (4) Creditors may be paid out from the property of the legal person against whom the punishment of dissolution has been pronounced.

**Meting out Punishment Against Legal Persons**  
**Article 138**

- (1) When meting out punishment against a legal person, in addition to the general rules of meting out punishments, the court shall also take into account the economic power of the legal person.
- (2) When meting out the fine for criminal offences for which, in addition to a fine also a forfeiture of property is pronounced, the pronounced punishment may not exceed half of the amount of the legal person's property.

**Pronouncing Suspended Sentence Against a Legal Person**  
**Article 139**

- (1) The court may pronounce a suspended sentence against the legal person instead of a fine.
- (2) When pronouncing a suspended sentence, the court may pronounce a fine against the legal person in the amount of 1.500.000 KM, but at the same time decide that the same shall not be executed provided that the legal person does not become liable for new criminal offence within the period defined by the court, but the period which may not be less than one year or longer than five years.

**Security Measures Against Legal Persons**  
**Article 140**

In addition to the security measure of forfeiture of items, the following security measures may be pronounced against legal person for perpetrated criminal offences :

- a) A publication of verdict;
- b) A ban on performing a certain business activity.

**Publication of Verdict**  
**Article 141**

- (1) The security measure of a publication of verdict shall be pronounced in case it would be useful for the public to learn about the verdict, especially if the announcement would be useful in order to remove a threat to life or health of people or to provide for safety of traffic or certain benefits for the economy.
- (2) Concerning the significance of a criminal offence and the need for public to learn about the verdict, the court shall also assess the need as to whether the verdict shall be published in the printed media, through radio or television or in several aforesaid media and at the same time as to whether to publish the explanation of the verdict entirely or as an abstract. The court shall make sure that the applied method of publication allows that all those concerned be informed.

**Ban on Performing Certain Business Activities**  
**Article 142**

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

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

(3) The security measure referred to in paragraph 1 of this Article may be pronounced for a period between six months and five years, commencing on the day when the verdict became final.

#### **Forfeiture of the Property Gain from a Legal Person Article 143**

If a legal person acquires property gain by the perpetration of a criminal offence, such property gain shall be forfeited from the legal person.

#### **Legal Consequences of Conviction of a Legal Person Article 144**

(1) Legal consequences of the conviction of a legal person are:

- a) Ban to work based on a permit, authorization or concession issued by the authorities of a foreign country ;
- b) Ban to work based on a permit, authorization or concession issued by the institutions of Republika Srpska.

(2) Legal consequences of conviction of a legal person may take effect even when a fine has been pronounced against a legal person for the perpetration of a criminal offence.

#### **Application of the Statute of Limitations to Prosecution and Execution of Criminal Sanctions Pronounced Against Legal Persons Article 145**

(1) Provisions of Article 111 of this Code shall apply with respect to application of the statute of limitations to prosecution.

(2) The statute of limitations shall apply to execution of a sentence pronounced against the legal person when the following periods from the date of the entry into force of the verdict whereby such punishment has been pronounced have elapsed:

- 1) Three years for execution of a fine;
- 2) Five years for execution of the property forfeiture punishment and of the punishment of dissolution of legal person.

(3) The statute of limitations shall apply to execution of a security measure after the lapse of:

- 1) Six months from the date of entry into force of the decision whereby the publication of the verdict was pronounced;
- 2) The period that equals the time for which the measure of ban on performing certain business activity of the legal person was pronounced.

#### **Laws Prescribing the Criminal Offences of Legal Persons Article 146**

Legal persons may be held criminally liable for criminal offences defined in this Code and other criminal offences defined by law of Republika Srpska.

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

#### **MEANING OF TERMS AS USED IN THIS CODE Article 147**

(1) The territory of Republika Srpska as part of the territory of Bosnia and Herzegovina shall understand to mean the land and water surfaces within its borders and the air space over them.

- (2) The criminal legislation of Republika Srpska shall understand to mean this Code and all criminal justice provisions contained in other laws of Republika Srpska.
- (3) An *official person* refers to a person elected or appointed to bodies of legislative, executive and judicial power of Republika Srpska and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and responsibilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorized person in a business company or other legal person who has been legally entrusted with the execution of public authorities and who performs certain duties within the frame of the said authorization; and other person who is performing certain official duty stipulated by law or other regulations adopted on the basis of the law.
- When an official person has been indicated as the perpetrator of a particular criminal offence, persons referred to in paragraph 3 of this Article may be the perpetrators of such offences provided that it does not derive from the characteristics of a particular criminal offence or under particular regulation that the perpetrator may only be one of the specified persons.
- (4) A *responsible person* refers to a person in a business enterprise or other legal person who, in the line of duty or on the basis of specific authorization, has been entrusted with a portfolio related to the implementation of laws or regulations adopted on the basis of the 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 over such process. Official persons are also considered to be responsible persons with respect to criminal offenses where the responsible person has been identified as the perpetrator, and when those offenses are not stipulated as criminal offence in the Chapter of this Code prescribing the offenses against the official duties or stipulated as criminal offenses perpetrated by the official person in some other Chapter of this Code.
- (5) In cases when an official or responsible or military person has been identified as the perpetrator of a criminal offence, all these persons may be the perpetrators of such offence provided that it does not derive from the characteristics of a particular criminal offence or particular regulations that the perpetrator may only be one of the specified persons.
- (6) A *foreign official person* refers to a member of a legislative, executive, administrative or judicial body of a foreign state, a public official person of an international organization or of its bodies, judge or other official person of an international court, serving in Republika Srpska.
- (7) A *legal person*, for the purpose of this Code, refers to Republika Srpska, city, municipality, local community, any organizational form of a business company 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 organizations and associations of citizens or other forms of associations that may acquire funds and use them in the same way as any other institutions or bodies that acquire and use funds and who legally enjoy the status of legal persons.
- (8) A *business enterprise*, for the purpose of this Code, refers to corporations, enterprises, associations, companies, partnerships and any other organizational form registered for performing business activities.
- (9) *Several persons* shall be understood to mean at least two persons.
- (10) A *body of people* shall be understood to mean at least five persons.
- (11) A *group of people* shall be understood to mean an assemblage of at least three individuals that are associated for the purpose of habitual, recidivistic, or occasional perpetration of criminal offences, while each of the individuals gives his contribution or has his part in the perpetration of the criminal offence.
- (12) A *structured group* shall be understood to mean group of at least three persons that is formed for the perpetration of an offence for which a punishment of imprisonment of three years or a more severe punishment may be pronounced.
- (13) An *organized criminal group* shall be understood to mean a structured group of at least three persons, acting in concert with the aim of perpetrating 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 obey the group. An *organized criminal group* has a high level of connection among its members, the structure 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*, for the purpose of this Code, refers to a persons who left their property in the territory of 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 Republika Srpska* shall be understood to mean an information or documents that have been designated as secret of Republika Srpska by virtue of a law, some other regulation or general act of the competent body adopted on the basis of the law, and disclosure of which would cause detrimental consequences for security or interests of Republika Srpska.

(16) A *military secret* shall be understood to mean an information or documents that have been designated as a military secret by virtue of law of Republika Srpska, some other regulation of Republika Srpska or by general act of a competent body of Republika Srpska adopted on the basis of the law.

(17) An *official secret* shall be understood to mean an information or documents that have been designated as official secret by virtue of a law of Republika Srpska, some other regulation of Republika Srpska or by general act of the competent institution of Republika Srpska adopted on the basis of the law.

(18) *Professional secret* shall be understood to mean an information about personal or family life of clients or patients that attorneys, defense counsel, notaries public, physicians or other medical employees, confessors and other professionals get to know in the course of discharging their professional duties.

(19) *Trade secret* shall be understood to mean an information or document which is defined as a trade secret by virtue of law, some other regulation or by decision of the competent body and disclosure of which could or would have detrimental consequences for the enterprise or some other legal person.

(20) A *document* shall be understood to mean any item suitable or designed to serve as evidence of some fact relevant to legal relations.

(21) *Money* shall be understood to mean coins and banknotes, which are legal tender in Bosnia and Herzegovina or in a foreign country.

(22) *Representations of value* shall also include to mean the foreign instruments of value as well as national and foreign mail stamps not in use any more.

(23) A *movable object* shall also include to mean any manufactured or accumulated energy used for producing light, heat or movement, and telephone impulses as well as any registered information that is the result of electronically processed information (computer data or program).

(24) *Force* shall also include to mean 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) A *motor vehicle* shall be understood to mean any engine-run traffic means for land, water and air traffic.

## **SPECIAL PART**

### **CHAPTER SIXTEEN**

#### **Crimes Against Life and Body**

##### **Murder Article 148**

(1) Whoever deprives another person of his life shall be punished by imprisonment for a term not less than five years.

(2) If the criminal offence referred to in Paragraph 1 of this Article has been committed under particularly extenuating circumstances, the offender shall be punished by imprisonment for a term between one and eight years.

##### **First Degree Murder Article 149**

(1) The punishment of imprisonment for a term not less than ten years or long term imprisonment shall be pronounced against a person who:

- 1) deprives another person of his life in a particularly cruel or insidious way;
- 2) deprives another person of his life out of greed, in order to commit or cover up another criminal offense, out of unscrupulous vengeance or from other low motives;
- 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 several persons;

- 5) commits premeditated murder of two or more persons , which is not voluntary manslaughter, infanticide or the murder under particularly extenuating circumstances (Article 148, paragraph 2);
  - 6) murders a child, a minor or a pregnant woman knowing that she is pregnant,
  - 7) murders a judge or public prosecutor in relation to their function or who murders an official or a military person in the exercise of their duties of security or while keeping peace and order or while apprehending the perpetrator of a criminal offense or guarding a person deprived of liberty.
- (2) The sentence referred to in Paragraph 1 of this Article shall also be applied when organized or contracted murder has been committed.

**Voluntary Manslaughter  
Article 150**

Whoever deprives another person of his life while being brought into the state of strong irritation with no fault of his own by a grave abuse or serious insult on the part of the person murdered, shall be punished by imprisonment for a term between one and ten years.

**Infanticide  
Article 151**

A mother who deprives her infant of life at birth or immediately after birth in the state of mind caused by the delivery shall be punished by imprisonment for a term between six months and five years.

**Involuntary Manslaughter  
Article 152**

Whoever deprives another person of his life out of negligence, shall be punished by imprisonment for a term between six months and five years.

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

- (1) Whoever induces another to commit suicide or assist him in committing suicide, and the suicide is actually committed, shall be punished by imprisonment for a term between six months and five years.
- (2) Whoever commits the offense referred to in Paragraph 1 of this Article against a minor or against a person whose ability to realize the significance of his actions or to control his actions was substantially diminished, shall be punished by imprisonment for a term between two and ten years.
- (3) Whoever commits the offense referred to in Paragraph 1 of this Article against a child or against a person who was not able to realize the significance of his actions or control his actions, shall be punished according to Article 150 or 151 of this Code.
- (4) Whoever brutally or inhumanely treats a person who is in a way subordinate to or dependent on him, as a result of which that person commits suicide due to such treatment that may be attributed to the negligence of the perpetrator, shall be punished by imprisonment for a term between six months and five years.
- (5) Whoever assists another in committing suicide under particularly extenuating circumstances, shall be punished by imprisonment for a term not exceeding three years.
- (6) If, as a result of acts referred to in Paragraphs 1 through 5 of this Article, suicide has been only attempted, the court may punish the perpetrator less severely.

**Illegal Abortion  
Article 154**

- (1) Whoever in contravention of abortion regulations performs abortion on a pregnant women with her consent, commences performing abortion, or assist her in procuring her own miscarriage, shall be punished by imprisonment for a term between three months and three years.

(2) Whoever performs or commences performing abortion on a pregnant woman without her consent and a pregnant woman is less than 16 years old, and there is no written consent of her parent, adoptive parent or guardian,

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

(3) If grievous bodily harm, or a serious illness or death of the pregnant woman occurs as a result of the acts referred to in Paragraphs 1 and 2 of this Article,

the perpetrator shall be punished for the act referred to in Paragraph 1 by imprisonment for a term between six months and five years, and for the act referred to in Paragraph 2 by imprisonment for a term between two and twelve years.

### **Bodily Injury Article 155**

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

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

(2) The court may pronounce a judicial admonition against the perpetrator of the offense referred to in Paragraph 1 if he was provoked by severe insulting and violent behavior of the victim.

### **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 between six months and five years.

(2) Whoever inflicts bodily injury upon another person or impairs his health so gravely that the life of the injured person is endangered, or if an important part or organ of his body was destroyed or permanently weakened to a substantial degree, or if the injured person was made permanently unable to work, or if permanent and grave damage to his health or disfigurement took place, shall be punished by imprisonment for a term between one and eight years.

(3) If the acts referred to in Paragraphs 1 and 2 of this Article resulted in the death of the victim, the perpetrator shall be punished by imprisonment for a term between one and twelve years.

(4) Whoever commits the acts referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be punished by imprisonment for a term not exceeding three years.

(5) Whoever commits the acts referred to in Paragraphs 1 through 3 after having been provoked without his own fault into the state of intense irritation by the victim's attack, 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 Fight Article 157**

(1) Whoever participated in a fight which resulted in the death of a person, or in an infliction of grievous bodily injury,

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

(2) There shall be no criminal offence referred to in Paragraph 1 of this Article if a person was involved in the fight through no fault of his own or just defended himself or tried to separate the persons fighting.

### **Dangerous Implements used in a Fight or Quarrel Article 158**

Whoever in a fight or quarrel wields any weapon, a dangerous implement or any other object suitable to inflict grievous bodily injuries or to seriously impair the health of another, shall be punished by a fine or imprisonment for a term not exceeding six months.

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

- (1) Whoever leaves another person without help in life-threatening conditions or circumstances, which he himself has caused,  
shall be punished by imprisonment for a term not exceeding two years.
- (2) If the person sustains grievous bodily injury or grave impairment of health as a result of the criminal offence referred to in Paragraph 1 of this Article,  
the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) If the person loses his life as a result of the criminal offence referred to in Paragraph 1 of this Article,  
the perpetrator shall be punished by imprisonment for a term between one and eight years.

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

- (1) Whoever leaves a helpless person who has been entrusted to him or under his care without assistance in circumstances dangerous to life or health,  
shall be punished by imprisonment for a term not exceeding two years.
- (2) If as a result of the criminal offence referred to in Paragraph 1 of this Article the abandoned helpless person sustains grievous bodily injury or grave impairment of health,  
the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) If as a result of the criminal offence referred to in Paragraph 1 of this Article the abandoned helpless person loses his life,  
the perpetrator shall be punished by imprisonment for a term between one and eight years.

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

- (1) Whoever fails to render aid to a person whose life is in imminent danger, although he could have done it without endangering himself or others,  
shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the person whose life is in imminent danger sustains grievous bodily injury due to the criminal offence referred to in Paragraph 1 of this Article,  
the perpetrator shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) If the person whose life is in imminent danger loses his life as a result of the criminal offence referred to in Paragraph 1 of this Article,  
the perpetrator shall be punished by imprisonment for a term between three months and three years.

**C H A P T E R   S E V E N T E E N**

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

**Infringement of the Equality of Citizens**  
**Article 162**

- (1) Whoever, on the grounds of differences in race, skin color, religion, sex, language, political or other belief, sexual orientation, national or ethnic background, economic status, birth or social origin, education or social status, denies or restricts the civil rights enshrined in the Constitution, law or ratified international agreement, or, whoever on the grounds of these differences grants privileges or does favors to individuals contrary to the Constitution, law or ratified international agreement,  
shall be punished by imprisonment for a term not exceeding three years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be applied to persons who persecute individuals and associations that advocate equality.
- (3) If the criminal offence referred to in Paragraphs 1 and 2 of this Article is committed by an official person through abuse of official position or authority,  
he 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 to a citizen the right to use his language or alphabet enshrined in the Constitution, law or ratified international agreement , shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in Paragraph 1 of this Article is committed by an official person through abuse of official position or authority, he shall be punished by a fine or imprisonment for a term not exceeding two years.

**Coercion**  
**Article 164**

- (1) Whoever by force or serious threat coerces a person into doing or not doing or suffering something, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever commits the criminal offence referred to in Paragraph 1 of this Article by a threat of murder, grievous bodily injury or abduction or if he does so as a member of a group or an organized criminal group, shall be punished by imprisonment for a term not exceeding three years.

**Abduction**  
**Article 165**

- (1) Whoever, by force, deceit or in some other way takes away or keeps another person with the intention of extorting money or some other material advantage or of coercing him or another person into doing or not doing or suffering something, shall be punished by imprisonment for a term between one and eight years.
- (2) Whoever commits the criminal offence referred to in Paragraph 1 of this Article against a child or minor or in a brutal manner or threatens to kill or inflict grievous bodily harm upon the abducted person or if he does so as a member of a group or an organized criminal group, shall be punished by imprisonment for a term between one and ten years.
- (3) The sentence referred to in Paragraph 2 of this Article shall be also applied if the abducted person was kept for more than fifteen days or if grave impairment of his health or some other serious consequences occurred.
- (4) If the abducted person lost his life as a result of the offense referred to in Paragraph 1, 2 and 3 of this Article , the perpetrator shall be punished by imprisonment for a term between two and fifteen years.
- (5) The perpetrator of the criminal offence referred to in Paragraphs 1 through 3 of this Article, who voluntarily releases the abducted person before his demand was fulfilled, may be released from punishment.

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

- (1) Whoever unlawfully imprisons another person, keeps him imprisoned or otherwise unlawfully restricts his freedom of movement, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in Paragraph 1 of this Article was committed by an official person by abuse of official position or authority, he shall be punished by imprisonment for a term not exceeding three years.
- (3) If the unlawful deprivation of freedom referred to in Paragraphs 1 and 2 of this Article was committed against a child or minor or lasted for more than fifteen days, or if the manner of the execution was brutal, or if such a treatment of the person who was unlawfully deprived of freedom caused grave impairment of his health, or if some other serious consequences occurred, the perpetrator shall be punished by imprisonment for a term between one and five years.
- (4) If the person who has been unlawfully deprived of freedom lost his life as a result of the criminal offence referred to in Paragraphs 1, 2 and 3 of this Article,

the perpetrator shall be punished by imprisonment for a term between two and twelve years.  
(5) An attempt of the criminal offences referred to in Paragraphs 1 and 2 of this Article shall also be punishable.

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

- (1) Whoever by use of force, serious threat or in some other illegal way, prevents or restricts refugees and displaced persons from returning to their homes of origin or some other place in Republika Srpska or from using their property, shall be punished by imprisonment for a term between six months and five years.
- (2) Whoever acts as a party to organized actions or in a group of people in perpetrating the criminal offence referred to in Paragraph 1 of this Article, or if grievous injuries were inflicted on another, shall be punished by imprisonment for a term between one and eight years.
- (3) If a person lost his life as a result of the criminal offence referred to in Paragraphs 1 and 2, the perpetrator shall be punished by imprisonment for a term not less than ten years.

### **Abuse Article 168**

- (1) Whoever abuses another person, inflicts grievous physical or emotional suffering on him, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in Paragraph 1 of this Article was committed against a child or minor, the perpetrator shall be punished by imprisonment for a term not exceeding two years.

