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CRIMINAL CODE OF REPUBLIKA SRPSKA

“Official Gazette of Republika Srpska”, 64/17

NOTE: On the day of entering into force of this Law, shall cease to be valid the Criminal Code of Republika Srpska published in the “Official Gazette of Republika Srpska”, 49/03, 108/04, 37/06, 70/06, 73/10, 1/12, 67/13.

CRIMINAL CODE OF REPUBLIKA SRPSKA

GENERAL PART

CHAPTER ONE GENERAL PROVISIONS

Basis and Function of the Criminal Legislation of the Republika Srpska

Article 1

- (1) Criminal law provisions contained in this Code shall be based on the Constitution of the Republika Srpska and the generally acknowledged principles and norms of international law.
- (2) The basic function of the criminal legislation of the Republika Srpska shall be to protect the fundamental human rights and freedoms and other fundamental individual and general values established by the Republika Srpska Constitution and international law.
- (3) This protection shall be implemented by defining the particular criminal offences, by specifying punishments and other criminal sanctions for the perpetration of these criminal offenses and by pronouncing the sentences against the offenders in the legally prescribed proceedings.

Principle of Legality

Article 2

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

Basis for criminal liability and Punishment

Article 3

- (1) The basis for criminal liability shall be the perpetration of a criminal offense with all of its characteristics that are prescribed by law.
- (2) No one may be punished nor may any alternative measures be pronounced against him/her unless he/she has been found criminally liable for a perpetrated criminal offense.

Principle of Constraints Regarding Criminal Justice Compulsion

Article 4

Criminal offenses and criminal sanctions shall be prescribed only for those unlawful acts by which the human rights and freedoms and other individual and general values of the society established by the Constitution and international law have thus been violated or jeopardized insomuch that their protection could not be achieved without using the benefits of criminal justice compulsion.

Principle of equality of the criminal offense perpetrators

Article 5

Perpetrators of criminal offenses shall be equal and subject to criminal liability irrespective

of the nature or type of the perpetrated criminal offense, ethnic, racial or religious affiliation, language, religious or political belief, colour, sex or sexual orientation, health status or gender identity, origin, political or social status or any other circumstances.

Principle of Justice and Proportionality
Article 6

Punishments and other criminal justice sanctions applied to the perpetrators of criminal offences should correspond to the nature and severity of the crime, the degree of criminal liability, the circumstances under which the offense was committed and the personality of the perpetrator.

Principle of respect for human dignity and personality of the perpetrator
Article 7

- (1) In the execution of criminal sanctions the perpetrator may be deprived of certain rights or such rights may be restricted only if so is necessary for the execution of specific criminal sanctions and to the extent that corresponds to the nature and content of these sanctions.
- (2) Criminal sanctions shall be executed in such a way as to ensure respect for the perpetrator's personality and his/her human dignity.
- (3) During the serving of the sentence of deprivation of liberty, it is necessary to respect the personality of the convicted individual, his/her physical and spiritual integrity. Such individuals shall not be subjected to any torture or other forms of cruel, inhuman or degrading treatment. In the event of such a treatment, they shall be provided with judicial protection.

The Principle of Confiscation of Illegal Material Gain
Article 8

Nobody shall be allowed to retain any material gain acquired by the perpetration of a criminal offence. The material gain and the proceeds or other forms of gain derived from the material gain acquired through a criminal offence shall be confiscated.

CHAPTER TWO
APPLICABILITY OF CRIMINAL LEGISLATION

Time Constraints Regarding the Applicability of Criminal Legislation
Article 9

- (1) The legislation that was in force at the time when the criminal offence was perpetrated shall be applicable to the perpetrator of the criminal offence. If the legislation was amended at the time of perpetration of the criminal offence, the legislation that was in force at the time of completion of the criminal offence shall be applicable.
- (2) If, after the perpetration of a criminal offence and before the enactment of a final and binding judgment, the legislation was amended on one or more occasions, the legislation that is most lenient to the perpetrator shall be applicable.
- (3) The perpetrator of a criminal offense that is prescribed by legislation with a specified time of applicability shall be subject to application of that legislation, regardless of when he/she is being tried, unless otherwise determined by that legislation.
- (4) The rules of applicability of this Code referred to in paragraphs (1), (2) and (3) of this Article shall also be applicable in relation to the effect of the legal consequences of the conviction.