### **Endangering Safety Article 169**

- (1) Whoever endangers the safety of another by a serious threat to kill him or a person important to him, or inflict grievous bodily injuries, deprive of freedom or abduct or inflict harm by arson, explosive or some other action or device dangerous to the public, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in Paragraph 1 of this Article was perpetrated against an official person in relation to his duty or against a number of persons or if the offender did so as a member of a group or of an organized criminal group, the perpetrator shall be punished by imprisonment for a term not exceeding 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 term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall be applied to anybody who without authorization conducts a search of an apartment or premises referred to in preceding Paragraph.
- (3) If the criminal offence referred to in Paragraph 1 of this Article has been committed by an official person through abuse of his office or authority, he shall be punished by imprisonment for a term not exceeding three years.
- (4) An attempt of the criminal offences referred to in Paragraphs 1 and 2 of this Article shall also be punishable.

### **Illegal Search Article 171**

- (1) Whoever without authorization conducts a search of a person or his belongings, shall be punished by a fine or imprisonment for a term not exceeding one year.

- (2) If the criminal offence referred to in Paragraph 1 of this Article has been committed by an official person through abuse of his office or authority,  
he shall be punished by imprisonment for a term not exceeding three years.
- (3) An attempt of the criminal offence referred to in Paragraph 1 of this Article shall also be punishable.

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

- (1) Whoever without authorization opens a letter, telegram or any other sealed written material or consignment of another, or in any other way breaches their confidentiality or withholds them without authorization, or who without authorization conceals, destroys or delivers to a third person a letter, telegram, fax, sealed written material or consignment of another,  
shall be punished by a fine or imprisonment for a term not exceeding six months.
- (2) Whoever for the purpose of obtaining benefits for himself or someone else, 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 of another he gets to know by violating their secrecy,  
shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article were 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 of another were entrusted,  
he shall be punished by imprisonment for a term not exceeding three years in the case of criminal offence referred to in Paragraph 1 and by imprisonment for a term between three months and five years in the case of criminal offence referred to in Paragraph 2.
- (4) Prosecution shall be carried based on motion.

**Unauthorized Disclosure of a Professional Secret**  
**Article 173**

- (1) An attorney, medical doctor or any other person who without authorization discloses a secret which he has got to know in the exercise of his profession,  
shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) There shall be no criminal offense referred to in Paragraph 1 of this Article if a secret has been disclosed in the public interest or in the interest of another person which outweighs that of keeping the secret.
- (3) Prosecution shall be carried based on motion.

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

- (1) Whoever by use of special devices without authorization taps or records a conversation or a statement which was not intended for him to hear it, or enables an uninvited person to have knowledge of a conversation or a statement that was tapped or recorded without authorization,  
shall be fined or punished by imprisonment for a term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who records a conversation or a statement, which was intended for him to hear it, without the knowledge or consent of the person who is giving the statement, with the intention of abusing it or to anyone who enables an unauthorized person to have knowledge of the conversation or a statement.
- (3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed by an official person through abuse of his office or authority ,  
he shall be punished by imprisonment for a term not exceeding three years.

**Unauthorized Photographing**  
**Article 175**

- (1) Whoever without authorization takes a photograph, film or another visual recording of another person or his personal premises without that person's consent, seriously violating the person's privacy, or who hand

over or displays such a photograph to a third person or enables the third person in some other way to have a direct access to the photograph,  
shall be fined or punished by imprisonment for a term not exceeding one year.  
(2) If the criminal offence referred to in Paragraph 1 of this Article is committed by an official person through abuse of his official position or authority,  
he shall be punished by imprisonment for a term not exceeding three years.

**Unauthorized Use of Personal Data  
Article 176**

(1) Whoever, without the consent of an individual and contrary to the conditions stipulated by the law, collects, processes, communicate or uses his personal data,  
shall be punished by a fine or by imprisonment for a term not exceeding one year.  
(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who, without authorization, accesses another's protected database with the intention of using it for the purpose of gaining benefit for himself or someone else, or for the purpose of inflicting damage to another.  
(3) If the criminal offence referred to in Paragraphs 1 and 2 of this Article is committed by an official person through abuse of his official position or authority,  
he shall be punished by imprisonment for a term not exceeding two years.  
(4) An attempt of any criminal offence referred to in Paragraphs 1 through 3 shall be punishable.

**Violation of the Right to Legal Actions  
Article 177**

(1) Whoever prevents another person from exercising his right to submit a claim, an appeal, objection or any other legal action or petition, shall be punished by a fine or imprisonment for a term not exceeding one year.  
(2) If the criminal offence referred to in Paragraph 1 of this Article is committed by an official person through abuse of his official position or authority,  
he shall be punished by imprisonment for a term not exceeding three years.

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

(1) Whoever denies or restricts the freedom of religion and practice of religion  
shall be punished by a fine or imprisonment for a term not exceeding one year.  
(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who denies the right to equality of a religious community that honors the law with other religious communities or who denies a religious community to publicly practice the religion.

**Violation of the Freedom to Declare National Background  
Article 179**

(1) Whoever prevents another from declaring his national or ethnic background or national or ethnic culture  
shall be punished by a fine or imprisonment for a term not exceeding one year.  
(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who forces another to declare his national or ethnic background .  
(3) If the criminal offences referred to in Paragraph 1 and 2 of this Article are committed by an official person through abuse of his official position or authority,  
he shall be punished by imprisonment for a term not exceeding two years.

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

(1) Whoever denies or restricts the freedom of expression or addressing the public, the establishment of an outlet of mass media, the freedom of the press or other mess media,  
shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who orders or carries out censorship, denies a journalist an access to information or restricts the freedom of information, except in the case of state, military or official secret.

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

Whoever unlawfully prevents the printing, sale or dissemination of books, magazines, newspapers or other kind of printed materials or production and broadcasting of radio and TV programs, shall be punished by a fine or imprisonment for a term not exceeding one year.

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

Whoever, by violating law or in some other unlawful way, denies or prevents political, trade union or other organizing of citizens and whoever prevents operations of political, trade union or other organization or citizens' association, shall be punished by a fine or imprisonment for a term not exceeding one year.

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

- (1) Whoever denies or restricts 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 term not exceeding one year.
- (2) Whoever, by use of force, serious threat, deceit or in some other way, prevents or hinders peaceful assembly or public gathering that is held in pursuance of law, shall be punished by imprisonment for a term not exceeding two years.

**CHAPTER EIGHTEEN**

**CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS**

**Preventing Elections and Voting**  
**Article 184**

- (1) Whoever, by force, serious threat or in some other unlawful way, 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 term not exceeding two years.
- (2) If the criminal offence referred to in Paragraph 1 of this Article was perpetrated in an organized manner or in two or more constituencies, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

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

Whoever, by violating laws or other regulations or in some other unlawful way, prevents or denies the right to stand for election, shall be punished by a fine or imprisonment for a term not exceeding one year.

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

Whoever, with an aim of preventing someone from exercising suffrage, unlawfully fails to enter a name in a voting list, or strikes a name out of an electoral roll, or prevents a person from voting in any other way, shall be punished by a fine or imprisonment for a term not exceeding one year.

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

- (1) Whoever, by use of force, serious threat, bribery, deceit or in any other illegal way, coerces a voter into voting for or against a particular proposal or into not voting at all or into voting in particular manner, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) A member of polling committee or election commission or some other person who perpetrates the criminal offence referred to in Paragraph 1 of this Article in the discharge of duty entrusted to him regarding the elections or vote, shall be punished by imprisonment for a term not exceeding two years.
- (3) Given present or other material benefit shall be forfeited.

**Voting Fraud**  
**Article 188**

- (1) Whoever votes under the name and in lieu of another person, or votes or tries to vote again after having voted once, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The same punishment shall be applied to anyone who participates in the elections or voting although he knows he enjoys no voting right.

**Corrupt Practices at an Election**  
**Article 189**

- (1) Whoever offers, gives or promises reward, present or any other material or immaterial benefit 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 manner, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) The same punishment shall be applied to a voter who requests or takes for himself or another a present or a promise of present or any other benefit in order to vote for or against a particular proposal or not voting at all or to voting in particular manner .
- (3) Given reward, present or other material benefit shall be forfeited.

**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 term not exceeding six months.
- (2) A member of polling committee or election commission or some other person who perpetrates the criminal offence referred to in Paragraph 1 of this Article in the discharge of duty entrusted to him regarding the elections or vote, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) The punishment referred to in Paragraph 2 of this Article shall be also applied to anyone who, by force, serious threat, by abusing official, work related or financial dependency of another or in some other way demands from a citizen to state whether he voted and how he voted.

**Election Fraud**  
**Article 191**

Whoever, by adding, subtracting or deleting votes or in any other way falsifies results of an election or voting, shall be punished by imprisonment for a term not exceeding three years.

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

(1) Whoever at elections destroys, conceals, damages, falsifies or takes away without authorization any document concerning the elections or the vote, or any other item that is used for the elections or the vote, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) A member of polling committee or election commission or some other person who perpetrates the criminal offence referred to in Paragraph 1 of this Article in the discharge of duty entrusted to him regarding the elections or vote, shall be punished by imprisonment for a term not exceeding three years.

**CHAPTER NINETEEN**

**CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY**

**Rape**  
**Article 193**

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

(2) If the criminal offence referred to in Paragraph 1 of this Article was committed against a minor or in a particularly cruel or degrading manner or if at the same occasion the victim was raped by several perpetrators or if the criminal offence has resulted in grievous bodily injury or a serious impairment of health or pregnancy of the female victim, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of the victim, the perpetrator shall be punished by imprisonment for a term not less than five years.

(4) Whoever compels another person to sexual intercourse or any other sex act by serious 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 a 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 disease, mental retardation, any other mental disorder, helplessness or any other state of that person which makes him/her incapable of resisting, shall be punished by imprisonment for a term between six months and five years.

(2) If the criminal offence referred to in Paragraph 1 of this Article was committed against a minor or in a particularly cruel or degrading manner or if at the same occasion more instances of sexual intercourse were performed by more perpetrators or if the criminal offence has resulted in grievous bodily injury or a serious impairment of health or pregnancy of the helpless female victim, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of the victim, the perpetrator shall be punished by imprisonment for a term not less than five years.

**Sexual Abuse of a Child**  
**Article 195**

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

(2) Whoever has had 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 between three and fifteen years.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article were committed by a teacher, teacher in an institution or home, guardian, adoptive parent, physician, priest or some other person by abuse of his position against the child entrusted to him for teaching, up-bringing or care,

(4) the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

(5) If the criminal offence referred to in Paragraphs 1, 2 or 3 of this Article was committed in a particularly cruel or degrading manner or if at the same occasion more instances of sexual intercourse were performed by more perpetrators or if there was a high disproportion of age of the victim and the perpetrator or if the criminal offence has resulted in grievous bodily injury or a serious impairment of health or pregnancy of the female victim,

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

(6) If the criminal offence referred to in Paragraphs 1 through 4 of this Article has resulted in the death of the child,

the perpetrator shall be punished by imprisonment for a term not less than ten years or by 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,

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

(2) A teacher, teacher in an institution or home, guardian, adoptive parent or some other person who, by abuse of his position, has had sexual intercourse or any other sex act with a minor entrusted to him for teaching, up-bringing or care,

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

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

#### **Article 197**

(1) Whoever has had sex acts in front of others in the public,

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

(2) Whoever, in front of a child or a minor, engages into actions intended to satisfy his or someone else's lust, or who incites a child to engage in such actions in front of him or another,

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

### **Trafficking in Human Beings for the Purpose of Prostitution**

#### **Article 198**

(1) Whoever, in order to get financial benefit, 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 between six months and five years.

(2) Whoever, in order to get financial benefit, forces another into prostitution by employing force or threatening to use the force or by inflicting serious harm or deceiving another into prostitution,

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

(3) The punishment referred to in Paragraph 2 of this Article shall be also applied to anyone who, in order to achieve financial benefit, has forced or incited a person into prostitution in the manner described in Paragraph 2 of this Article by using the difficult situation the person has been in as a foreigner in the country, or who professionally engages another person to do so.

(4) Whoever commits the criminal offence referred to in Paragraphs 1 and 3 of this Article against a child or a minor,

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

(5) The history of prostitution of the person who has been enticed, incited, lured or forced into prostitution shall not have any bearing on the criminal offence referred to in this Article.



**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, shall be punished by imprisonment for a term between six months and five years.
- (2) The items referred to in Paragraph 1 of this Article shall be forfeited.

**Production and Screening Child Pornography**  
**Article 200**

- (1) Whoever sells, shows or renders available through a public display or in any other way writings, pictures, audio-visual and other items containing child pornography or whoever produces, purchase, keeps or screens a child pornographic show for the same reasons , shall be fined or punished by imprisonment for a term not exceeding one year.
- (2) If the offence referred to in Paragraph 1 is committed against a minor who is under 16, the perpetrator shall be punished by imprisonment for a term of three years.
- (3) If the offence referred to in preceding Paragraphs is committed through the mass media or internet, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (4) Child pornography in terms of this provision shall be understood to mean any pornographic material that visually shows:
  - (a) a child or a minor involved in an obvious sexual act, and
  - (b) realistic photographs that show a child or a minor involved in an obvious sexual act.
- (5) The items referred to in Paragraphs 1 and 2 of this Article shall be forfeited.

**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 term not exceeding three years.
- (2) Whoever commits the criminal offence referred to in Paragraph 1 of this Article with a child or a minor , shall be punished by imprisonment for a term between one and eight years.
- (3) The victim of the criminal offence referred to in Paragraph 2, who was a minor at the time of commission of the criminal offence, shall not be criminally sanctioned. This shall be applied also in the case when the perpetration of the offense has continued after the victim has become an adult.

**CHAPTER TWENTY**

**CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY**

**Bigamy**  
**Article 202**

- (1) Whoever, being already married, contracts a new marriage, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against a person who contracts a marriage with another despite knowing that the person in question is already married.
- (3) If the earlier marriage was annulled or terminated, no prosecution shall be carried on and if it has been instituted, it shall be suspended.

**Connivance at Contracting Illicit Marriage**  
**Article 203**

An authorized person before whom a marriage is being entered into, who in the exercise of his duty knowingly permits a marriage to be contracted which is prohibited or null and void pursuant to the law,

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

**Cohabitation with a Juvenile**  
**Article 204**

- (1) An adult who (cohabitates) lives unwedded together with a minor who is between 14 and 16, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against a parent, adoptive parent or guardian who permits or induces a minor referred to in Paragraph 1 of this Article to live in unwedded union (to cohabit) with another person.
- (3) If the offense referred to in Paragraph 2 of this Article has been committed out of greed , the perpetrator shall be punished by imprisonment for a term not exceeding three years.
- (3) In the event that marriage is contracted, the prosecution shall not be instituted, or if it has been instituted, it shall be suspended.

**Abduction of a Child or a Minor**  
**Article 205**

- (1) Whoever unlawfully takes a minor away from his parents, adoptive parents, guardian, institution or persons to whom he has been entrusted, who holds or prevents him from being with the person who is entitled to him, or who prevents the execution of a court decision on the custody over a minor , shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the offense referred to in Paragraph 2 of this Article has been committed out of greed or other low motives or where an offence has caused serious impairment on health, upbringing or schooling of the child, the perpetrator shall be punished by imprisonment for a term between three months and three years.
- (3) The perpetrator referred to in Paragraph 1 and 2 of this Article who voluntarily hands over a minor to a person or institution to which the minor has been entrusted or complies with the execution of the decision on custody over the minor, may be released from punishment.
- (4) When pronouncing the suspended sentence for the offense referred to in Paragraphs 1 and 2 of this Article, the court may order that the perpetrator, within the set deadline, hands over a minor to a person or institution to which the minor has been entrusted or that the perpetrator complies with the execution of the decision on custody over the minor.

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

- (1) Whoever, by substitute a changeling, switch or in some other way, changes the family status of a child, shall be punished by imprisonment for a term not exceeding two years.
- (2) Whoever, by switching or in some other negligent way, changes the family status of a child, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (3) An attempt of the offence referred to in Paragraph 1 shall be punishable.

**Neglecting and Abusing a Minor**  
**Article 207**

- (1) A parent, adoptive parent, guardian or any other person who by gross negligence of his care and upbringing duties neglects a minor whom he is obligated to take care of, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) The punishment of imprisonment for a term not exceeding three years shall be pronounced against a parent, adoptive parent, guardian or any other person who abuses the minor , forces a minor to do excessive work or work that is not suitable for a minor of his age or to beg or forces him, out of greed, to engage in other activities damaging to his development.
- (3) If serious bodily harm or serious impairment to health of the minor has occurred as a result of the offense referred to in Paragraphs 1 and 2 of this Article or if the minor has turned to prostitution, alcohol or other forms of asocial behavior, the perpetrator shall be punished by imprisonment for a term between six months and five years.

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

- (1) Whoever by violence, insolent or arrogant behavior violates peace, life and health or mental health of a member of his family or family household, shall be punished by a fine or imprisonment for a term not exceeding two 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 three months and three 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 , the perpetrator shall be punished by imprisonment for a term between one and five years.
- (4) If the commission of the criminal offence referred to in preceding Paragraphs of this Article has resulted in the death of the family member, the perpetrator shall be punished by imprisonment for a term between two and twelve 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) For the purpose of this Chapter, family members or members of household shall be also understood to mean ex-spouses, their children and ex-spouses' parents.

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

- (1) Whoever by gross violation of his family obligations defined by the law leaves in a difficult situation a member of his family who is not capable of taking care of himself, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Should the health of a member of the family be severely impaired as a result of the criminal offence referred to in Paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) Should the member of the family lose his life as a result of the criminal offence referred to in Paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (4) When pronouncing a suspended sentence, the court may also impose a condition that the perpetrator regularly fulfills his obligations of taking care, upbringing and supporting.

**Evading the Alimony**  
**Article 210**

- (1) Whoever evades paying alimony for a person whom he is obligated to support on the basis of a court decision , or an effective settlement entered into before the court or other competent body, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Should serious consequences occur for the supported person as a result of the criminal offence referred to in Paragraph 1 of this Article, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) When pronouncing a suspended sentence, the court may impose a condition that the perpetrator pays all his due obligations and regularly pays the alimony.

**CHAPTER TWENTY ONE**

**CRIMINAL OFFENCES AGAINST PUBLIC HEALTH**

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

(1) Whoever fails to abide by the regulations or ordinances whereby a competent body orders medical examinations, disinfecting, quarantine or some other measures for suppressing or preventing contagious diseases in people, and who by doing so causes a contagious disease to be transmitted, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The punishment referred to in Paragraph 1 of this Article shall be pronounced against a person who, by failing to abide by the regulations and ordinances referred to in Paragraph 1 of this Article with respect to suppressing and preventing contagious diseases in animals, causes a contagious disease to be transmitted to people.

(3) If an incurable contagious disease has been transmitted as the result of the criminal offence referred to in Paragraph 1, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months.

(5) If the criminal offences referred to in preceding Paragraphs have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and eight years for criminal offences referred to in Paragraphs 1 and 2 and for criminal offense referred to in Paragraph 4 by imprisonment for a term not exceeding three years.

(6) If the criminal offences referred to in Paragraphs 1 through 4 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for criminal offences referred to in Paragraphs 1 and 2, for a term between two and fifteen years for the offence referred to in Paragraph 3, and for a term between one and eight years for the criminal offence referred to in Paragraph 4.

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

(1) Whoever, at the time of an epidemic of a contagious human disease, fails to abide by the regulations, ordinances and decisions which order measures for its suppression or prevention, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against 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 the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

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

(1) Whoever, in a hospital, maternity hospital, boarding school, school, company or another organization or a store handling foodstuffs or providing cleaning services, in contravention of sanitary regulations, fails to apply hygienic measures or employs or keeps employed a person suffering from a contagious disease and who by doing so causes the contagious disease to be transmitted, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months.