Territorial Applicability of Criminal Legislation

Article 10

- (1) Criminal legislation of the Republika Srpska shall be applicable to anybody who has perpetrated a criminal offence on its territory.
- (2) Criminal legislation of the Republika Srpska shall also be applicable to anybody who has perpetrated a criminal offence on board of a domestic vessel, regardless of its whereabouts at the time of the perpetration of the offence.
- (3) Criminal legislation of the Republika Srpska shall be applicable to anybody who has committed a criminal offence on board of a domestic civilian aircraft while in flight, regardless of the aircraft's location at the time of the perpetration of the offence.
- (4) If, in the cases referred to in paragraphs (1), (2) and (3) of this Article, the criminal proceedings have been initiated or completed in a foreign country, the prosecution shall be undertaken in the Republika Srpska only upon the prior approval of the Chief Republic Prosecutor.
- (5) The criminal prosecution against foreign nationals in cases referred to in paragraphs (1), (2) and (3) of this Article may be transferred to a foreign State under the terms of reciprocity.

Applicability of Criminal legislation of the Republika Srpska for Specific Offences Perpetrated Outside of the Territory of the Republika Srpska

Article 11

Criminal legislation of Republika Srpska shall be applicable to anybody who has committed a criminal offence defined under Articles 278 through 305 of this Code outside its territory.

Applicability of Criminal Legislation of the Republika Srpska to a Citizen of the Republika Srpska Committing a Criminal Offense Outside of its Territory

Article 12

Criminal legislation of the Republika Srpska shall be applicable to a citizen of the Republika Srpska even when he/she has committed a criminal offence outside of its territory, except for the criminal offenses referred to in Article 11 of this Code, provided that he/she is found on the territory of Republika Srpska or has been extradited to the Republika Srpska.

Applicability of Criminal Legislation of the Republika Srpska to a Foreign National Committing a Criminal Offence Outside its Territory

Article 13

- (1) Criminal legislation of the Republika Srpska shall also be applicable to a foreign national who has committed a criminal offence outside the territory of the Republika Srpska against Republika Srpska or against its citizen, even when the offence in question is some other than the one referred to under Article 11 of this Code, provided that he/she is found on the territory of the Republika Srpska or has been extradited to it.
- (2) Criminal Legislation of the Republika Srpska shall be applicable to a foreign national who has committed a criminal offence outside the territory of the Republika Srpska against another country or against a foreign national, for which offence the law of that country prescribes imprisonment for a term of five years or a heavier penalty, provided that the perpetrator is found on the territory of the Republika Srpska and does not get extradited to the other country. Unless it is stipulated otherwise in this Code, the court in such a case may not impose a heavier punishment than the one prescribed by the law of the country in which the criminal offence has been committed.

Special Preconditions for Prosecution

Article 14

(1) In the cases referred to in Article 12 and Article 13 of this Code, the prosecution shall not be undertaken where:

- 1) the perpetrator has served the full punishment he was sentenced to abroad;
- 2) the perpetrator has been released or his/her sentence has been barred by lapse of time or he/she has been pardoned by a final and binding decision of a foreign court;
- 3) an appropriate security measure has been executed abroad against the perpetrator who is regarded as mentally incompetent;
- 4) according to the law of a foreign country, the prosecution for a criminal offence is normally undertaken on a personal complaint of the injured party, but such complaint has not been filed.

(2) In the cases referred to in Article 12 and Article 13 of this Code, prosecution shall be undertaken only if the criminal offense in question is also punishable by the law of the country where the offense was committed, unless the offense has been committed against Republika Srpska and its citizens and when there is an approval of the Chief Republic Prosecutor.

(3) It is only after the approval of the Chief Republic Prosecutor that prosecution may be instituted in the Republika Srpska in the cases referred to under Article 13, paragraph (2) of this Code, regardless of the law of the country in which the criminal offense has been committed, if at the time of the commission the offense in question was considered a criminal offense in accordance with the general legal principles recognized by international law.

Applicability of Criminal Legislation to Individuals under 21 Years of Age

Article 15

(1) Criminal legislation shall not be applicable to an individual who has not reached the age of fourteen at the time of perpetration of the criminal offense.

(2) This Code shall be applicable to juveniles and young adults, unless otherwise prescribed by a special law.

Applicability of the General Part

Article 16

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

CHAPTER THREE

CRIMINAL OFFENCE AND CRIMINAL LIABILITY

1. General Provisions on Criminal Offences

Criminal Offence

Article 17

A criminal offence is an unlawful act that threatens or violates the protected values and is defined as a criminal offence by law due to the danger or damage it poses and for which a criminal sanction is prescribed by law.