(3) If the criminal offences referred to in Paragraphs 1 or 2 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and five years for the criminal offences referred to in Paragraph 1 and for a term not exceeding three years for the offence referred to in Paragraph 2.

(4) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraph 1 and for a term between one and eight years for the criminal offence

referred to in Paragraph 2.

### **Careless Treatment of Patients Article 214**

- (1) A medical doctor who, in rendering medical aid, does not observe the rules of medical profession and, by doing so, causes the condition of someone's health to deteriorate, shall be punished by imprisonment for a term not exceeding three years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against any other health care worker who, in rendering medical aid, does not observe the rules of medical profession and, by doing so, causes the condition of someone's health to deteriorate.
- (3) If the offenses referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.
- (4) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and eight years for the criminal offences referred to in Paragraphs 1 and 2 and for a term not exceeding three years for the offence referred to in Paragraph 3.
- (5) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraphs 1 and 2 and for a term between one and eight years for the criminal offence referred to in 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 patient or a person who needs the treatment and whose life is in imminent danger or a danger to sustain serious bodily injury or deterioration of health, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the criminal offence referred to in Paragraph 1 of this Article has resulted in a grievous bodily injury or a serious impairment of health of the person who has not received the treatment, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) If the criminal offence referred to in Paragraph 1 of this Article has resulted in the death of the person who has not received the treatment, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

### **Quackery Article 216**

- (1) Whoever, contrary to legislation and having no authorization, engages in offering medical treatment or some other medical services, shall be punished by a fine and imprisonment for a term not exceeding two years.
- (2) If the criminal offence referred to in Paragraph 1 of this Article has resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) If the criminal offence referred to in Paragraph 1 of this Article has resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and fifteen years.

### **Prohibited Transplantation of Parts of Human Body Article 217**

- (1) Whoever takes a part of human body for transplantation or transplants a part of human body, although the transplanting human body parts is unjustified according to the rules of medical science, shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who takes a part of human body for transplantation before the death has been established in a prescribed manner.

(3) Whoever takes a human body for transplantation or transplants a part of human body without consent of the donor or the recipient or consent of their legal representative in case the donor or recipient were not able to give consent,

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

(4) The punishment referred to in preceding Paragraph shall be also applied to anyone who, without authorization, for remuneration, sells human body parts of alive or dead persons for transplantation purposes or acts as an intermediary in it.

### **Careless Preparation and Dispensing of Medicines**

#### **Article 218**

(1) Any person in charge of dispensing medicines for human consumption who dispenses another medicine instead of the prescribed one or requested one and the replacement is not allowed or who does not prepare a medicine according to prescribed rations and quantities or who acts unconscientiously in a general sense in dispensing medicines and thereby causes the condition of someone's health to deteriorate, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) If the criminal offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and five years for the criminal offence referred to in Paragraph 1 and for a term not exceeding three years for the offence referred to in Paragraph 2.

(4) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraph 1 and for a term between one and eight years for the criminal offence referred to in Paragraph 2.

### **Production and Circulation of Products Harmful to Health**

#### **Article 219**

(1) Whoever produces, sells or puts into circulation medicines or other products for the medical treatments which are harmful to health,

shall be punished by a fine and imprisonment for a term not exceeding two years.

(2) Whoever procures, process or circulates contaminated blood or other tissue or prepares medicines from those,

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

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence,

the perpetrator shall be punished by a fine and imprisonment for a term not exceeding two years.

(4) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons,

the perpetrator shall be punished by imprisonment for a term between one and eight years for the criminal offence referred to in Paragraphs 1 and 2 and for a term between three months and three years for the offence referred to in Paragraph 3.

(5) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have resulted in the death of one or more persons,

the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraphs 1 and 2 and for a term between one and eight years for the criminal offence referred to in Paragraph 3.

(6) The products referred to in Paragraph 1 of this Article shall be forfeited.

### **Unauthorized Production and Circulation of Poison**

#### **Article 220**

- (1) Whoever produces, circulates or uses poison without authorization, shall be punished by imprisonment for a term between six months and five years.
- (2) The poison and processing equipment shall be forfeited.

### **Production and Circulation of Harmful Food Products** **Article 221**

- (1) Whoever produces for sale, sells or in any other way puts into circulation foodstuff, meals, drink or other products harmful to people's health, shall be punished by a fine and imprisonment for a term not exceeding two years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who manufactures for sale, sells or in any other way puts into circulation products for personal hygiene, toys and other products for mass use or consumption that are harmful to people's health.
- (3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine and imprisonment for a term not exceeding one year.
- (4) If the criminal offences referred to in Paragraphs 1, 2 and 3 have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and eight years for the criminal offence referred to in Paragraphs 1 and 2 and for a term not exceeding three years for the offence referred to in Paragraph 3.
- (5) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraphs 1 and 2 and for a term between one to eight years for the criminal offence referred to in Paragraph 3.
- (6) Harmful food and other products shall be forfeited.

### **Careless Inspection of Food Products** **Article 222**

- (1) A veterinarian or some other authorized veterinary worker who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to the regulations fails to carry out the inspection and thus makes it possible for meat or food products harmful to people's health to be put into circulation, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.
- (3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and five years for the criminal offence referred to in Paragraph 1 and for a term not exceeding three years for the offence referred to in Paragraph 2.
- (4) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraph 1 and for a term between one and eight years for the criminal offence referred to in Paragraph 2.

### **Pollution of Potable Water and Foodstuff** **Article 223**

- (1) Whoever by means of injurious substance renders dangerous for people's lives or health the water they use for drink or food products, and this causes danger for the lives and health of people, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever commits the offense referred to in Paragraph 1 of this Article out of negligence,

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

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in a grievous bodily injury or a serious impairment of health of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and five years for the criminal offence referred to in Paragraph 1 and for a term not exceeding three years for the offence referred to in Paragraph 2.

(4) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the criminal offence referred to in Paragraph 1 and for a term between one and eight years for the criminal offence referred to in Paragraph 2.

### **Unauthorized Production and Sale of Intoxicating Drugs Article 224**

(1) Whoever, without authorization, produces, processes, sells or offers for sale, or purchases for sale, keeps or transports, or acts as intermediary in a sale or purchase, or otherwise puts into circulation substances or preparations which are declared intoxicating drugs, shall be punished by imprisonment for a term between one year and ten years.

(2) If the criminal offence referred to in Paragraph 1 of this Article has been committed by several persons or if the perpetrator has organized a network of dealers or middlemen or if he has used a child or a minor for the commission of the criminal offence, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(3) Whoever, without authorization, produces, procures, possesses or lends equipment, material or substances for which he knows are intended for the production of intoxicating drugs, shall be punished by imprisonment for a term between one and five years.

(4) The court may pronounce a less severe punishment or release the perpetrator from punishment if the perpetrator reports his supplier of intoxicating drugs. (5) The intoxicating drugs and processing equipment shall be forfeited.

### **Enabling Another to Enjoy Narcotics Article 225**

(1) Whoever induces another to enjoy intoxicating drugs, or gives to another some intoxicating drugs for his or the use of a third person, or renders available premises for the enjoyment of intoxicating drugs, or otherwise enables another to enjoy intoxicating drugs, shall be punished by imprisonment for a term between six months and five years.

(2) If the offense referred to in Paragraph 1 of this Article has been committed against a child, minor, mentally disturbed person or against a number of persons, or if the offense resulted in particularly serious consequences, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(3) The intoxicating drugs shall be forfeited.

## **CHAPTER TWENTY - TWO**

### **LABOR RELATED CRIMINAL OFFENCES**

#### **Violation of Fundamental Rights of Employees Article 226**

Whoever knowingly disobeys laws, regulations or collective agreements on entering into or termination of employment contract, on salary and other remuneration, on working hours, absence or leave, special labor related protection of women, youth and disabled, or on a ban on overtime or night work, and thus denies or restricts a right the employee is entitled to, shall be punished by a fine or imprisonment not exceeding one year.

#### **Violation of Rights During Recruitment and Unemployment**



### **Article 227**

- (1) Whoever denies or restricts 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 term not exceeding two years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who knowingly fails to abide by law and other regulations prescribing citizens' rights during unemployment, and who by doing so denies or restricts to another person a right he is entitled to.

### **Violation of Rights Arising from Social Security Article 228**

Whoever knowingly fails to abide by law or other regulations on social security, and by doing so denies or restricts a right which a person is entitled to, shall be punished by a fine or imprisonment for a term not exceeding one year.

### **Misuse of Rights Arising from Social Security Article 229**

Whoever by faking or causing an illness or working disability or some other unlawful manner succeeds to be granted a right arising from social security which he otherwise would not be allowed under the legislation, shall be punished by a fine or imprisonment for a term not exceeding one year.

### **Failure to Implement Safety Measures at Work Article 230**

- (1) If the person responsible for implementing safety measures at work knowingly fails to abide by the law and other regulations on safety measures at work and thereby jeopardize the health and lives of employees, he shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) When pronouncing a suspended sentence, the court may set a condition that the perpetrator complies with the regulations and safety measures at work within a set time-limit.

## **CHAPTER TWENTY THREE CRIMINAL OFFENCES AGAINST PROPERTY**

### **Theft Article 231**

- (1) Whoever takes and carries away someone else's personal property with the intent to unlawfully gain material benefit to himself or to another by doing so shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) If the stolen property is of value less than 200 KM and the perpetrator's intent was to acquire property gain of a little value, he shall be punished by a fine or imprisonment for a term not exceeding one year.

### **Aggravated Theft Article 232**

- (1) If a theft has been committed:
- 1) by breaking open or breaking into or breaking of major obstacles protecting closed buildings, rooms, strong-boxes, cashiers or other enclosed premises ;
  - 2) in a particularly dangerous or brazen manner;
  - 3) by a person who is in possession of a weapon or dangerous implements for committing the theft,
  - 4) by a group of people associated with the intention of committing thefts,
  - 5) by abusing the situation during a fire, flood, earthquake or a similar disasters,
  - 6) by abusing helplessness or other difficult state of another person.
- the perpetrator shall be punished by imprisonment for a term between one and eight years.

- (2) If the value of stolen property exceeds 10,000 KM,  
the perpetrator shall be punished by imprisonment for a term 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 KM,  
the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

**Aggravated Robbery**  
**Article 233**

- (1) Whoever, by use of force against another person or by threatening to immediately attack against his life or body, takes away another person's personal property with the intent to gain material benefit to himself or to another by doing so ,  
shall be punished by imprisonment for a term between one and ten years.
- (2) If, during the commission of the criminal offence referred to in Paragraph 1 of this Article, grievous bodily injury has been intentionally inflicted on a person, or if the offense has been committed by a group , or if firearms or dangerous implements were used or if the value of stolen property exceeds 50,000 KM,  
the perpetrator shall be punished by imprisonment for a term between five and fifteen years.
- (3) If, during the commission of the criminal offence referred to in Paragraph 1 of this Article, a person has been intentionally killed,  
the perpetrator shall be punished by imprisonment for not less than ten years or by long term imprisonment.

**Robbery**  
**Article 234**

- (1) Whoever, caught in the commission of theft, and with the intention of retaining possession of the stolen property, uses force against another person or threatens to immediately attack his life or body ,  
shall be punished by imprisonment for a term between one and ten years.
- (2) If, during the commission of the criminal offence referred to in Paragraph 1 of this Article, a grievous bodily injury has been intentionally inflicted on a person, or if the offense has been committed by a group , or a weapon or dangerous implements have been used or if the value of stolen property exceeds 50.000 KM,  
the perpetrator shall be punished by imprisonment for a term between five and fifteen years.
- (3) If, during the commission of the criminal offence referred to in Paragraph 1 of this Article, a person has been intentionally killed,  
the perpetrator shall be punished by imprisonment for not less than ten years or by long term imprisonment.

**Embezzlement**  
**Article 235**

- (1) Whoever, with the intention of acquiring 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 term not exceeding two years.
- (2) If the value of embezzled property exceeds 200 KM and the perpetrator has been acting with the purpose of acquire property of little value,  
he shall be punished by a fine or imprisonment for a term not exceeding six months.
- (3) If the offense referred to in Paragraph 1 of this Article has been committed by a guardian,  
he shall be punished by a fine or imprisonment for a term not exceeding three years.
- (4) If the embezzled property is an object of special historical, scientific or cultural significance or if its value exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years or if its value exceeds 50.000 KM,  
the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (5) Whoever unlawfully keeps personal property of another which he has found or accidentally came into possession of, with the intention of acquiring property gain for himself or for another person,  
shall be punished by a fine or imprisonment for a term not exceeding one year.
- (6) The prosecution for criminal offences referred to in Paragraphs 1, 2 and 5 of this Article shall be instituted based on motion.

**Appropriating Another's Personal Property**  
**Article 236**

- (1) Whoever unlawfully appropriates personal property of another, with no intention of acquiring a material gain there from, shall be punished by a fine or imprisonment for a term not exceeding 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 perpetrator shall be punished by imprisonment for a term between six months and five years or if its value exceeds 50.000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) The prosecution for the criminal offence referred to in Paragraph 1 of this Article shall be instituted based on motion.

**Appropriating Another's Car  
Article 237**

- (1) Whoever takes away another's car with the intention of driving it unlawfully, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the car has been used for a longer period of time or a damage has been caused to the car, the perpetrator shall be punished by imprisonment for a term between three months and three years.
- (3) An attempt of the criminal offence referred to in Paragraph 1 shall be punishable.

**Unauthorized Access to Protected Computer Data Base  
Article 238**

- (1) Whoever, without authorization, accesses another's protected computer database and alters, destroys, copies, uses, conceals, publish or enters his data or computer virus or in some other manner renders useless or unavailable another's computer data or programs, shall be punished by imprisonment for a term not exceeding two years.
- (2) If property gained through the commission of the criminal offence referred to in preceding Paragraph is of a high value or if a significant damage has been caused, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) An attempt of the criminal offence referred to in Paragraph 1 shall be punishable.

**Fraud  
Article 239**

- (1) Whoever, with the intention of acquiring unlawful material gain for himself or for another person, deceives someone through false representation or concealment of the facts, or keeping that someone in deception, inducing him thereby to do something or to fail doing something to the detriment of his or someone else's property, shall be punished by imprisonment for a term not exceeding three years.
- (2) If the value of property gained through the commission of the criminal offence referred to in Paragraph 1 of this Article exceeds 200 KM and the perpetrator has been acting with the purpose of acquiring property of little value or causing a slight damage, he shall be punished by a fine or imprisonment for a term not exceeding one year.
- (3) If the value of property gained or the damage caused through the commission of the criminal offence referred to in Paragraph 1 of this Article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years or if the amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (4) Whoever commits the criminal offence referred to in Paragraph 1 of this Article solely for the purpose of causing harm to another, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (5) The prosecution of the criminal offence referred to in Paragraph 2 of this Article shall be instituted based on motion.

**Insurance Fraud  
Article 240**

- (1) Whoever, with a view to collecting the insurance, damages or hides property that has been insured

against these risks and then claims damages,

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

(2) The punishment referred to in Paragraph 1 of this Article shall be pronounced against anyone who, with a view to collecting the insurance for bodily impairment, bodily injuries or health impairment, causes such harm to himself and claims damages.

(3) If the financial benefit gained through the commission of the criminal offences referred to in Paragraph 1 and 2 of this Article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years or if the amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment for a term between one and ten years.

### **Organizing Illegal Games of Chance Article 241**

(1) Whoever, with the intention of acquiring an unlawful material gain for himself or for another person, 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 term not exceeding three years.

(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who, with the intention of acquiring unlawful material gain for himself or for another person, organizes, participates or assists in organization of the games of chance for which the competent body has not issued the license.

(3) If a damage of high value has been caused through the commission of the criminal offences referred to in Paragraphs 1 and 2, the perpetrator shall be punished by imprisonment for a term between one and eight years.

### **Extortion Article 242**

(1) Whoever, with the intention of acquiring an unlawful material gain for himself or for another person, by force or serious threat compels another to do something or to fail doing something to the detriment of his or someone else's property,

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

(2) If the value of property gained through the commission of the criminal offence referred to in Paragraph 1 of this Article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years, or if the amount exceeds 50.000 KM or if the offender has used a weapon or dangerous implement during the commission of the criminal offence or if the criminal offence was committed by a group of people or in a particularly brutal and degrading manner , the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(3) Whoever commits the criminal offence of extortion for reward , shall be punished by imprisonment for a term between three and fifteen years.

### **Blackmail Article 243**

(1) Whoever, with the intention of acquiring an unlawful material gain for himself or another, threatens a person to expose a matter regarding him or someone close to him of a nature likely to injure his honor or reputation, and thereby compels him to do something or to fail doing something to the detriment of his or someone else's property, or whoever in such manner collect a debt,

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

(2) If the value of property gained through the commission of the criminal offence referred to in Paragraph 1 of this Article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years, or if the amount exceeds 50.000 KM or if the criminal offence was committed by a group of people or in a particularly degrading manner , the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(3) Whoever commits the criminal offence of blackmail for reward , shall be punished by imprisonment for a term between three and fifteen years.

**Abuse of Trust**  
**Article 244**

(1) Whoever in representing the property interests of a person or taking care of his property fails to perform his duty or misuses the given authority with a view of acquiring thereby an unlawful material gain for himself or for someone else or of causing damage to the person whose property interests he is representing or whose property he is looking after ,

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

(2) If the value of property gained or damage caused through the commission of this criminal offence exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between one and five years, or if the amount exceeds 50.000 KM,

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

(3) If the perpetrator of the criminal offences referred to in Paragraph 1 or 2 of this Article is a guardian or attorney, he shall be punished by imprisonment for a term between six months and five years for the criminal offence referred to in Paragraph 1, and by imprisonment for a term between one and eight years for the criminal offence referred to in Paragraph 2 if the amount exceeds 10.000 KM, or by imprisonment for a term between two and ten years when the amount exceeds 50.000 KM.

**Usury**  
**Article 245**

(1) Whoever, in return for a service done to a person or money or other expandable items borrowed, accepts or contracts for himself or another a disproportionate property benefit by exploiting the financial predicament, difficult housing circumstances, an emergency, lack of experience, levity or reduced judging ability of that person,

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

(2) If the criminal offence referred to in Paragraph 1 of this Article has resulted in serious damage to the injured party or if the perpetrator has acquired property in the amount exceeding 10.000 KM,

the perpetrator shall be punished by imprisonment for a term between six months and five years and by a fine, or by imprisonment for a term between one and ten years, if the amount exceeds 50.000 KM .

**Concealment**  
**Article 246**

(1) Whoever buys, accepts as a pawn, or in some other way procures, conceals or passes on an item of which he knows has been obtained by a commission of criminal offence, or something that has been received for the item through sale or barter,

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

(2) If the criminal offence referred to in Paragraph 1 of this Article has been committed by a group of people or organized criminal group or if the value of property being concealed exceeds 20.000 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years, and if the value of property being concealed exceeds 100.000 KM,

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

(3) Whoever commits the offense referred to in Paragraph 1 of this Article, although he was able and obligated to know the item in question had been obtained by commission of a criminal offence, shall be punished by a fine or imprisonment for a term not exceeding two years.

**Unlawful Occupation of Premises**  
**Article 247**

(1) Whoever, in contravention of law, occupies another's building, apartment, business premises or some other premises,

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

(2) When pronouncing a suspended sentence, the court may order that the perpetrator vacate the premises within a set deadline.

**Unlawful Occupation of Land**  
**Article 248**

- (1) Whoever, in contravention of law, occupies another's land, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever, in contravention of law, occupies another's land with a view to use it for construction, shall be punished by a fine or imprisonment for a term not exceeding three years.

**Damaging Another's Personal Property**  
**Article 249**

- (1) Whoever damages, destroys or renders useless any personal property belonging to another shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the damage caused by the commission of the criminal offence referred to in Paragraph 1 of this Article exceeds 10.000 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years, or if the amount exceeds 50.000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) The prosecution for the criminal offence referred to in Paragraph 1 of this Article shall be instituted based on motion.

**Arson**  
**Article 250**

- (1) Whoever sets on fire someone else's house or building used for dwelling, commercial, business or public purposes, shall be punished by imprisonment for a term between one and eight years.
- (2) If the criminal offence referred to in Paragraph 1 of this Article has resulted in serious damage, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

**Intentional Interference With the Rights of Another**  
**Article 251**

- (1) Whoever, for the purpose of preventing another to exercise his right to personal property, alienates, destroys or damages the personal 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 term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against anyone who destroys, damages, conceals, fictitiously sells or renders useless his entire property or some parts of it or accepts false liability, or makes a fake contract or takes some other fraudulent step to seemingly or actually impairs his financial condition and thereby diminishes chances or prevents at least one of his creditors to settle his claim.
- (3) The prosecution for the criminal offence referred to in Paragraph 1 of this Article shall be instituted based on motion.

**Damaging Residential and Business Buildings and Premises**  
**Article 252**

- (1) Any occupant, tenant, manager, owner or any other person who removes or damages outside or inside equipment, installations or their parts or diminishes usability of the building or premises in some other way, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in Paragraph 1 of this Article has rendered the building or premises unserviceable, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

**Appropriation, Destruction or Damaging of Cultural Monuments, Protected Natural Sites and Objects That Are of Special Cultural And Historical Significance**  
**Article 253**

(1) Whoever, while conducting archaeological, geological, palaeontological or mineralogical research or excavation, archive researches or in some other way, 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 referred to in Paragraph 1 of this Article shall be also applied to anyone who unlawfully destroys or damages cultural monument, protected natural site or other object that is of great cultural and historical significance or an object that represents a public good.

(3) Whoever, without authorization, conducts conservation, restoration or research work on a cultural monument or carries out archaeological excavation or research, as a result of which the monument is destroyed or seriously damaged, shall be punished by a fine or imprisonment for a term not exceeding three years.

(4) If the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article have been committed on a cultural or historical monument of special significance, or if substantial damage has occurred, the perpetrator shall be punished by imprisonment for a term between one and eight years.

#### **Taking Away Objects That Are of Special Cultural And Historical Significance or Natural Rarities from the Country Article 254**

(1) Whoever, without authorization, takes away an objects that is of special cultural and historical significance or a natural rarity from the country or enables another person to do so, shall be punished by imprisonment for a term not exceeding three years.

(2) If the criminal offence referred to in Paragraph 1 of this Article is committed on property that is of great cultural, historical or natural significance, the perpetrator shall be punished by imprisonment for a term between six months and five years.

#### **Genuine Remorse Article 255**

If the perpetrator of criminal offences referred to in Articles 231, 235, 236, 237, 247, 248, 249, 251 and 252 of this Code returned the taken or appropriated item, compensated for the damage or in some other way neutralized consequences of the criminal offence before he found out he was detected, he may be released from punishment.

#### **Prosecution of Criminal Offences Committed Against Close Relatives Article 256**

In cases of criminal offences referred to in Articles 231(2), 235, 236, 237, 247, 249, 251 and 252 of this Code committed against the spouse, a direct blood relative, a sibling, an adoptee or adoptive parent or another person the perpetrator lives with in the household, prosecution shall be instituted based on motion. .

### **CHAPTER TWENTY - FOUR**

#### **CRIMINAL OFFENCES AGAINST THE ECONOMY AND THE PAYMENT SYSTEM**

##### **Monopolization Article 257**

Authorized person in an enterprise or other legal person or self-employed person who, in contravention of law or regulations, enters in an agreement to restrict other legal or natural persons' freedom in the commercial market within a given region or with particular legal or natural persons or enters in an agreement to obtain a monopoly for particular legal or natural persons in the commercial market in some other way and thereby obtains significant property gain or causes significant damage to property of another, shall be punished by imprisonment for a term between six months and five years.

##### **Fraud on Creditors**

## **Article 258**

(1) Whoever, with the intention to avoid payment of his obligations, by diminishing his property seemingly or actually, causes bankruptcy in the manner that :

- 1) he sells entire or portion of his property seemingly or actually, transfers it for no remuneration, conceals it or destroys it;
- 2) he makes sham contracts or acknowledges false liabilities;
- 3) he conceals, destroys, alters or keeps statutory business books, documents and files in a such manner that the actual financial condition cannot be established or, by making fake documents or in some other way, he records the financial condition so as to give grounds for the institution of bankruptcy proceedings

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

(2) If the criminal offence referred to in Paragraph 1 of this Article has resulted in serious consequences to the creditor,

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

## **Causing Bankruptcy by Careless Management**

### **Article 259**

(1) Whoever, being aware of his insolvency or inability of payment, unreasonably spends resources or 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 or fails to satisfy his claims in a timely fashion or damages his property in some other way that is obviously in contravention of due administration of property and diligent business management and thereby causes bankruptcy or significantly diminished property of the legal person and thereby causes damage to another,

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

(2) If the perpetrator has neutralized the consequences of the criminal offence before he found out he was detected,

he shall be punished by imprisonment for a term not exceeding one year, but he may be released from punishment.

## **Violation of Equality in Performing Economic Activities**

### **Article 260**

(1) Whoever, by misusing his official position or authority restricts the free movement of people, goods and capital in the territory of Republika Srpska, denies or restricts the right of a business company or another legal person or physical person to engage in the trade and sale of goods and services in the territory of Republika Srpska, or puts a business company or another legal person or physical person in an unequal position in relation to other entities regarding the labor conditions or turnover of goods and services, or restricts free exchange of goods and services in the territory of Republika Srpska,

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

(2) Any official or responsible person in Republika Srpska, who, by misusing his official position or authority, restricts the free movement of people, goods and capital between the entities or between the entities and Brcko District of Bosnia and Herzegovina, denies or restricts the right of a business company or another legal person or physical person to engage in the trade of goods and services in the territory of the other entity or Brcko District of Bosnia and Herzegovina, or puts a business company or another legal person or physical person in an unequal position in relation to other entities regarding the labor conditions or conditions for trade of goods and services between the entities and Brcko District of Bosnia and Herzegovina shall be punished by imprisonment for a term between one and eight years.

## **Abuses in Bankruptcy or Forced Settlement Procedure**

### **Article 261**

(1) Whoever, in bankruptcy or forced settlement procedure, files a false claim or seek a false order of payment in order to exercise the right he does not enjoy,

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

(2) Any creditor, member of creditors' board or bankruptcy administrator who receives for himself or



another a property gain or a promise of a property gain in order to issue or fail to issue a particular decision or in order to harm, in some other way, at least one creditor in the bankruptcy or forced settlement procedure, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The punishment referred to in Paragraph 1 of this Article shall be applied against the person who gives or promises property gain to a creditor, member of creditors' board or bankruptcy administrator in order to commit the criminal offence referred to in Paragraph 2 of this Article.

### **Damaging or Favoring the Creditors Article 262**

(1) Whoever, knowing that he has become insolvent, pays debts or in some other way puts a certain creditor in a more favorable position and thereby causes substantial damage to at least one creditor, shall be punished by imprisonment for a term between six months and three years.

(2) The punishment referred to in Paragraph 1 of this Article shall be applied to anyone who, knowing that he has become insolvent, and with the intention of defrauding creditors, acknowledges a false claim, draws up a sham contracts or by some other fraudulent act damages at least one of the creditors.

(3) In case that the criminal offence referred to in Paragraphs 1 and 2 of this Article resulted in serious damage or if against the injured party a forced settlement procedure or file for bankruptcy was instituted, the perpetrator shall be punished by imprisonment for a term between one and eight years.

### **Abusing Powers in Business Article 263**

(1) The responsible person in an enterprise or in other legal person, who with the intention of acquiring illegal property gain for the legal person with which he is employed or another legal person:

- 1) creates or keeps illicit funds in the country or abroad;
- 2) by drawing up documents of false contents, by false balance-sheets, appraisals, taking of inventory or other misrepresentation or concealment of facts, falsely displays the situation and flow of assets and business results;
- 3) puts a legal person in a more favorable position for granting resources or other benefits that the legal person would have not been granted in pursuance of the valid legislation;
- 4) while paying taxes and other legal obligations, fails to do payments that are public revenue;
- 5) uses available means contrary to their purpose;
- 6) in some other way grossly violates the law or rules of business relating to the disposal, use or management of property,

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

(2) In case that the criminal offence referred to in Paragraph 1 of this Article resulted in perpetrator obtaining significant property gain or in substantial damage, the perpetrator shall be punished by imprisonment for a term between one and ten years.

### **Business Mismanagement Article 264**

(1) A responsible person in an enterprise or in another legal person in which he is not a majority shareholder who, despite being aware of illegality of his actions, obviously mismanages the legal person and thus causes significant material damage to the legal person, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the offense referred to in Paragraph 1 of this Article resulted in forced liquidation or bankruptcy of the legal person, the perpetrator shall be punished by imprisonment for a term between one and five years.

### **Corporate Fraud Article 265**

1) Whoever, while performing business activity, entering into contract, implementing a contract or a task, 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 fulfilled and, owing to partial or complete failure to fulfill

the obligations, causes damage to the other party or somebody else's property, shall be punished by imprisonment for a term between six months and five years.

2) In case that the criminal offence referred to in Paragraph 1 of this Article has resulted in damage exceeding 10,000.00 KM of value, the perpetrator shall be punished by imprisonment for a term between one and eight years and if the damage exceeds 50,000.00 KM, the perpetrator shall be punished by imprisonment for a term between two and ten years.

### **Making a Prejudicial Contract Article 266**

(1) Whoever, acting as a proxy or representative of a legal person performing business activities, in which he is not a majority shareholder, makes a contract being aware of its prejudicial character to the legal person, or enters into a contract contrary to the authority vested in him, and thereby causes damage to the legal person,

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

(2) If the criminal offence referred to in preceding Paragraph resulted in serious damage to the legal person, the perpetrator shall be punished by imprisonment for a term between one and ten years.

### **Unlawful Accepting of Gifts Article 267**

(1) Whoever, while representing property interests of a legal person, demands or accepts a reward, gift or any other benefit in order to conclude or not to conclude a contract or to do or not to do some act to the detriment of the legal person and thereby causes serious damage to the legal person, shall be punished by imprisonment for a term between one and eight years.

(2) The perpetrator referred to in Paragraph 1 of this Article who demands or accepts a reward, gift or any other benefit after having concluded or not concluded a contract or having done or not having done some act to the detriment of the legal person,

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

(3) The reward, gift or any other benefit shall be forfeited.

### **Unlawful Giving of Gifts Article 268**

(1) Whoever gives or attempts to give or promises a reward, gift or any other benefit to a person representing property interests of a legal person in order to obtain some unlawful advantage in concluding a contract referred to in Paragraph 1 of Article 258 of this Code, 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 property interests of a legal person as a counter-favor for concluding a contract or performing some act,

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

(3) The perpetrator of the criminal offence referred to in preceding Paragraphs who had given a gift or reward on request or reported the offence before it has been discovered or before knowing that the offence has been discovered,

may be released from punishment.

(4) The gift or reward shall be forfeited, while in case referred to in Paragraph 3 of this Article, it can be returned to the giver.

### **Disclosure and Unauthorized Procurement of A Trade Secret Article 269**

(1) Whoever, without authorization, communicates, conveys or in any other way makes accessible to another person an information which constitutes a trade secret, or who obtains such information with an aim of conveying it to an unauthorized person,

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

(2) The punishment referred to in Paragraph 1 of this Article shall be pronounced against anyone who, with

an aim to make an unauthorized use of such information, unlawfully procures any information kept as a trade secret.

(3) If disclosure or procurement of information was carried on with a view to taking them abroad or out of greed,

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

(4) If the criminal offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

### **Disclosure and Unauthorized Procurement of Stock Market Secrets Article 270**

(1) Whoever communicates to an unauthorized person pieces of stock market information that are not available to all stock brokers or who comes in possession of such pieces of information and uses them in the stock market in order to obtain unlawful property gain,

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

(2) In case that the criminal offence referred to in Paragraph 1 of this Article resulted in obtaining property gain that exceeds 10,000.00 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years and if the damage exceeds 50,000.00 KM,

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

### **Unauthorized Entry into Computer System Article 271**

(1) Whoever in the course of business activities, without authorization, alters, deletes, publishes, conceals or destroys another's computer data or program in order to obtain unlawful property gain for himself or a third party or to cause damage to another,

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

(2) In case that the criminal offence referred to in Paragraph 1 of this Article resulted in obtaining property gain or causing damage that exceeds 10,000.00 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years and if the damage exceeds 50,000.00 KM,

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

(3) An attempt of the offense referred to in Paragraph 1 shall be punishable.

### **Unauthorized Use of Another's Trade-Name, Prototype or Model Article 272**

(1) Whoever, with the intention of defrauding purchasers of goods or users of services, uses another's trade-name, seal, trade-mark, or other proprietary marks 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 term not exceeding three years.

(2) The punishment referred to in Paragraph 1 of this Article shall be pronounced against anyone who, with the intention referred to in the preceding Paragraph and without authorization, uses another's prototype or model registration or puts into circulation items produced according to them.

(3) Items referred to in Paragraphs 1 and 2 of this Article shall be forfeited.

### **Unauthorized Use of Another's Invention Article 273**

(1) Whoever, in the course of business activities, without authorization, uses another's registered or protected invention,

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

(2) Whoever, without authorization, releases the idea of another's invention before the invention is published in a legally prescribed manner,

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

(3) Any product made according to the unauthorized use of another's invention shall be forfeited.

### **Counterfeiting or Destroying Business or Commercial Books or Documents**

#### **Article 274**

(1) Whoever enters false data or fails to enter some important data in statutory business or commercial books, documents or files, by use of his signature or official seal, certifies a business or commercial book, document or file containing false data, or by affixing his signature or official seal permits the drawing up of such business or commercial book, document or file containing false data, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against any person who uses a false business or commercial book, document or file as genuine, or who destroys, damages, conceals or in some other way renders useless any business book, document or file.

#### **Counterfeiting of Securities**

##### **Article 275**

(1) Whoever makes false securities or alters genuine securities with the intention to circulate them as genuine or give them to another for use or obtains false securities with the intention to circulate them as genuine,

shall be punished by a fine and imprisonment for a term not exceeding two years.

(2) In case that the sum of securities referred to in Paragraph 1 of this Article exceeds 10,000.00 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years and in case that the sum exceeds 50,000.00 KM,

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

(3) Whoever, after having received false securities as genuine, found out they were counterfeited and despite that fact put them in circulation, ,

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

(4) False securities shall be forfeited.

#### **Counterfeiting of Credit Cards and Other Non-cash Payment Cards**

##### **Article 276**

(1) Whoever makes a false credit card or some other card for non-cash payment with the intention to use it as genuine or alters such genuine card or uses such false card as genuine, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) In case that the perpetrator of the criminal offence referred to in Paragraph 1 of this Article has obtained property gain,

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

(3) In case that the perpetrator of the criminal offence referred to in Paragraph 1 of this Article has obtained property gain that exceeds 10,000.00 KM, he shall be punished by imprisonment for a term between one and eight years and in case that property gain exceeds 50,000.00 KM,

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

#### **Counterfeiting of Representations of Value**

##### **Article 277**

(1) Whoever makes false representations of value or alters genuine representations of value with the intention to use them as genuine or to let another person use them, or who uses such false representations of value as genuine or obtains them with such intention,

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

(2) In case that the sum of representations of value referred to in Paragraph 1 of this Article exceeds 10,000.00 KM, the perpetrator shall be punished by imprisonment for a term between six months and five years and in case that the sum exceeds 50,000.00 KM,

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

(3) Whoever removes the canceling stamp from representations of value or whoever in some other way, and for the purpose of repeated use, attempts to make these representations appear as if they have never been used before, or whoever uses used representations or sells them as valid,

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

(4) False representations of value shall be forfeited.

**Manufacturing, Procuring and Lending Equipment for Counterfeiting**  
**Article 278**

- (1) Whoever manufactures, procures, possesses, sells or lends equipment for manufacturing false money or false securities,  
shall be punished by imprisonment for a term between six months and three years.
- (2) Whoever manufactures, procures, possesses, sells or lends equipment for manufacturing false representations of value,  
shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) The equipment referred to in Paragraphs 1 and 2 shall be forfeited.

**Counterfeiting of Trade Marks, Measures and Weights**  
**Article 279**

- (1) Whoever, with an aim to use as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding gold, silver or other precious metals, livestock, wood or some other commodities, or with the same aim alters such genuine trademarks, or whoever uses false trademarks as genuine,  
shall be punished by imprisonment for a term between three months and three years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against a person who falsifies measures or weights.
- (3) Whoever manufactures, procures, sells or lends equipment for manufacturing false trade marks, as well as false measures and weights,  
shall be punished by a fine or imprisonment for a term not exceeding two years.
- (4) The false trade marks, measures and weights shall be forfeited.

**Money Laundering**  
**Article 280**

- (1) Whoever receives, exchanges, keeps, disposes of or uses in corporate or other business or conceals or tries to conceal money or property he knows was obtained by commission of criminal offense,  
shall be punished by imprisonment for a term between six months and five years.
- (2) If the perpetrator referred to in Paragraph 1 of this Article is at the same time an accessory or accomplice in the criminal offence that resulted in obtaining money or property gain referred to in the preceding Paragraph,  
he shall be punished by imprisonment for a term between one and eight years.
- (3) If the money or property referred to in Paragraphs 1 and 2 of this Article is of high value,  
the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (4) If the criminal offences referred to in preceding Paragraphs are committed by a group of people who joined with the intention of committing such criminal offences,  
the perpetrator shall be punished by imprisonment for a term between two and twelve years.
- (5) If, while committing the criminal offences referred to in Paragraphs 1, 2 and 3 of this Article, the perpetrator acted negligently concerning the fact that the money or property were obtained by commission of a criminal offence,  
he shall be punished by imprisonment for a term not exceeding three years.
- (6) The money and property referred to in preceding Paragraphs shall be forfeited.

**Illicit Commerce**  
**Article 281**

- (1) Whoever, without a valid license, purchases any goods of a high value or in large quantities with the intention of re-sale or who, without license, 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 term not exceeding two years.
- (2) Whoever trades in commodities of which an unlawful production was organized by him,  
shall be punished by imprisonment for a term between six months and five years.

(3) The punishment referred to in Paragraph 2 of this Article shall be also applied to anyone who unlawfully sells, purchases or exchange goods and commodities subject to restricted or prohibited trade.

(4) Any person committing an offence referred to in Paragraphs 1, 2 or 3 of this Article , who thereby sets up a ring of middlemen or retailers, or makes a profit that exceeds 10,000 KM, shall be punished by imprisonment for a term between one and eight years.

(5) Any goods or commodities subject to illicit commerce shall be forfeited .