Manner of Perpetrating Criminal Offence
Article 18

- (1) A criminal offence can be perpetrated by an action or an omission to act.
- (2) A criminal offence is considered perpetrated by omission only when the law prescribes as a criminal offence the failure to perform an action.
- (3) An omission to act may result also in perpetration of a criminal offence that is otherwise defined by law as an action, insofar as by failing to act duly the perpetrator has created the legal elements of that particular criminal offence.

Time of Perpetrating a Criminal Offence
Article 19

- (1) A criminal offence is perpetrated at the time the perpetrator has acted or ought to have acted, irrespective of the time when the consequence of the offence has occurred.
- (2) If an action of perpetration consists of several separate actions, the offence shall be considered to have been perpetrated at the moment of undertaking the last of these actions, and in the case of criminal offences in which the action or unlawful situation has lasted for some time, at the moment of cessation of the action, or of an unlawful situation which is created as a result of that action.

Place of Perpetrating a Criminal Offence
Article 20

- (1) A criminal offence is considered to have been perpetrated both at the place where the perpetrator has acted or ought to have acted, and at the place where the consequence has occurred fully or partially.
- (2) Preparation and an attempt of the criminal offence are considered to have been made both at the place where the perpetrator has undertaken an action and at the place where according to the perpetrator's expectation the consequence ought to have occurred or could have occurred.
- (3) In the case of complicity, a criminal offence is considered to have been perpetrated both at the place where the accomplice has acted or ought to have acted and at the places specified in paragraph (1) and paragraph (2).

Preparation
Article 21

- (1) Whoever intentionally prepares for the perpetration of a criminal offence shall be punished for the preparation of the criminal offence only when so is prescribed explicitly by law.
- (2) The preparation of a criminal offence may be determined by law either as an independent criminal offence or a separate punishment may be foreseen by law for the preparation of a particular criminal offence.
- (3) When the law prescribes a separate punishment for the preparation of a particular criminal offence, the preparation may consist of the procurement or preparation of the means for the commission of the criminal offence, the creation of conditions or removal of the obstacles for its commission, the conspiracy, planning or organizing of the commission of a criminal offence together with other individuals, as well as other actions that create the conditions for a direct commission of the criminal offence.

Attempt
Article 22

- (1) Whoever intentionally commences the perpetration of a criminal offence, but does not complete it, shall be punished for the attempted criminal offence when, for the criminal offence in question, the punishment of imprisonment for a term of five years or a more severe punishment may be

imposed, whereas for the attempt of another criminal offence the individual shall be punished only when the law expressly prescribes a punishment for the attempt alone.

(2) A perpetrator shall be punished for an attempt of a criminal offence within the limits of the punishment prescribed for the same criminal offence completed, but may also receive a reduced punishment.

Inappropriate Attempt Article 23

A perpetrator, who has attempted to perpetrate a criminal offence by inappropriate means or toward an inappropriate object, may be released from punishment.

Voluntary Abandonment of the Attempt Article 24

(1) A perpetrator who has attempted to perpetrate a criminal offence, but has voluntarily abandoned any further undertaking of an action of perpetration, even though he was aware that under the current circumstances he/she was capable of completing the offense, or where after completion of the action he/she has prevented the occurrence of its consequences, may be released from punishment.

(2) The provision referred to in paragraph (1) of this Article shall not be applicable insofar as the perpetrator has not completed the criminal offense due to the circumstances preventing or making the commission of a criminal offense significantly more difficult or due to the fact that he/she considered that such circumstances existed.

(3) An accomplice, inciter or accessory that has voluntarily prevented the perpetration of a criminal offense may be released from punishment.

(4) If the actions referred to in paragraph (1) of this Article have the characteristics of another independent criminal offense that is not covered by the criminal offense the perpetration of which he/she has abandoned, the perpetrator may not be released from punishment for that other offense.

Petty Offense Article 25

(1) An act which, although it constitutes the elements of a criminal offense, poses a negligible danger due to its insignificance or absence of harmful consequences, due to a minor degree of criminal liability for the perpetrator and due the absence of any need for his/her punishment, shall not be considered as a criminal offense.

(2) The provision referred to in paragraph (1) of this Article may be applicable to the criminal offenses for which a fine or a punishment of imprisonment for a term of up to three years is prescribed.