### **Defrauding Buyers**

#### **Article 282**

(1) Whoever with the intention of defrauding buyers, puts in circulation products with a mark that shows information that does not comply with the content, brand, origin or quality of the product, or puts into circulation products whose weight or quality does not comply with what is normally expected from such products, or puts a protection marks on the products that are not protected or puts in circulation products without marking the content, brand, origin, expiry date or quality of the product whenever such a mark is prescribed;

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

(2) Whoever, with the intention of defrauding buyers, falsely publishes that the price of the goods has been reduced, or that there is a big sale of goods, or that increase in price is expected, or in any other way uses obviously false advertisement,

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

### **Deception in Getting Loans and Subventions**

#### **Article 283**

(1) Whoever, with a view to obtain for himself or another a loan, investment funds, subvention or some other grant, gives to the loaner or person competent to give the grant false or incomplete details about his financial condition or other details important for getting a loan or grant,

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

(2) Whoever, by committing the criminal offence referred to in Paragraph 1 of this Article has been granted funds that exceed 10,000.00 KM, shall be punished by imprisonment for a term between one and five years and if the funds exceed 50,000.00 KM,

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

(3) Whoever uses a loan, investment funds, subvention or some other grant for other purpose than the one he has had the resources granted for,

shall be punished by a fine and imprisonment for a term not exceeding two years.

### **Illegal Banking**

#### **Article 284**

(1) Whoever, without license, or in contravention to the requirements under it was issued , runs a banking institution,

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

(2) In case that the criminal offence referred to in Paragraph 1 of this Article has resulted in obtained property gain that exceeds 10,000.00 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years, and if the sum exceeds 50,000.00 KM, the perpetrator shall be punished by imprisonment for a term between two and ten years, and if the sum exceeds 200,000.00 KM,

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

### **Issuing Uncovered Securities**

#### **Article 285**

The punishment of imprisonment for a term between one and eight years shall be pronounced against :

- 1) any responsible person in a bank or legal person issuing securities, who allows issuing of securities although he knew or might have known or was obligated to know that the issuer is not able to meet the obligations arising from the issue under terms, conditions and deadlines stipulated by law or in the decision on the issues,

- 2) any official person, who allows issuing of securities although he knew or might have known or was obligated to know that the obligations arising from the issue under terms, conditions and deadlines stipulated by law or in the decision on the issues cannot be met ,
- 3) any responsible person in a bank who gives a guarantee for a particular issuance of securities although he knew or might have known or was obligated to know that the bank is not able to meet the obligations arising from the issues under terms, conditions and deadlines stipulated by law or in the guarantee.

### **Issuance of Uncovered Checks and Uncovered Means of Non-cash Payments** **Article 286**

(1) Whoever, with the intention of acquiring illegal property gain for himself or another, issues uncovered checks or puts in circulation uncovered checks and by doing so acquires property gain that exceeds 1, 000 KM

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

(2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against anyone who, with the intention of acquiring property gain for himself or another, issues, puts in circulation or uses the uncovered acceptance orders, bills of exchange , guarantees, credit or debit cards or other means of payment or any other sureties despite knowing they were uncovered and by doing so acquires property gain that exceeds 1, 000 KM.

(3) If the criminal offenses referred to in Paragraphs 1 and 2 of this Article resulted in obtained property gain that exceeds 10,000 KM, the perpetrator shall be punished by imprisonment for a term between two and eight years, and if the property gain exceeds 50,000 KM, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(4) If the perpetrator of the offense referred to in Paragraphs 1 and 2 had secured the coverage before he has found out he was discovered, he may be released from punishment.

### **Tax and Contribution Evasion** **Article 287**

(1) Whoever evades payment of taxes s required under the legislation Republika Srpska or contributions to pension scheme and health insurance required under the legislation of Republika Srpska by not submitting required information, or by submitting false information on acquired taxable income or on other facts which may effect the due amount of these obligations , and the amount evaded exceeds 10.000 KM, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever perpetrates the offence referred to in Paragraph 1 of this Article and the evaded amount exceeds 50.000 KM, shall be punished by imprisonment for a term between one and ten years.

(3) Whoever perpetrates the offence referred to in Paragraph 1 of this Article and the evaded amount exceeds 150.000 KM, shall be punished by a term of imprisonment for a term between three and fifteen years.

### **False Tax Related Documents** **Article 288**

(1) Whoever issues a false document required under the tax legislation of Republika Srpska or who fails to issue a document required under the tax legislation of Republika Srpska, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in Paragraph 1 of this Article with respect to larger number of documents and as a result of it a larger amount of public revenue were not collected, shall be punished by a fine or imprisonment for a term not exceeding three years.

### **Filing a False Tax Return** **Article 289**

Whoever files a false tax return or some other false information required under the tax legislation of Republika Srpska,

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

**Obstructing an Internal Revenue Service Official in Execution of his Official Duty  
Article 290**

(1) Whoever by force or threat of use of force prevents or tries to prevent an IRS official from carrying out an official duty falling within the scope of his powers, or whoever, using the same manners, compels him not to carry out an official duty ,

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

(2) If, in the course of committing the criminal offence referred to in Paragraph 1 of this Article, the perpetrator abused the IRS official, or if he has inflicted upon him a bodily injury, or if he has threatened him with the use of weapons,

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

(3) If the perpetrator of the offenses referred to in Paragraphs 1 to 2 of this Article has been provoked by unlawful or brutal treatment on the part of the official, he may be released from punishment.

**Attacking an Internal Revenue Service Official While Carrying Out His Duties  
Article 291**

(1) Whoever attacks or seriously threatens to attack an IRS official or a person assisting an IRS official in detecting and investigating violations of tax laws of Republika Srpska, shall be punished by imprisonment for a term between three months and three years.

(2) If, in the course of the commission of the offense referred to in Paragraph 1 of this Article, a bodily injury has been inflicted upon the IRS official or the person assisting him, or if the perpetrator has threatened to use a weapon,

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

(3) If, in the course of the commission of the offense referred to in Paragraph 1 of this Article, a severe bodily injury has been inflicted upon the IRS official or the person assisting him, the perpetrator shall be punished by imprisonment for a term between one and ten years.

**Incorrect Appropriation of Funds by A Legal Person  
Article 292**

The responsible person in a legal person, who is personally held responsible under the tax legislation of Republika Srpska and who approved appropriation of funds for other purposes instead of payment of tax obligations of the legal person and so rendered the legal person unable for payment of tax obligations in a timely manner,

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

**CHAPTER TWENTY - FIVE**

**CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER OF REPUBLIKA SRPSKA**

**Attack on the Constitutional Order  
Article 293**

Whoever, by force or threat of force, or in some other unlawful way, attempts to change the constitutional order of Republika Srpska,

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

**Endangering Territorial Integrity  
Article 294**

Whoever attempts to detach a part of the territory of 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 between three and fifteen years.



**Rendering Republika Srpska into a Position of Subjugation or Dependency**  
**Article 295**

Any citizen of Republika Srpska or Bosnia and Herzegovina who attempts to render Republika Srpska into a position of subjugation or dependency in relation to another state, shall be punished by imprisonment for a term between three and fifteen years.

**Assassination of the Highest Officials of Republika Srpska**  
**Article 296**

Whoever, with the intention of endangering the constitutional order or security of Republika Srpska, assassinates the President or the Vice-president of Republika Srpska, the Chair of the National Assembly of Republika Srpska, the Prime Minister of Republika Srpska, the President of the Constitutional Court of Republika Srpska, the President of the Supreme Court of Republika Srpska or the Republic<sup>12</sup> Chief Prosecutor, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

**Kidnapping the Highest Officials of the Republika Srpska**  
**Article 297**

(1) Whoever, with the intention of endangering the constitutional order or security of Republika Srpska, kidnaps the President or the Vice-president of Republika Srpska, the Chair of the National Assembly of Republika Srpska, the Prime Minister of Republika Srpska, the President of the Constitutional Court of Republika Srpska, the President of the Supreme Court of Republika Srpska or the Republic Chief Prosecutor, shall be punished by imprisonment for a term between three and fifteen years.

(2) The perpetrator of the offence referred to in Paragraph 1 of this Article, who releases the kidnapped person voluntarily before he finds out that he has been detected, shall be punished by imprisonment for a term not exceeding two years, but may be released from punishment.

**Armed Rebellion**  
**Article 298**

(1) Whoever takes part in an armed rebellion which is aimed against the constitutional order or security of Republika Srpska or against its highest institutions, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever organizes or directs a rebellion, shall be punished by imprisonment for a term between five and fifteen years.

**Terrorism**  
**Article 299**

(1) Whoever perpetrates an act of terrorism with the intention of seriously intimidating population or compelling the authorities of Republika Srpska to perform, or to abstain from performing any act, or with the aim of seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of Republika Srpska, shall be punished by imprisonment for a term not less than three years.

(2) If the death of one or several persons occurred as a result of the offence referred to in Paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term not less than five years.

(3) If, in the course of the perpetration of the offence referred to in Paragraph 1 of this Article, the perpetrator intentionally deprives another person of his life, he shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

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<sup>12</sup> “Republic” is the term originally used in this sentence.

(4) “An act of terrorism”, for the purpose of this Article ,shall be understood to mean one of the following intentional acts which, given its nature or its context, may cause serious damage to the State or international organization:

- 1) An attack against a person’s life, which may cause death;
- 2) An attack against the physical integrity of a person;
- 3) Any unlawful confinement, keeping confined or in some other way depriving another of his liberty, or restricting his freedom of movement, with the intention of compelling him or some other person to perform or refrain from performing any act, or to suffer (abduction) or taking hostages,
- 4) Causing serious damage to the facilities of Republika Srpska, public facilities, transport system, infrastructure facilities, including any information system, a fixed platform located on the continental shelf, a public place or private property whose damage is likely to endanger human lives 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 and development of biological and chemical weapons or radioactive material;
- 7) Releasing dangerous substances, or causing fire, explosion or floods, with the aim to endanger human life;
- 8) Interfering with or disrupting the supply of water, power or any other fundamental natural resources with the aim to endanger human life;
- 9) Threatening to perpetrate any of the acts referred to in items 1) through 8) of this Paragraph.

#### **Taking Hostages Article 300**

(1) Whoever 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 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 between one and ten years.

(2) If, as a result of the offence referred to in Paragraph 1 of this Article , the death of any hostage occurred , the perpetrator shall be punished by imprisonment for a term not less than five years.

(3) If, in the course of the perpetration of the offence referred to in Paragraph 1 of this Article, the perpetrator intentionally deprives a hostage of his life, he shall be punished by imprisonment for a term not less than ten years or long term imprisonment.

#### **Funding the Terrorist Activities Article 301**

(1) Whoever, 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 perpetrate:

- 1) The offence referred to in Articles 299 (*Terrorism*) and 300 (*Taking Hostages*) of this Code;
- 2) any other offense that might cause a 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 Republika Srpska to perform or to abstain from performing any act,

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

#### **Subversion Article 302**

Whoever, with the intention of endangering the constitutional order or security of 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, economy or functioning of the civil services, shall be punished by imprisonment for a term between three and fifteen years.

**Sabotage**  
**Article 303**

Whoever, while performing his official duties and with the intention of endangering the constitutional order or security of Republika Srpska, in any covered up, underhand or similar manner causes serious damage to the governmental body or legal person he is employed with or another governmental body or legal person shall be punished by imprisonment for a term between two and fifteen years.

**Espionage**  
**Article 304**

(1) Whoever discloses, delivers or renders accessible secret military, trade or official information to a foreign state, foreign organization or a person in the service thereof, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever in Republika Srpska creates an intelligence service on behalf of a foreign state or organization, or whoever runs such service, shall be punished by imprisonment for a term between five and fifteen years.

(3) Whoever becomes a member of a foreign intelligence service, collects information for such service or in any other way assists activities of such a service, shall be punished by imprisonment for a term between one and ten years.

(4) Whoever obtains secret information or documents with an aim of disclosing or delivering it to a foreign state, organization or a person in the service thereof, shall be punished by imprisonment for a term between one and eight years.

(5) If the offence referred to in Paragraphs 1 and 2 of this Article resulted in serious security, economic or military repercussions, the perpetrator shall be punished by imprisonment for a term not less than five years.

**Disclosing a Secret of Republika Srpska**  
**Article 305**

(1) Whoever discloses or conveys to unauthorized person or renders accessible information or a document entrusted to him or obtained by him in any way, which constitutes a state secret of Republika Srpska, shall be punished by imprisonment for a term between one and ten years.

(2) If the offence referred to in Paragraph 1 of this Article is perpetrated during a state of war or imminent war threat or armed conflict, or if it leads to the endangerment of the security, economic or military power of the country, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(3) If the offence referred to in Paragraph 1 of this Article is perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(4) If the offence referred to in Paragraph 2 of this Article is perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between one and eight years.

**Dispatching and Transferring Armed Groups, Arms and Ammunition into the Territory of Republika Srpska**  
**Article 306**

Whoever dispatches or transfers armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material to the territory of Republika Srpska for the purpose of perpetrating criminal offences referred to in this Chapter, shall be punished by imprisonment for a term between one and ten years.

**Incitement to Violent Change of the Constitutional Order of Republika Srpska**  
**Article 307**

(1) Whoever, with a view to endanger constitutional order or security of Republika Srpska, calls for or incites to violent change of the constitutional order of Republika Srpska or to depose its highest officials,

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

(2) Whoever commits the offence referred to in Paragraph 1 of this Article with help from abroad, shall be punished by imprisonment for a term between one and eight years.

(3) Whoever, with a view to distributing it, prints or duplicates any material that calls for and incites to the commission of the offence referred to in Paragraph 1 of this Article or whoever sends over to or transports into the territory of 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 term not exceeding three years.

#### **Accessory After the Fact in the Commission of the Offences against the Constitutional Order of Republika Srpska Article 308**

(1) Whoever harbors a person who has committed criminal offence referred to in Articles 293 through 307 of this Code or provides the perpetrator with shelter, food, material, money or some other resources, or in some other way helps him in order to make difficult his detection or arrest, shall be punished by imprisonment for a term between one and five years.

(2) There shall be no criminal offence if the person referred to in Paragraph 1 of this Article is the perpetrator'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 Republika Srpska Article 309**

(1) Whoever sets up any association with the intention of perpetrating any criminal offence referred to in Articles 293 through 297 and Articles 299 through 301 and Article 306 of this Code, shall be punished by imprisonment for a term between one and eight years.

(2) Whoever joins an association referred to in the preceding Paragraph, shall be punished by imprisonment for a term between six months and five years.

(3) The perpetrator of the offenses referred to in Paragraphs 1 and 2 of this Article who prevents the commission of the criminal offences referred to in Paragraph 1 or reveals their preparation in a timely fashion or reveals such an association and its leading members, shall be punished by imprisonment for a term not exceeding two years but may be released from punishment.

#### **Preparation of Criminal Offences Against the Constitutional Order of Republika Srpska Article 310**

(1) Whoever organizes, plans or agrees with another to perpetrate, or whoever procures the means for perpetrating or takes other steps to create necessary conditions for the perpetration of a criminal offence referred to in Articles 293 through 307 and Articles 304, Paragraphs 1 and 2, Article 299 and 300 of this Code, shall be punished by imprisonment for a term between one and five years.

(2) The perpetrator of the offence referred to in Paragraph 1 of this Article, who voluntarily prevents the perpetration of a criminal offence referred to in preceding Paragraph, shall be punished by imprisonment for a term not exceeding one year but may be released from punishment.

#### **Punishment for the Gravest Criminal Offences against the Constitutional Order of Republika Srpska Article 311**

(1) If the criminal offence referred to in Articles 293 through 307 of this Code that resulted in the death of one or several persons or in severe violence or in large-scale destruction, the perpetrator shall be punished by imprisonment for a term not less than ten years.

(2) If, in the course of perpetrating the offence referred to in Paragraph 1 of this Article, the perpetrator intentionally deprives one or several persons of their life, he shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

## **XXI CHAPTER TWENTY SIX**

### **CRIMINAL OFFENCES AGAINST THE ARMED FORCES OF REPUBLIKA SRPSKA**

#### **Evasion of Military Service Article 312**

- (1) Whoever hides in order to evade conscription, compulsory military service, military training or any other military duty, in spite of being summoned by an individual or general call-up, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever leaves the country or remains abroad with the intention of evading any obligation referred to in Paragraph 1 of this Article, shall be punished by imprisonment for a term between six months and five years.
- (3) Whoever calls for and incites others to commit the offence referred to in Paragraphs 1 or 2 of this Article, shall be punished for the offence referred to in Paragraph 1 by imprisonment for a term not exceeding one year and for the offence referred to in Paragraph 2 by imprisonment for a term between six months and five years.
- (4) If the perpetrator of the offences referred to in Paragraphs 1 through 3 of this Article voluntarily reports to the military authorities, he may be punished less severely or may be released from punishment.

#### **Evasion of Military Service by Deceit or Self-inflicted Injury Article 313**

- (1) Whoever, with the intention of evading military service or being assigned to an easier duty, injures or otherwise temporarily disables himself for military service or lets another disable him temporarily and whoever temporarily disables another to the same extent with his consent, shall be punished by imprisonment for a term not exceeding three years.
- (2) If the offence referred to in Paragraph 1 of this Article resulted in a permanent disability for military service or the injury was inflicted without consent of another, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) Whoever, with the intention referred to in Paragraph 1 of this Article, fakes illness or uses for himself or another a false document or act in another deceptive way, shall be punished by imprisonment for a term not exceeding three years.

#### **Unlawful Exemption from Military Service Article 314**

Whoever, by abusing his position or authority, causes the exemption of a military officer or a person subject to conscription from military service, or his assignment to an easier duty, shall be punished by imprisonment for a term between six months and three years.

#### **Deserting and Absence from the Army of Republika Srpska Article 315**

- (1) A military officer who arbitrarily leaves his unit or service and fails to return on duty within ten days, or within the same period fails to return to duty from a leave of absence, or a military officer who is absent without leave more than twice for the period of less than ten days, or a military officer who arbitrarily leaves his unit or service during the execution of an important mission or a period of increased level of readiness for battle; shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) A military officer who hides in order to evade service in the armed forces, or a military officer who arbitrarily leaves his unit or service and fails to return on duty within thirteen days or within the same period fails to return to duty from a leave of absence, shall be punished by imprisonment for a term between six months and three years.
- (3) A military officer who leaves the country or remains abroad in order to evade service in the armed forces or prepares to flee abroad with the same intentions,

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

(4) Whoever calls for and incites others to commit the offences referred to in Paragraphs 1, 2 and 3 of this Article,

shall be punished for the offence referred to in Paragraph 1 by imprisonment for a term not exceeding two years and for the offences referred to in Paragraphs 2 and 3 by imprisonment for a term between one and five years.

(5) The perpetrator of the offences referred to in Paragraph 2 and 3 of this Article who voluntarily reports to the competent body, may be punished less severely.

### **Failure and Refusal to Execute an Order Article 316**

(1) A military officer who fails or refuses to execute an order of a superior given in the line of duty, and, as a result, the operations become impossibility or operations are seriously impaired, or there is a threat to human lives or property of huge value,

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

(2) If the offence referred to in Paragraph 1 of this Article results in extremely serious ill consequences for the military service,

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

(3) A military officer who disobeys, fails to comply with or refuses to execute the order of a guard, patrolman, officer on duty, or other military personnel acting in the course of duty,

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

### **Refusal to Receive or Use Arms Article 317**

(1) A military officer who, in breach of regulations and without reasonable excuse, refuses to receive arms or to use the same as ordered or pursuant to the rules of service,

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

(2) A conscript who, in breach of regulations and without reasonable excuse, refuses to receive arms in connection with his service in the reserve armed forces, shall be punished by a fine or imprisonment for a term not exceeding two years.

### **Resisting a Superior Officer Article 318**

(1) A military officer who together with other military officers resists an order of a superior officer given in the line of duty, or refuses to discharge his duty,

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

(2) If the offence referred to in Paragraph 1 of this Article is committed as an organized act, the perpetrator shall be punished by imprisonment for a term between one and five years.

(3) If the offence referred to in Paragraphs 1 and 2 of this Article is committed by use of arms, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) A military officer who, during the commission of the offence referred to in Paragraph 3 of this Article deprives another of life out of negligence,

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

(5) A military officer who, during the commission of the offence referred to in Paragraph 3 of this Article intentionally deprives another of life,

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

### **Use of Force Against a Military Officer While Executing His Duty Article 319**

(1) Whoever by force or threat of immediate use of force prevents a military officer in the execution of his official duties, or likewise compels the military person to execute his official duties, shall be punished by imprisonment for a term not exceeding three years.

(2) If the perpetrator, during the commission of the offence referred to in Paragraph 1 of this Article seriously offended or brutally treated military officer

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

**Assaulting a Military Officer in the Execution of His Duty  
Article 320.**

- (1) Whoever assaults or seriously threatens to assault a military officer in the execution of his duty, shall be punished by imprisonment for a term not exceeding three years.
- (2) If the offence referred to in Paragraph 1 of this Article results in light bodily injury to a military officer or if the offence has been committed by threat of using the weapon, the perpetrator shall be punished by imprisonment for a term between three months and five years.
- (3) If as a result of the offence referred to in Paragraph 1 of this Article, a military officer suffers grievous bodily injury or serious consequences for the duty occur, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (4) If a perpetrator intentionally killed a military officer during the commission of the offence referred to in Paragraph 1 of this Article, he shall be punished by imprisonment for a term not less than seven years.

**Abuse of a Subordinate or a Military Officer of Lower Rank  
Article 321**

- (1) A superior military officer who in the line of duty or in the course of duty abuses a subordinate or a person of lower military rank or treats him in a manner offensive to human dignity, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the offence referred to in Paragraph 1 of this Article is committed against several persons, the perpetrator shall be punished by imprisonment for a term between six months and three years.

**Breach of Special Military Duty  
Article 322**

- (1) A military officer who breaches regulations concerning sentry, patrol, the role of a duty officer or a guard or other similar military duty, and thereby causes serious consequences or endanger the military service, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the offence referred to in Paragraph 1 of this Article is committed at ammunition depots, arms depots, depots of explosive substances or other facilities of great importance, the perpetrator shall be punished by imprisonment for a term between three months and three years.
- (3) If the offences referred to in Paragraphs 1 and 2 of this Article result in serious bodily injury or major damage to property, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (4) If the offences referred to in Paragraphs 1 and 2 of this Article result in the death of one or several persons, the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (5) If the offences referred to in Paragraphs 1 through 4 of this Article have been committed out of negligence, the perpetrator shall be punished for the offence referred to in Paragraph 1 by a fine or imprisonment for a term not exceeding six months, and for the offence referred to in Paragraph 2 by imprisonment for a term not exceeding one year, and for the offence referred to in Paragraph 3 by imprisonment for a term not exceeding two years, and for the offence referred to in Paragraph 4 by imprisonment for a term between one and five years.

**Submitting False Reports  
Article 323**

- (1) A military officer who submits a false report, verbally or in writing or features false facts in the official report or withholds important facts to the superior military officer, or forwards such report knowing it contains false information, and by doing so causes serious consequences for the service or endangers the military service,

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

(2) If the offence referred to in Paragraph 1 of this Article is committed by submitting an extremely important report or it results in extremely ill consequences,

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

(3) If the offence referred to in Paragraph 2 of this Article is committed out of negligence,

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

### **Failure to Carry out Measures for the Protection of a Military Unit**

#### **Article 324**

(1) A superior military officer who fails to carry out any orders or any other measures manifestly necessary for the protection of the lives and welfare of officers under his command; for the safety and maintenance of installations, and defences; for ensuring the regular supply of his unit with food, equipment or material; for protecting the lives and welfare of livestock; for due and proper defence or protection of facilities under his command, and thereby risks human life or seriously risks human health or property of high value, shall be punished by imprisonment for a term not exceeding three years.

(2) If the offence referred to in Paragraph 1 of this Article results in serious bodily injury, or extensive damage to property or other serious consequences occurs,

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

(3) If the offence referred to in Paragraph 1 of this Article results in the death of one or several persons, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

(5) If the offence referred to in Paragraph 4 of this Article results in a consequence referred to in Paragraph 2 of this Article, the perpetrator shall be punished by imprisonment for a term not exceeding two years and if it results in consequence referred to in Paragraph 3,

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

### **Failure to Take Safety Measures in Military Exercises**

#### **Article 325**

(1) A military officer who fails to take any orders or measures which are manifestly necessary for ensuring the safety and precautions of any exercise, training course, or test, and thereby risks human life or seriously endangers human health or property of a high value, shall be punished by imprisonment for a term not exceeding three years.

(2) If the offence referred to in Paragraph 1 of this Article results in a serious bodily injury, or extensive damage to property or other serious consequences occurs,

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

(3) If the offence referred to in Paragraph 1 of this Article results in death of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding one year.

(5) If the offence referred to in Paragraph 4 of this Article results in a consequence referred to in Paragraph 2 of this Article,

the perpetrator shall be punished by imprisonment for a term not exceeding two years, and if it results in a consequence referred to in Paragraph 3 of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.

### **Irregular or Careless Maintenance of Entrusted Arms**

#### **Article 326**

(1) Whoever irregularly or carelessly maintains, guards or handles arms, ammunition or explosives belonging to a military unit or military institution, and by doing so causes substantial damage, destruction or disappearance of the same,

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



- (2) A person in charge of a depot of arms, ammunition or explosives who fails to take actions for their proper securing and maintenance and thereby causes substantial damage, destruction or disappearance of the same,  
shall be punished by a fine or imprisonment for a term between six months and five years.
- (3) If the offence referred to in Paragraph 2 of this Article results in extensive damage to property, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (4) If the offence referred to in Paragraph 2 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding two years.
- (5) If the offence referred to in Paragraph 4 of this Article results in a consequence referred to in Paragraph 3 of this Article,  
the perpetrator shall be punished by imprisonment for a term between six months and five years.

### **Unlawful Disposal of Entrusted Arms Article 327**

Whoever appropriates, pawns, gives another to use, damages or destroys arms, ammunition or explosives which have been given to him for use and which are for the purposes of defence,  
shall be punished by imprisonment for a term between three months and three years.

### **Stealing Arms or Parts of Military Equipment Article 328**

- (1) Whoever steals arms, ammunition, explosives or part of military equipment, which are for the purposes of defence,  
shall be punished by imprisonment for a term between six months and five years.
- (2) If the value of items referred to in Paragraph 1 of this Article exceeds 5,000.00 KM, or if the offence is committed by breaking open or breaking into closed buildings, rooms, strong-boxes, closets, safes or other enclosed premises or space or is committed by a group of people associated with the intention of committing thefts, or is committed in a particularly dangerous or reckless manner; or is committed by a person who is in possession of a weapon or dangerous implements, or is committed during a fire, flood, earthquake or a similar natural disaster,  
the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (3) If the value of items referred to in Paragraph 1 of this Article exceeds 50,000.00 KM,  
the perpetrator shall be punished by imprisonment for a term between two and twelve years.

### **Disclosure of Military Secrets Article 329**

- (1) A military officer or other person who in breach of his duties regarding the keeping of a military secret communicates, gives or otherwise discloses to another information constituting a military secret, or whoever collects such information with the intention of disclosing it to an unauthorized person,  
shall be punished by imprisonment for a term between three months and five years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who illegally obtains information that he knows is kept as military secret or anyone who without authorization publishes such information.
- (3) if the offence referred to in Paragraph 1 of this Article has been committed for material gain, or if it involves especially confidential information, or has been committed with the intention of disclosing or using the information abroad,  
the perpetrator shall be punished by imprisonment for a term not less than one year.
- (4) if the offence referred to in Paragraph 1 of this Article has been committed out of negligence,  
the perpetrator shall be punished by imprisonment for a term not exceeding three years.
- (5) There shall be no criminal offence if a person, with the intention of making public irregularities in the organization, performance or management of the armed forces and their readiness to defend Republika Srpska, discloses or facilitates the disclosure of a military secret, the subject of which is contrary to the constitutional order of Republika Srpska, provided that the disclosure has no substantial prejudicial consequences for Republika Srpska.
- (6) A military secret shall be understood to mean the information or documents that have been designated as a military secret by virtue of a law, a regulation or an enactment of a competent body enacted in pursuance of

law and declared as military secret in accordance with law and the disclosure of which would have serious consequences for the Army of Republika Srpska or the defense or security of the country.

### **Undermining Military and Defensive Capacity Article 330**

(1) Whoever destroys, renders ineffective, enables to pass into the hands of an enemy, any defense installations, objects, positions, arms or other military or defensive means, or surrenders troops to the enemy without fighting or before all means and ways have been exhausted, or otherwise hinders or endangers military or defense measures,

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

(2) Whoever perpetrates the offence referred to in Paragraph 1 of this Article with the intention of helping an enemy,

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

(3) If the criminal offence referred to in Paragraphs 1 and 2 of this Article resulted in the death of one or several persons, or caused danger to people's life, or was coupled with heavy violence or a large-scale destruction, or led to endangering security, economy or military capacity of the country,

the perpetrator shall be punished by imprisonment for a term not less than ten years.

(4) If in the course of perpetrating the offence referred to in Paragraphs 1 and 2 of this Article, the perpetrator deprives one or several persons of their lives,

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

### **Preventing Fight Against the Enemy Article 331**

(1) Whoever prevents citizens of Republika Srpska from fighting an enemy in time of war or armed conflict,

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

(2) Whoever subjects citizens of Republika Srpska or its allies to propaganda or otherwise dissuades them from fighting an enemy, in time of war or armed conflict,

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

### **Joining the Enemy and Surrender to the Enemy Article 332**

(1) A military officer who joins an enemy's army in time of war or armed conflict,

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

(2) A military officer who surrenders to an enemy's army in time of war or armed conflict before all means and ways have been exhausted,

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

### **Service in the Army of the Enemy Article 333**

(1) Any citizen of Republika Srpska who serves in an enemy's army or armed formations in time of war or armed conflict, or who participates in a war or armed conflict as a combatant against Republika Srpska,

shall be punished by imprisonment for a term between three and fifteen years.  
(2) Whoever recruits citizens of Republika Srpska into service in an enemy's army or armed formations, or for participation in a war or armed conflict against Republika Srpska,

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

### **Assisting the Enemy Article 334**

(1) Any citizen of Republika Srpska who assists an enemy army in performing requisitions, confiscation of food or other goods or in other coercive measures against the people in time of war or armed conflict,

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

(2) The punishment referred to in Paragraph 1 of this Article shall be applied to any citizen of Republika Srpska who collaborates with the enemy either politically or economically in time of war.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article resulted in the death of one or several persons, or caused danger to people's life, or was coupled with heavy violence or a large-scale destruction, or led to endangering security, economy or military capacity of the country, the perpetrator shall be punished by imprisonment for a term not less than ten years.

(4) If in the course of perpetrating the offence referred to in Paragraphs 1 of this Article, the perpetrator deprived one or several persons of their lives, he shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

#### **Failure to Discharge Duties During the Combat Article 335**

(1) A military officer who fails to discharge his duty during a combat or immediately before a combat and thereby causes serious consequences for the military unit or combat situation shall be punished by imprisonment for a term between one and ten years.

(2) If the offence referred to in Paragraph 1 of this Article results in extremely serious consequences, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

#### **Leaving the Post During a Combat Without Permission Article 336**

(1) A military officer who leaves his post without permission during the combat or just before the combat, shall be punished by imprisonment for a term between one and ten years.

(2) If the offence referred to in Paragraph 1 of this Article results in extremely serious consequences, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

#### **Abandoning Position Contrary to the Order Article 337**

(1) A superior military officer who, contrary to the order, abandons the position with the unit he is in charge of before all defense means have been exhausted, shall be punished by imprisonment for a term between one and ten years.

(2) If the offense referred to in Paragraph 1 of this Article resulted in extremely serious consequences, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

#### **Abandoning Damaged Vessel or Aircraft Prematurely Article 337**

(1) A commander of a combat vessel who, during the time of war, abandons the damaged vessel before he has carried out his duty pursuant to the regulations on service on a vessels, shall be punished by imprisonment for a term between one and ten years.

(2) If a crew member of a combat vessel, during the time of war, abandons the damaged vessel before the commander of the vessel gave the order to abandon it, or if a crew member of a military aircraft, during the time of war, abandons the damaged aircraft, he shall be punished by imprisonment for a term between one and eight years.

(3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in extremely serious consequences, the perpetrator shall be punished for the offense referred to in Paragraph 1 by imprisonment for a term between five and fifteen years, and for the offense referred to in Paragraph 2 by imprisonment for a term between two and ten years.

#### **Leaving Undamaged Means of Combat to the Enemy Article 339**

(1) A military officer who allows a substantially undamaged military depot, vessel, aircraft, tank or other means of combat to fall into enemy hands, shall be punished by imprisonment for a term between one and ten years.

(2) The punishment referred to in Paragraph 1 of this Article shall be also applied to anyone who, contrary to orders, allows substantially undamaged facilities or other installations of great importance for the national defense to fall into enemy hands.

(3) If the offences referred to in Paragraph 1 and 2 of this Article are committed out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

### **Undermining Readiness to Combat and Combat Circumstances Article 340**

(1) Whoever, during a combat or immediately before a combat, undermines readiness to combat within the unit or damages combat circumstance by rising discontent among soldiers, spreading disturbing news, deserting, throwing away arms or ammunition or by spreading fear or in some other way, shall be punished by imprisonment for a term between two and twelve years.

(2) A senior military officer who fails to take necessary steps against a subordinate or military officer of a lower rank who, during a combat or immediately before a combat, undermines readiness to combat within the unit or damages combat circumstances by spreading disturbing news, making disorder and confusion in the unit or in some other way, shall be punished by imprisonment for a term between one and five years.

(3) If the offence referred to in Paragraphs 1 and 2 of this Article results in extremely serious consequences, the perpetrator shall be punished by imprisonment for a term not less than five years.

### **Failure to Secure a Military Unit Article 341**

(1) A military officer who fails to secure the unit he is in charge of in time of war and thereby causes serious consequences for the unit, shall be punished by imprisonment for a term between two and twelve years.

(2) If the offence referred to in Paragraph 1 of this Article results in extremely serious consequences for the unit, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

(3) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) If the offence referred to in Paragraph 3 of this Article results in a consequence referred to in Paragraph 2 of this Article, the perpetrator shall be punished by imprisonment for a term between two and ten years.

### **Failure to Inform Military Authorities Article 342**

(1) Whoever during a state of war or imminent threat of war fails to inform the superior or senior officer or headquarters about an incident that manifestly requires military actions without delay, shall be punished by imprisonment for a term not exceeding two years.

(2) If the offence referred to in Paragraph 1 of this Article results in extremely serious consequences, the perpetrator shall be punished by imprisonment for a term between one and eight years.

### **Failure to Discharge Duties during Mobilization Article 343**

(1) A military officer or official person who, during mobilization, in time of war or immediate threat of war or armed conflict, contrary to his duty, fails to secure reception, deployment and accommodation of manpower, means of transport, other means or livestock or fails to provide the mobilized people or livestock with supplies or fails to perform some other activity in connection with mobilization, which results in serious ill consequences, shall be punished by imprisonment for a term between one and eight years.

(2) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

**Less Severe Punishment or Release from Punishment**  
**Article 344**

The perpetrator of the offence referred to in Article 312, Paragraphs 1 and 3, Article 314, Paragraph 1, Article 315, Paragraphs 1 and 2, Article 316, Paragraph 1 and 2 of this Code who was provoked by the unlawful or rude behavior of a military officer may be punished less severely or may be released from punishment.

**Requirements for Pronouncing Disciplinary Measure**  
**Article 345**

For criminal offences against the defense and Army of Republika Srpska for which punishment of imprisonment for a term not exceeding three years has been prescribed, disciplinary measure defined by the regulations on disciplinary responsibility in the Army of Republika Srpska may be pronounced against a military officer as a substitute for criminal sanction, provided that the offence is especially minor and if the interest of the service so requires.

**Responsibility for Criminal Offences Committed by the Orders of Superior**  
**Article 346**

There shall be no criminal offence if a subordinate officer commits a criminal offense by executing the order of a superior officer given in the line of official military duty, unless the order is directed towards committing a genocide, a war crime or any other criminal offence for which the sentence of a imprisonment for a term of ten years or more may be pronounced or if it is obvious that the execution of the order represents a criminal offence.

**XXXI CHAPTER TWENTY SEVEN**

**CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES**

**Abuse of Office or Official Authority**  
**Article 347**

- (1) An official or responsible person who, with the intent to acquire for himself or another a non-material gain or to cause damage to another, abuse his office or official authority, by overstepping his official authority or fails to execute his official duty, shall be punished by imprisonment for a term between three months and three years.
- (2) If the offence referred to in Paragraph 1 of this Article resulted in serious damage to another or seriously violation of the rights of another, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) An official or responsible person who, with the intent to acquire for himself or another a material gain, abuse his office or official authority, by overstepping his official authority or fails to execute his official duty shall be punished by imprisonment for a term between six months and five years.
- (4) If the material gain acquired in the course of the commission of the offence referred to in Paragraph 3 of this Article exceeds 10,000 KM the perpetrator shall be punished by imprisonment for a term between one and eight years and if the material gain exceeds 50,000 KM, the perpetrator shall be punished by imprisonment for a term between two and ten years.

**Embezzlement in Office**  
**Article 348**

- (1) Whoever unlawfully appropriates money, securities or other movables entrusted to him by virtue of his office or, generally by his position within institutions or legal persons, shall be punished by imprisonment for a term between six months and five years.
- (2) If the material gain acquired in the course of the commission of the offence referred to in Paragraph 1 of this Article does not exceed 200 KM, and the perpetrator's aim was to acquire small value,

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

(3) If the material gain acquired in the course of the commission of the offence referred to in Paragraph 1 of this Article exceeds 10,000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years and if the material gain exceeds 50,000 KM, the perpetrator shall be punished by imprisonment for a term 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 himself or another, submits false accounts or otherwise deceives an authorized person into making an illegal disbursement,

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

(2) If the material gain acquired in the course of the commission of the offence referred to in Paragraph 1 of this Article exceeds 10,000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years and if the material gain exceeds 50,000 KM, the perpetrator shall be punished by imprisonment for a term 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 him by virtue of his office within institutions or legal persons generally or without authority passes the same to another for unauthorized use,

shall be punished by a fine or imprisonment for a term not exceeding 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 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 him, shall be punished by imprisonment for a term 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 he performs, in the course of 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 imprisonment for a term between one and five 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 through 3 of this Article in connection with the performance or failure to perform, shall be punished by imprisonment for a term not exceeding three years.

(4) Accepted gifts or any other benefits shall be forfeited.

### **Offering Bribe Article 352**

(1) Whoever gives, attempts to give or promises a gift or any other benefit to an official or responsible person in order that he performs, in the course of his official duties, an act which ought not to be performed by him, or abstains from performing an act which he ought to perform, 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 gives or promises a gift or any other benefit to an official or responsible person in order that he performs, in the course of his official duties, an act which he ought to perform, or abstains from performing an act, which 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 not exceeding three years.