Necessary Defence (Self-Defence) Article 26

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

(2) Defence is considered to be necessary if it is absolutely necessary for the defender to avert a coinciding or direct and imminent illicit attack from himself/herself or from another.

(3) If the perpetrator exceeds the limits of necessary defence, the punishment can be reduced, whereas if the excess occurs due to a strong irritation or fright caused by the attack, the punishment can be remitted.

Extreme Necessity Article 27

(1) An act committed out of extreme necessity is not considered a criminal offence.

(2) Extreme necessity exists when an act was committed for the purpose of averting from the perpetrator or from another a coinciding or direct and imminent unprovoked danger that could not have been averted in any other way, provided that the harm resulting from such act did not exceed the harm threatened.

(3) A perpetrator, who himself has negligently provoked the danger, or who has exceeded the limits of extreme necessity, may receive a reduced punishment, and if the excess was perpetrated under particularly extenuating circumstances, may be released from punishment.

(3) There is no extreme necessity if the perpetrator was under an obligation to expose himself to the danger.

2. General Provisions about Criminal Liability

Criminal Liability Article 28

(1) A perpetrator who, at the time of perpetrating a criminal offense, was mentally capable and acted with intent or out of negligence, but who was aware or ought to or could have been aware that his/her criminal offense was forbidden, shall be held criminally liable.

(2) A perpetrator shall be held criminally liable for a criminal offense perpetrated out of negligence only if so is prescribed by law explicitly.

Mental Incapacity Article 29

A mentally incapable person is one who, at the time of perpetrating the criminal offense, was incapable of comprehending the significance of his/her acts or controlling his/her actions due to a mental disease, temporary mental disorder, mental retardation or some other more serious mental disorder.

***Actiones Liberae in Causa* Article 30**

A perpetrator shall be held criminally liable inasmuch as, by consuming alcohol or narcotic drugs or otherwise, he/she has brought himself/herself into such a condition of being incapable of comprehending the significance of his/her actions or controlling his/her actions, provided that prior to bringing himself/herself into such a condition, the act was deliberately intended by him, or there was negligence on his/her part in relation to the criminal offense in cases where criminal liability is prescribed by law for such an offense even if the offense is perpetrated out of negligence.

Considerably Diminished Mental Capacity Article 31

(1) If the capacity of the perpetrator to comprehend the significance of his act or his/her ability to control his/her conduct was considerably diminished due to any of the conditions referred to in Article 29 of this Code, he/she may be punished less severely.

(2) The state of considerably diminished mental capacity to which the perpetrator has brought himself/herself in the way referred to in the provisions of Article 30 of this Code may not constitute the grounds for mitigation of the punishment.

Intent Article 32

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

- (2) The criminal offense was perpetrated with a direct intent when the perpetrator was aware of his/her act but still desired its perpetration.
- (3) The criminal offense was perpetrated with an indirect intent when the perpetrator was aware that a prohibited consequence might have resulted from his action or omission to act but has nevertheless consented to its occurrence.

Negligence
Article 33

- (1) A criminal offence may be perpetrated by a voluntary or involuntary negligence.
- (2) The criminal offense was perpetrated with a voluntary negligence when the perpetrator was aware that a prohibited consequence might have occurred as a result of his/her action or omission to act, but has carelessly assumed that it would not occur or that he/she would be able to prevent it.
- (3) The criminal offense was perpetrated with an 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/she should and could have been aware of such possibility.

Liability for Graver Consequences
Article 34

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, but exceptionally with a deliberate intent, unless it contains the elements of another criminal offence.

Mistake of Fact
Article 35

- (1) The perpetrator shall not be held criminally liable, who, at the time of the perpetration of the criminal offence, was not aware of a legally prescribed element of the criminal offence or wrongly believed that there existed circumstances which, if they had truly existed, would have made his conduct permissible.
- (2) If the perpetrator was under a mistake of fact due to negligence, he/she shall be held criminally liable for the criminal offence perpetrated out of negligence when the law prescribes a punishment for that criminal offence even if it was committed out of negligence.

Mistake of Law
Article 36

- (1) A perpetrator of a criminal offence, who, at the time of perpetration of the criminal offence, had justifiable reason for not being aware nor ought to have nor could have been aware that his conduct was prohibited, shall not be held criminally liable.
- (2) If the perpetrator referred to in paragraph (1) of this Article ought to have or could have been aware that his conduct was prohibited, he/she may receive a mitigated punishment.