(3) The perpetrator of the offence referred to in Paragraphs 1 and 2 of this Article who gave a bribe at the request of an official or responsible person, and reported the offence before it was been discovered or before knowing that the offence was discovered, may be released from punishment.

(4) Given gifts or any other property gain shall be forfeited , and in the case referred to in Paragraph 3 of this Article, they may be returned to the donor.

### **Illegal Mediation Article 353**

(1) Whoever accepts a reward or any other benefit in return for mediating that an official duty is or is not performed by using his office or social status shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever, by using his office or social status mediated 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 between six months and five years.

(3) If the offence referred to in Paragraph 2 of this Article was committed in relation to institution or conducting of criminal proceedings against certain person, the perpetrator shall be punished by imprisonment for a term between one and five years.

(4) If a reward or any other benefit has been received in return for mediation referred to in Paragraphs 2 and 3 of this Article, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(5) The reward and property gain shall be forfeited.

### **Careless Performance of Official Duties Article 354**

(1) An official person who, knowingly breaches the law or other regulations, fails to exercise due supervision or in any other way manifestly acts in a clearly careless manner in the performance of his official duties, although he was aware or was obligated to be aware and could have been aware that it could result in a serious breach of the rights of another or serious damage to property, and thereby such breach or property damage occurs, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) If the serious breach of the rights of another or damage to property in the amount that exceeds 50,000 KM has occurred as a result of the offence referred to in Paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between one and eight years.

### **Disclosure of an Official Secret Article 355**

(1) An official who, without authority, communicates, conveys or otherwise renders available 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 between three months and three years.

(2) The punishment referred to in Paragraph 1 of this Article shall be pronounced against anyone who , with the intention of making the unauthorized use of such information, obtains unlawfully the information kept as an official secret or who without permission publish such information.

(3) If the offence referred to in Paragraph 1 of this Article has been committed for material gain or with respect to highly confidential information or for the purpose of disclosing or using the information abroad, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) If the offence referred to in Paragraph 1 of this Article is committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

(5) There shall be no criminal offense referred to in Paragraph 2 of this Article if a person , with the intention of making public irregularities in the organization, performance or management of the service, discloses or facilitates the disclosure of an official secret which is contrary to the constitutional order of Republika Srpska, provided that the disclosure has no detrimental effects for Republika Srpska.

(6) An official secret shall also be understood to mean the 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 declaring them to be an official secret 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 obligated to pay, or is in excess of what the other is obligated to pay, or who delivers less or pays less than is required on delivery or payment,  
shall be punished by a fine or imprisonment for a term not exceeding one year.

**Unlawful Release of a Detainee**  
**Article 357**

An official person who unlawfully releases a person deprived of his liberty and entrusted to him for guarding, or who aids his escape, or facilitates any unlawful communication or correspondence the purpose of preparation of an escape,  
shall be punished by imprisonment for a term between three months and three years.

**Forcing out Statements**  
**Article 358**

(1) Any official person who, in the discharge of his duty, uses force, threat or other unauthorized method or means to force out information or some other statement from any defendant, any witness, expert witness or any other person,  
shall be punished by imprisonment for a term between six months and five years.

(2) If the forcing out of the said information or statement has been followed by serious violence, or if the defendant has suffered serious consequences in the criminal proceedings as a result of making his statement under duress,  
the perpetrator shall be punished by imprisonment for a term between one and eight years.

**Violation of Human Dignity through Abuse of Office or Official Authority**  
**Article 359**

An official person who, by misuse of his office or official authority, abuses, intimidates or inflicts bodily injuries on another or treats him in a manner offensive to dignity of the person,  
shall be punished by imprisonment for a term not exceeding three years.

**Illegal Appropriation of Items During the Search or Execution of an Order**  
**Article 360**

(1) An official person, who during the search of premises or persons, or while executing an order in an administrative or criminal procedure, takes a movable item with the purpose of obtaining illegal property gain for himself or another,  
shall be punished by imprisonment for a term between six months and five years.

(2) If the item taken away in the commission of the offence referred to in Paragraph 1 is of high value,  
the perpetrator shall be punished by imprisonment for a term between one and eight years.

**XXIX CHAPTER TWENTY-EIGHT**

**CRIMINAL OFFENCES AGAINST JUSTICE**

**Failure to Report the Preparation of Criminal Offence**  
**Article 361**



- (1) Whoever, knowing of preparations to commit a criminal offence punishable by imprisonment for a term of five years or more, fails to report the same at the time when the commission of the offence may have been prevented, and the offence is committed or attempted, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever fails to report any preparation to commit a criminal offence punishable by long-term imprisonment, shall be punished by imprisonment for a term between three months and three years.
- (3) There shall be criminal offence referred to in Paragraph 1 of this Article if the person who failed to report the preparation of the offence was perpetrator's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.
- (4) A less severe punishment may be pronounced against the perpetrator of the offence referred to in Paragraph 2 of this Article who is in some kind of relation referred to in Paragraph 3 of this Article with the person preparing to commit the offence.

### **Failure to Report a Criminal Offence or a Perpetrator Article 362**

- (1) Whoever, knowing the identity of someone who committed a criminal offence punishable by imprisonment for a term 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 the perpetrator or the offence was detected, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) An official person who intentionally fails to report a criminal offence he found about in the course of his duty, and the offence is punishable by imprisonment for a term of five years or more and prosecuted ex officio, shall be punished by imprisonment for a term not exceeding three years.
- (3) There shall be no criminal offence referred to in Paragraph 1 of this Article if the person who failed to report the offence was perpetrator's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defense lawyer, doctor or clergy confessor.

### **Accessory After the Fact Article 363**

- (1) Whoever harbors a person who has committed a criminal offence prosecuted ex officio or aids him to avoid detection by concealing the implements or traces of the offence, or in some other way, or whoever harbors a convicted person or acts so as to prevent the execution of punishment, security measures or correctional measures against the person in question, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever renders any assistance to a person who committed a criminal offence punishable by imprisonment for a term that exceeds five years, shall be punished by imprisonment for a term between three months and three years.
- (3) Whoever renders any assistance to a person who committed a criminal offence punishable by long-term imprisonment, shall be punished by imprisonment for a term between one and eight years.
- (4) The punishment for the offence referred to in Paragraph 1 of this Article may not exceed the punishment prescribed for the offence for which the accessory after the fact has occurred.
- (5) There shall be no criminal offence referred to in Paragraphs 1 through 3 of this Article if the person who was accessory after the fact was perpetrator's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.

### **False Reporting of Criminal Offense Article 364**

- (1) Whoever knowing that a person is not guilty reports that person as having committed a criminal offence prosecuted ex officio, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against a person who fabricates evidence of a criminal offence or in some other way causes the institution of a prosecution for a criminal offence prosecuted ex officio against another person whom he knows not to have committed an offence.

(3) Whoever reports himself as the perpetrator of a criminal offence prosecuted ex officio, although not guilty of criminal offence, shall be punished by a fine or imprisonment for a term not exceeding six months.

(4) The punishment referred to in Paragraph 3 of this Article shall also be pronounced against anyone who reports a criminal offence prosecuted ex officio although knowing 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, minor offence, administrative or other legal proceedings, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against 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) If the false statement has been made in the course of criminal proceedings, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(4) If the offense referred to in Paragraph 3 of this Article resulted in serious consequences for the accused, the perpetrator shall be punished imprisonment for a term between one and eight years.

(5) If the perpetrator voluntarily withdraws his false statement before the final decision has been taken, he shall be punished by a fine, but may be released from punishment.

### **Preventing Presentation of Evidence Article 366**

(1) Whoever, with the intention of preventing or impairing the presentation of evidence, 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 punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever, by force, threat or similar manner, or by promise of gift or some other benefit, makes a witness or an expert witness to give false testimony at a trial, in minor offence proceedings or in any administrative or disciplinary proceedings, shall be punished by imprisonment for a term between three months and three years.

### **Breach of Confidentiality of Proceedings Article 367**

(1) Whoever, without authority, discloses information obtained 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 declared as secret by the competent authority, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The same punishment shall be also pronounced against any person who discloses the status of criminal proceedings against a juvenile, his name or the decision issued in the proceedings.

### **Disclosure of Identity of a Protected Witness Article 368**

A judge or other official person who participated in the hearing 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 between six months and five years.

**Coercion of a Member of Judiciary**  
**Article 369**

- (1) Whoever, by force or serious threat compels a judge, prosecutor or their deputies to do an act or omit to do an act or suffers, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever commits the offence referred to in Paragraph 1 of this Article by threat of murder, 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 between six months and five years.

**Contempt of Court**  
**Article 370**

Whoever, in the course of proceedings before the court, holds in contempt a court of law or whoever does it in a petition to a court, shall be punished by a fine or imprisonment for a term not exceeding six months.

**Failure to Enforce the Decision of the Court**  
**Article 371**

- (1) Any official or responsible person who knowingly fails to comply with the final decision of a court, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against the official or responsible person who is obligated to execute but fails to execute a decision of the Constitutional Court.
- (3) If a serious breach of the right of another or extensive material damage occurs as a result of the offences referred to in preceding paragraphs, the perpetrator shall be punished by imprisonment for a term between one and five years.

**Breach of Court Order on the Ban on the Performance of Certain Occupation or Duty**  
**Article 372**

Whoever, enables another to perform certain occupation, activity or duty although knowing that there is a final court order pronouncing a security measure of a ban to perform certain occupation, activity or duty against that person, or such a security measure occurred as the legal consequence of the conviction, shall be punished by a fine or imprisonment for a term not exceeding one year.

**Riot by Detained Persons**  
**Article 373**

- (1) Persons who are lawfully detained and who associates with the aim of escaping by force or of jointly attacking a guard, or force or threaten by force a guard to do or to omit doing something contrary to his duty, shall be punished by imprisonment for a term not exceeding three years.
- (2) The perpetrators referred to in Paragraph 1 of this Article, who use force or serious threat, shall be punished by imprisonment for a term between one and five years.
- (3) The perpetrator of the offense referred to in Paragraph 1 of this Article who voluntarily withdraws from the riot before the use 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 punished by imprisonment for a term between six months and 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 between six months and five years.

(2) If the offence referred to in Paragraph 1 of this Article has been committed by organized group or a number of persons have escaped,

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

#### **Breach of Law by a Judge**

##### **Article 376**

A judge of the Constitutional Court of Republika Srpska or of a court of Republika Srpska, who, with the intention of benefiting or harming the interests of another, issues an unlawful decision or otherwise breaks the law,

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

### **XXIX 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 punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever creates a false public document, will, bill of exchange, check, public or official record or some other record that must be kept pursuant to law or whoever alters such genuine document and puts 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 between three months and five years.

##### **Special Cases of Forging Documents**

##### **Article 378**

The punishment referred to in Article 377, Paragraph 1 of this Code shall be pronounced against:

- 1) anyone who, without authorization, completes a document, form or some other file containing a statement that creates legal relations which has already been signed by another person;
- 2) anyone who deceives another person as to the content of a certain document and if the latter signs the document believing that he is signing a document of another kind or with some other content;
- 3) anyone who issues a document on behalf of another person without authorization or on behalf of a person who does not exist;
- 4) anyone who issues a document falsely claiming by his signature to hold a certain position, title or rank, and this substantially affects the weight of the evidence of the document.
- 5) anyone who issues a document by using a genuine seal or mark without authorization.

##### **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 his signature or official seal certifies an official or business document, record or file containing false data, or who by his signature or official seal facilitates the drawing up of documents, records or files containing false data,

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

(2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against 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 genuine, or who destroys, conceals, substantially damages or otherwise renders useless any official or business document, record or file.

**Manufacturing, Purchasing, Possessing, Selling and Lending Equipment for Forging  
Article 280**

- (1) Whosoever manufactures, purchase , sells or lends equipment for forging documents, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Equipment for forging shall be forfeited.

**Misleading for the Purpose of 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 not exceeding two years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against a person who uses 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 or veterinarian who issues medical or veterinary health certificate knowing it to be false, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against a person who uses a medical or veterinary health certificate knowing it to be false.

**XXX CHAPTER THIRTY**

**CRIMINAL OFFENCES AGAINST PUBLIC PEACE AND ORDER**

**Organized Criminal Group  
Article 383**

- (1) Whoever organizes a group with a view to commit criminal offences punishable by imprisonment for a term of three or more years, shall be punished by imprisonment for a term between six months and five years.
- (2) Whoever joins the group referred to in the preceding Paragraph, shall be punished by imprisonment for a term not exceeding two years.
- (3) The perpetrator of the offenses referred to in Paragraphs 1 and 2 of this Article, who prevents the commission of criminal offence referred to in Paragraph 1 of this Article or reports it in a timely fashion or reveals the existence of the group and its leaders, shall be released from punishment.

**Conspiracy to Commit a Criminal Offence  
Article 384**

Whoever agrees with another to commit a criminal offence punishable by imprisonment for a term of three years or more, shall be punished by a fine or imprisonment for a term not exceeding one year.

**Violent Behavior  
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 seriously disturbs public peace,

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

(2) If the offence referred to in Paragraph 1 of this Article has been committed by two or more persons, or if a number of people have been seriously insulted or abused, or if a bodily injury has been inflicted upon another by the perpetrator,

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

### **Participating in a Group Which Committed a Criminal Offence Article 386**

(1) Whoever participates in a group which jointly engage in some violent behavior against people, causes extensive damage to property or commits any other serious violence or attempts to commit any of these offences,

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

(2) If in the course of the offence referred to in Paragraph 1 of this Article the death of one or more people or grievous bodily injury to another has been caused, the perpetrator

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

(3) Whoever organizes or directs a group who committed the offences referred to in Paragraphs 1 and 2 of this Article,

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

### **Preventing an Official Person in Execution of His Official Duty Article 387**

(1) Whoever, by force or threat of immediate use of force, prevents an official person from carrying out or compels him to carry out any official duty within the scope of his powers,

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

(2) If in the course of committing a criminal offence referred to in Paragraph 1 of this Article the perpetrator has insulted or abused the official person, or if he has inflicted upon the official person a minor bodily injury, or if the offence referred to in Paragraph 1 of this Article has been committed with a threat of use of weapons,

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

(3) Whoever commits the offence referred to in Paragraphs 1 and 2 of this Article against a judge or public prosecutor in discharge of their duties or against official person or a person assisting an official in performing duties of security or apprehending perpetrators or guarding detained persons,

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

(4) An attempt of the offence referred to in Paragraph 1 of this Article shall be punishable.

(5) If the perpetrator of the offenses referred to in Paragraphs 1 through 3 of this Article was provoked by unlawful or harsh treatment on the part of the official person,

he may be released from punishment.

### **Attacking an Official Person in the Execution of Official Duties Article 388**

(1) Whoever attacks or seriously threatens to attack an official person or a person assisting an official in the execution of his duties,

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

(2) If the perpetrator in the course of the commission of the offence referred to in Paragraph 1 of this Article inflicted a bodily injury upon the official person or upon his assistant, or if the perpetrator abuses him or threatens to use a weapon,

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

(3) If the offence referred to in Paragraphs 1 and 2 of this Article was committed against a judge or public prosecutor in discharge of their duties or against official person while performing duties of security, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(4) If the perpetrator of the offense referred to in Paragraphs 1 through 3 of this Article was provoked by unlawful or harsh treatment on the part of an official person or his assistant, he may be released from the punishment.

**Participation in a Group Which Prevented an Official Person in Execution of His Official Duties**  
**Article 389**

(1) Whoever participates in a group which jointly prevents or attempts to prevent an official person in the execution of his official duty, or compels an official to carry out his official duty, shall be punished by a fine or imprisonment for a term not exceeding three years for participation only.

(2) Whoever organizes or in directs a group which committed the offence referred to in Paragraph 1 of this Article, shall be punished by imprisonment for a term between one and five years.

**Inciting National, Racial or Religious Hatred, Discord or Hostility**  
**Article 390**

(1) Whoever 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 not exceeding two years.

(2) Whoever commits the offence referred to in Paragraph 1 of this Article by employing coercion, abuse, endangering the safety, exposing national, ethnic or religious symbols to derision, damaging other people's belongings, desecrating monuments or graves, shall be punished by imprisonment for a term between six months and five years.

(3) If the offence referred to in Paragraphs 1 and 2 of this Article resulted in riots, violence or any other serious consequence to the joined life of the constituent peoples and others who live in Republika Srpska, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) Materials and items containing messages referred to in Paragraph 1 of this Article and equipment for their production, duplication or distribution shall be forfeited. .

**Organizing Resistance**  
**Article 391**

(1) Whoever organizes or incites others to forcibly resist the execution of any lawful decision or measure issued by a competent body or to resist an official person in the execution of his duty, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) If a failure to execute a lawful decision or measure of a competent body has occurred as a result of the offence referred to in Paragraph 1 of this Article, or their execution has been made significantly difficult, the perpetrator shall be punished by imprisonment for a term between three months and three years.

(3) Whoever organizes or directs the group shall be punished by imprisonment for a term between six months and five years.

**Illegal Change of the Territorial Integrity of Republika Srpska**  
**Article 392**

Whoever, by use of force or serious threat of force or in some other illegal manner, changes the territorial integrity of Republika Srpska defined by law, shall be punished by imprisonment for a term between six months and three years.

**Unauthorized Performance of Certain Occupation**  
**Article 393**

Whoever, without authorization and for reward, is performing a certain occupation, for which a permission of the competent body is needed pursuant to the law or other regulations, shall be punished by a fine or imprisonment for a term not exceeding one year.

**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 imprisonment for a term not exceeding one year.
- (2) An attempt shall be punishable.

**Seizing or Destroying Official Seal or Official Files**  
**Article 395**

Whoever unlawfully seizes, 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 governmental body , enterprise , institution or another legal person vested with public powers, shall be punished by imprisonment for a term not exceeding three years.

**Impersonation**  
**Article 396**

- (1) Whoever falsely claims to be an official person or a military person, or without authorization wears any insignia of an official person or a military officer, with a view to obtain a benefit for himself or another, or to cause damage to another, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against anyone who performed an activity which only a designated official person or a military official was authorized to perform.

**Autocracy**  
**Article 397**

- (1) Whoever arbitrarily exercises a right or a right he believes he has, shall be punished by a fine or imprisonment for a term not exceeding six months.
- (2) Whoever arbitrarily exercises a right or a right he believes he has by using force or serious threat of force against life and body or as a party to an organized group, shall be punished by imprisonment for a term between six months and three years.
- (3) Whoever commits the offence referred to in Paragraph 1 of this Article on behalf of another, shall be punished by imprisonment prescribed for those offences.
- (4) Prosecution of the criminal offence referred to in Paragraph 1 of this Article shall be carried out based on the motion.

**Manufacturing and Purchasing Weapons and Items for the Purpose of Committing a Criminal Offence**  
**Article 398**

- (1) Whoever manufactures, possesses, purchases or enables another to obtain weapons, explosive substances, toxic agents or items 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 between three months and three years.
- (2) Whoever makes 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 not exceeding one year.
- (3) The punishment referred to in Paragraph 2 of this Article shall be pronounced against a person who makes, purchases, sells or lends instructions or items that are to be used for accessing a computer system.
- (4) Items referred to in Paragraphs 1 through 3 of this Article and items for their production, transport and distribution shall be forfeited.



**Illegal Manufacturing and Trade of Weapons or Explosive Substances**  
**Article 399**

- (1) Whoever, without authorization, manufactures, remodels, possesses, sells, purchases, 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 between six months and five years.
- (2) If the offence referred to in Paragraph 1 of this Article involves a large quantity or high value of 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 if the offence was committed by a group, the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (3) Whoever, without authorization, manufactures, remodels, possesses, sells, purchases, exchanges, exports or imports any parts or spare parts of firearms, chemical, biological or nuclear weapons, ammunition or explosive substances, or any other means of combat for which he knows are to be used for manufacturing or use of items referred to in preceding Paragraphs shall be punished by imprisonment for a term between three months and five years.
- (4) Whoever organizes a group with a view to commit criminal offences referred to in Paragraphs 1, 2 and 3 of this Article, shall be punished by imprisonment for a term not exceeding three years.
- (5) Whoever joins the group referred to in the preceding Paragraph, shall be punished by imprisonment for a term not exceeding two years.
- (6) Items referred to in preceding Paragraphs and equipment for their production, transport or distribution shall be forfeited.

**Gambling**  
**Article 400**

- (1) Whoever, without authorization, organizes gambling or other illegal games of chance, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The same punishment shall be pronounced against anyone who, for a reward, gives premises for gambling or facilitates gambling in some other manner.
- (3) Whoever uses false or marked cards or practices deceit in any other way in gambling, shall be punished by a fine and imprisonment for a term not exceeding three years.
- (4) Gambling items and money found in gambling shall be forfeited.

**Desecration of a Grave or a Corpse**  
**Article 401**

- (1) Whoever, without authorization, digs over, demolishes, damages or desecrate a grave or another place of interment, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever, without authorization, excavates, removes, damages, destroys or hides a corpse or a part thereof, or any mortal remains, or desecrate a corpse in any manner, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) If the offence referred to in Paragraphs 1 and 2 of this Article was committed against two or more graves or has been committed by two or more persons or in a particularly brutal manner, the perpetrator shall be punished by imprisonment for a term between six months and three years.

**XXVII 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, ionizing 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 between six months and five years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against 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) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed in the place where a large number of people gather, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) Whoever commits the offences referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be punished by a fine or imprisonment for a term not exceeding three years.

(5) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1, 2, 3 and 4 of this Article or if extensive damage to property has occurred, the perpetrator shall be punished by imprisonment for a term between one and ten years for the offences referred to in Paragraphs 1 and 2, by imprisonment for a term between one and twelve years for the offences referred to in Paragraph 3, and by imprisonment for a term between six months and five years for the offences referred to in Paragraph 4.

(6) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1, 2, 3 and 4, the perpetrator shall be punished by imprisonment for a term between three and fifteen years for the offences referred to in Paragraphs 1, 2 and 3, and by imprisonment for a term between one and eight years for the offences referred to in Paragraph 4.

#### **Causing Danger by Breach of Construction Rules Article 403**

(1) A responsible person 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 causes a major danger to property, shall be punished by imprisonment for a term between six months and five years.

(2) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or by imprisonment for a term not exceeding three years.

(3) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be punished by imprisonment for a term between one to ten years for the offence referred to in Paragraph 1, and by imprisonment for a term between six months and five years for the offence referred to in Paragraph 2.

(4) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1 and 2, the perpetrator shall be punished by imprisonment for a term between three and fifteen years for the offence referred to in Paragraph 1, and by imprisonment for a term between one and eight years for the offence referred to in Paragraph 2.

(5) In case that the criminal offence referred to in Paragraph 1 of this Article has resulted in illegally acquired property gain or has caused damage that exceeds 10,000 KM, the perpetrator shall be punished by imprisonment for a term between one and eight years, and if the amount exceeds 50,000 KM, the perpetrator shall be punished by imprisonment for a term 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, and thereby causes danger to human life or to property on a large scale,

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

(2) Any person responsible for undertaking the security measures in a mine, factory, workshop or any other working site who fails to install safety equipment or fails to maintain it in proper 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 and property, shall be punished by imprisonment for a term between six months and five years.

(3) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

(4) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1, 2 and 3 of this Article or if extensive damage to property has occurred, the perpetrator shall be punished by imprisonment for a term between one to ten years for the offences referred to in Paragraphs 1 and 2, and by imprisonment for a term between six months and five years for the offences referred to in Paragraph 3.

(5) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1, 2 and 3 of this Article, the perpetrator shall be punished by imprisonment for a term between three and fifteen years for the offences referred to in Paragraphs 1 and 2, and by imprisonment for a term between one and eight years for the offences referred to in Paragraph 3.

### **Damaging or Destroying Public Facilities Article 405**

(1) Whoever, by demolishing, damaging, changing, rendering unusable or removing any public facilities for supply of water, heat, gas, electricity or other energy, or communication system facilities or other public facilities, causes a disruption to the orderly civil life or operation of industry, shall be punished by imprisonment for a term between six months and five years.

(2) If the offence referred to in Paragraph 1 of this Article has caused serious disruptions to the operation of facilities, the perpetrator shall be punished by imprisonment for a term between one and eight years. .

(3) Whoever commits the offences referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be punished by imprisonment for a term not exceeding two years for the offence referred to in Paragraph 1, and by imprisonment for a term not exceeding three years for the offence referred to in Paragraph 3.

### **Damaging a Dam or Water Recourses Facilities Article 406**

(1) Whoever damages any artificial or natural dam serving as protection against natural disaster, shall be punished by imprisonment for a term between six months and three years.

(2) Whoever damages, destroys or renders unusable important water recourses facilities, shall be punished by imprisonment for a term between one and five years.

(3) Whoever commits the offence referred to in Paragraph 2 of this Article out of negligence, shall be punished by a fine or imprisonment for a term not exceeding three years.

### **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 himself by way of public transportation, shall be punished by a fine or imprisonment for a term not exceeding 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 large scale, by notifying the competent authorities in time or in some other manner, even though he could have done so without exposing himself or another to danger, shall be punished by a fine or imprisonment for a term not exceeding 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 large scale, shall be punished by imprisonment for a term between three months and three years.

#### **Failure to Participate in Averting Public Danger Article 409**

Whoever, without justified reason, refuses to participate in averting a fire, flood or some other emergencies in contravention of an order or call by competent authorities or organization, shall be punished by a fine or imprisonment for a term not exceeding one year.

### **XXVIII CHAPTER THIRTY TWO**

#### **CRIMINAL OFFENCES AGAINST SAFETY OF TRAFFIC**

##### **Endangering Public Transport Article 410**

(1) If a road user fails to comply with traffic regulations and thereby jeopardizes public transport to the point of creating an extensive danger to human life or large scale property, and if as a result another suffers grievous bodily injuries or if a damage to property exceeds 3,000 KM, he shall be punished by imprisonment for a term between six months and five years.

(2) Whoever commits the offence referred to in Paragraph 1 of this Article out of negligence, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years for the offence referred to in Paragraph 1, and by imprisonment for a term between one and eight years for the offence referred to in Paragraph 2.

##### **Endangering Specific Types of Transport Article 411**

(1) Whoever violates rules and regulations of railway, waterway, tramway, trolley-bus, bus or cable railway traffic, and thereby causes an accident, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever commits the offence referred to in Paragraph 1 of this Article out of negligence, shall be punished by imprisonment for a term not exceeding three years.

(3) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1 and 2 of this Article or if extensive damage to property has occurred, the perpetrator shall be punished by imprisonment for a term between one to eight years for the offence referred to in Paragraph 1, and by imprisonment for a term between six months and five years for the offence referred to in Paragraph 2.

(4) If the death of one or more persons has occurred as a result of the offences referred to in Paragraph 1 and 2 of this Article, the perpetrator shall be punished by imprisonment for a term between three and fifteen years for offence referred to in Paragraph 1, and by imprisonment for a term between one and eight years for the offence referred to in Paragraph 2.

##### **Endangering Public Transport by Dangerous Actions or Means Article 412**

(1) Whoever by destroying, removing or seriously damaging traffic equipment, devices, signs or signaling devices designed for traffic safety, or by giving false traffic signs or signals, erecting road blocks or in some other way endangers public transport 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 not exceeding three years.

(2) Whoever commits the offence referred to in Paragraph 1 of this Article out of negligence, shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1 and 2 of this Article or if extensive damage to property has occurred, the perpetrator shall be punished by imprisonment for a term between six months and five years for the offence referred to in Paragraph 1, and by imprisonment for a term not exceeding three years for the offence referred to in Paragraph 2.

(4) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1 and 2 of this Article,

the perpetrator shall be punished by imprisonment for a term between two and fifteen years for the offence referred to in Paragraph 1, and by imprisonment for a term between one and eight years for the offence referred to in Paragraph 2.

### **Careless Supervision Over Public Transport Article 413**

(1) A responsible person who was entrusted with the supervision over the maintenance of roads and allied equipment, transportation, public transport, or the implementation of prescribed working conditions for drivers, or a person entrusted with managing the driving and who in the careless performance of his duties causes a danger to human life or safety or large scale property, shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against a responsible person who issues a travel order or permits travel although being aware that the driver is incapable of safely operating 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 thereby causes a danger to human life or safety or large scale property.

(3) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

(4) If one or more persons have suffered grievous bodily injury as a result of the offences referred to in Paragraphs 1, 2 and 3 of this Article or if extensive damage to property has occurred, the perpetrator shall be punished by imprisonment for a term between one and eight years for the offences referred to in Paragraphs 1 and 2, and by imprisonment for a term between six months and five years for the offences referred to in Paragraph 3.

(5) If the death of one or more persons has occurred as a result of the offences referred to in Paragraphs 1, 2 and 3 of this Article,

the perpetrator shall be punished by imprisonment for a term between two and twelve years for the offences referred to in Paragraphs 1 and 2, and by imprisonment for a term between one and eight years for the offences referred to in 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 he has caused and abandons that person without rendering aid, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If grievous bodily injury has occurred as a result of failure to render aid, the perpetrator shall be punished by imprisonment for a term between six months and three years.

(3) If the death has occurred as a result of failure to render aid, the perpetrator shall be punished by imprisonment for a term 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 imprisonment for a term not exceeding two years.

(2) If the offence referred to in Paragraph 1 of this Article has caused 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 perpetrator shall be punished by imprisonment for a term between one and five years.

(3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence,

the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year for the offence referred to in Paragraph 1, and by fine or imprisonment for a term between six months and two years for the offence referred to in Paragraph 2.

### **Pollution by Waste**

#### **Article 416**

(1) Whoever, in breach of legislation, recycles, dumps, deposits, collects, stores or transports radioactive substances or other dangerous waste or generally treats waste in such a manner that 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 imprisonment for a term not exceeding two years.

(2) Whoever, by abuse of his official position or authority, authorizes the commission of the offence referred to in Paragraph 1 of this Article,

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

(3) If the offences referred to in Paragraphs 1 and 2 of this Article have caused destruction or major damage to forests and plants over a wide area or if the environment has been polluted to such an extent that the health of humans and animals is in danger,

the perpetrator shall be punished by imprisonment for a term 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 people, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months.

### **Illegal Construction and Putting Facilities and Plants into Operation**

#### **Article 418**

(1) An official or responsible person who, in breach of legislation on the protection, preservation and improvement of environment, authorizes construction, putting into operation or use of facilities or plants that pollute the environment to a large extent or over a wider area, shall be punished by imprisonment for a term between three months and three years.

(2) If the offence referred to in Paragraph 1 of this Article has caused destruction or major damage to forests and plants over a wide area or if the environment has been polluted to such an extent that the health of humans and animals is in danger,

the perpetrator shall be punished by imprisonment for a term 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 or equipment for the protection of environment and thereby causes pollution of air, water or soil to a large extent or over a wider area, shall be punished by a fine or imprisonment for a term not exceeding two years.

- (2) If the offence referred to in Paragraph 1 of this Article has caused destruction or major damage to forests and plants over a wide area or if the environment has been polluted to such an extent that the health of humans and animals is in danger, the perpetrator shall be punished by imprisonment for a term between one and five years.
- (3) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

#### **Damage and Destruction of Protected Natural Goods Article 420**

- (1) Whoever damages or destroys a protected natural good of great importance, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) If the destroyed or damaged protected natural good was of extreme importance, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months for the offence referred to in Paragraph 1, and by a fine or imprisonment for a term not exceeding two years for the offence referred to in Paragraph 2.

#### **Production of Harmful Preparations for the Treatment of Animals Article 421**

- (1) Whoever produces for the purposes of sale, or puts into circulation preparations for the treatment or prevention of disease among animals which are harmful to their health and life, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the offence referred to in Paragraph 1 of this Article has caused the death of animals or some other extensive damage, the perpetrator shall be punished by fine or imprisonment for a term between three months and three years.
- (3) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months.

#### **Contaminating Food and Water Used by Animals Article 422**

- (1) Whoever, by the use of any harmful substance, contaminates food or water for the watering of animals and thereby endangers the life and health of the animals, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against anyone who, by the use of any harmful 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) If the death of a large number of animals or fish of high value occurred as a result of the offences referred to in Paragraphs 1 and 2 of this Article, the perpetrator shall be punished by imprisonment for a term between three months and three years.
- (4) If the offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding 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 orders of the competent governmental body ordering measures for the suppression or prevention of a disease with animals and thereby causes a risk of spreading the disease or its agents or pests, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) The punishment referred to in Paragraph 1 of this Article shall also be pronounced against 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 has occurred as a result of the offences referred to in Paragraphs 1 and 2 of this Article,  
the perpetrator shall be punished by imprisonment for a term not exceeding three years.  
(4) If the offences referred to in Paragraphs 1 through 3 of this Article have been committed out of negligence,  
the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

**Careless Actions in the Circulation of Pesticide**  
**Article 424**

Whoever puts any pesticide into circulation without permission or substitutes another pesticide for that prescribed when substitution is forbidden, or otherwise carelessly acts in the circulation of pesticides and thereby endangers the life or health of humans, animals and the environment,  
shall be punished by a fine or imprisonment for a term not exceeding two years.

**Careless Veterinary Treatment**  
**Article 425**

(1) A veterinarian 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 careless manner and thereby causes the death of a large number of livestock or poultry,  
shall be punished by a fine or imprisonment for a term not exceeding two years.  
(2) If the offence referred to in Paragraph 1 of this Article has been committed out of negligence,  
the perpetrator shall be punished by a fine or imprisonment for a term not exceeding six months.

**Unauthorized Veterinary Treatment**  
**Article 426**

Whoever being unqualified or incompetent treats animals or performs other duties of a veterinarian,  
shall be punished by a fine or imprisonment for a term not exceeding one year.

**Destruction of Plantations**  
**Article 427**

Whoever, by using any harmful substance, causes the destruction of plants, fruit trees or other cultivated crop, and thereby inflicts substantial damage,  
shall be punished by a fine or imprisonment for a term not exceeding 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 competent body on measures for the protection of the environment,  
shall be punished by a fine or imprisonment for a term not exceeding two years.  
(2) When pronouncing a suspended sentence, the court may impose the obligation on the offender that he undertakes the measures ordered by the competent body within a set time-limit.

**Importing Hazardous Material into Republika Srpska**  
**Article 429**

(1) Whoever, in contravention of the regulations, imports into Republika Srpska radioactive material or other such wastes or material harmful to the human life or health,  
shall be punished by a fine or imprisonment for a term not exceeding two years.  
(2) Whoever, by abuse of his office or authority, contrary to regulations, facilitates the importation of substances referred to in Paragraph 1 of this Article into Republika Srpska,  
shall be punished by imprisonment for a term between six months and five years.  
(3) An attempt of the criminal offences referred to in Paragraph 1 shall be 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 meters , shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) If the offence referred to in Paragraph 1 of this Article has been committed with the intention of selling the cut timber, or if the quantity of the cut timber exceeds eight cubic meters , or if the offence has been committed in a protected forest, national park or some other forest of a special purpose, the perpetrator shall be punished by a fine and imprisonment for a term between six months and five years.

**Depredation of Forests**  
**Article 431**

- (1) Whoever, contrary to regulations or orders issued by the competent bodies, 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 punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever commits the offence referred to in Paragraph 1 of this Article in a protected forest, national park or in some other forest of a special purpose, shall be punished imprisonment for a term between three months and three years.

**Causing Forest Fire**  
**Article 432**

- (1) Whoever causes a forest fire that results in a substantive damage, shall be punished by imprisonment for a term between one and eight years.
- (2) The punishment referred to in Paragraph 1 of this Article shall be also pronounced against anyone who causes a fire in a protected forest, national park, orchard or other forest of a special purpose or in grain fields.
- (3) Whoever commits the offences referred to in Paragraphs 1 and 2 of this Article out of negligence, shall be punished by a fine or imprisonment for a term not exceeding two years.

**Torture and Killing of Animals**  
**Article 433**

- (1) Whoever grossly abuses an animal or exposes an animal to unnecessary or prolonged suffering, or whoever unlawfully kills them or destroys their habitats to a great extent or over a wide area, shall be punished by a fine or imprisonment for a term not exceeding one year. .
- (2) If the offense referred to in Paragraph 1 of this Article resulted in the death of a larger number of animals belonging to a group of protected species, the perpetrator shall be punished by imprisonment for a term between three months and three years.
- (3) If the criminal offences referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding three months for the offence referred to in Paragraph 1, and by a fine or imprisonment for a term not exceeding one year for the offence referred to in Paragraph 2.

**Exporting Protected Plants or Animals**  
**Article 434**

Whoever, contrary to regulations, takes abroad or exports any protected plant or animal, shall be punished by a fine or imprisonment for a term not exceeding three years.

**Usurpation of Real Property**  
**Article 435**

Whoever, with an intention of possessing and using, usurps another's real property that is declared public good of general interest, a cultural monument, a natural rarity or any natural object of a special value, shall be punished by a fine and imprisonment for a term not exceeding three years.

#### **Illegal Hunting Article 436**

- (1) Whoever hunts game during the closed season, shall be punished by a fine or imprisonment for a term not exceeding six months.
- (2) Whoever, without authorization, hunts in a restricted game preserve, kills, wounds or catches game, shall be punished by a fine or imprisonment for a term not exceeding one year. (3) Whoever commits the offence referred to in Paragraph 1 of this Article against big game, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (3) Whoever hunts rare game or game in extinction whose hunting is prohibited, or whoever, without license, hunts game for whose hunting a special license is required or whoever hunts in a manner or by means that mass kills the game, shall be punished by a fine or imprisonment for a term not exceeding three years. (5) The game caught and hunting equipment shall be forfeited.

#### **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 in a large number or fishes in any way harmful to their breeding, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Whoever commits the offence referred to in Paragraph 1 of this Article and thereby causes the death of a large number of fish or other freshwater animals, shall be punished by a fine or imprisonment for a term not exceeding two years. (3) The catch and fishing equipment shall be forfeited.

### **XXXIV CHAPTER THIRTY FOUR**

#### **TRANSITIONAL AND FINAL PROVISIONS**

##### **Article 438**

Any final punishment of life imprisonment that was pronounced before this Code entered into force shall become a punishment of long-term imprisonment of 45 years.

##### **Article 439**

On the day this Code enters into force, all criminal provisions contained in other laws, which are contrary to this Code, shall cease to apply.

##### **Article 440**

Criminal sanction pronounced by the final verdict before this Code entered into force shall not be executed if this Code or the Criminal Code of Bosnia and Herzegovina does not prescribe the act in question as the criminal offense, and if the execution has commenced, it shall be suspended.

##### **Article 441**

This Code shall enter into force on 1 July 2003.