3. Complicity in Perpetration of a Criminal Offense

Co-Perpetration
Article 37

If several persons have jointly perpetrated a criminal offence by participating in an action of

perpetration or if they have decisively contributed to its perpetration by undertaking another action, each of them shall be punished with a punishment prescribed for that particular offense.

**Incitement
Article 38**

- (1) Whoever intentionally incites another to perpetrate a criminal offense shall be punished as if he/she himself/herself has perpetrated the offence.
- (2) Whoever intentionally incites another to perpetrate a criminal offence for which an attempt is punishable, but the criminal offense has never been attempted, shall be punished as for the attempt of the criminal offence. If the attempt of incitement was inappropriate, the inciter may be released from punishment.

**Accessory
Article 39**

- (1) Whoever intentionally helps another to perpetrate a criminal offence shall be punished as if he/she himself/herself has perpetrated the offence, but he/she may also be punished less severely.
- (2) The following shall, in particular, be considered as accessory 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, creating the preconditions or removing the obstacles to the perpetration of a criminal offence, as well as promising, prior to the perpetration of the criminal offence, to cover up the criminal offence, to hide the perpetrator, to conceal the tools used for perpetrating the criminal offence, traces of the criminal offence, or items acquired by the perpetration of the criminal offence.

**Rules with Regard to Liability and Punishment of Accomplices
Article 40**

- (1) A co-perpetrator shall be held criminally liable within the limits set by his own intent or negligence, whereas an inciter and an accessory shall be held criminally liable within the limits of their own intent.
- (2) The personal relations, characteristics and circumstances which are prescribed by the law as the grounds for the exclusion of criminal liability, or the release from punishment or which influence the meting out or mitigation of punishment, may be taken into consideration only if they are inherent to such perpetrators, accomplices, inciters or accessories.
- (3) The personal relations, characteristics and circumstances which constitute an essential element of the criminal offense do not have to be inherent to the inciters and accessories. An inciter and accessory who do not have such inherent characteristics may receive a reduced punishment.

**CHAPTER FOUR
CRIMINAL SANCTIONS**

**Criminal Sanctions and Their General Purpose
Article 41**

- (1) Criminal sanctions shall include: penalties, alternative measures, security measures and correctional measures.
- (2) A special criminal justice measure shall be the confiscation of material gain acquired as a result of perpetration of a criminal offense, which shall necessarily be imposed by the court under the terms and conditions prescribed by this Code.
- (3) The general purpose of prescribing and pronouncing the criminal sanctions shall be to suppress unlawful acts violating or endangering the values protected by criminal legislation.

1. Punishments

Types of Punishment Article 42

Perpetrators of the criminal offences may be sentenced to:

- 1) long-term imprisonment;
- 2) imprisonment;
- 3) fine;
- 4) prohibition of driving motor vehicles.

Purpose of Punishment Article 43

In the framework of the general purpose of criminal sanctions (Article 41, paragraph (3)), the purpose of punishment is:

- 1) to deter the perpetrator from perpetrating criminal offences in the future and to reform him/her, and to deter others from perpetrating criminal offences;
- 2) to express the community's condemnation of a perpetrated criminal offence, develop and increase the consciousness of citizens about the danger and damage of criminal offences and of the justifiability of punishment and the necessity to obey the law.

Principal and Accessory Punishment Article 44

- (1) The punishments of long-term imprisonment and imprisonment may be pronounced only as principal punishments.
- (2) A fine may be pronounced both as a principal and as an accessory punishment.
- (3) The prohibition of driving a motor vehicle may be pronounced only as an accessory punishment together with an imprisonment sentence, a fine or a suspended sentence.
- (4) If multiple punishments are prescribed for a criminal offence, only one of them may be pronounced as a principal punishment.
- (5) For criminal offences motivated by greed, a fine may be imposed as an accessory punishment even when that is not specifically prescribed by the law or in cases where the law prescribes that the perpetrator shall be punished by imprisonment or a fine, and the court decides to impose the punishment of imprisonment as the principal punishment.

Long-Term Imprisonment Article 45

- (1) For the gravest forms of serious criminal offences perpetrated with intent, a long-term imprisonment for a term between twenty-five and forty-five years may be imposed. The punishment of long-term imprisonment shall be imposed in full years only.
- (2) The punishment of long-term imprisonment may never be imposed as the sole punishment for a particular criminal offence.
- (3) The punishment of long-term imprisonment cannot be imposed against a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence and it cannot be pronounced against a pregnant woman.
- (4) Amnesty or pardon may be granted only after two-thirds of the imposed long-term imprisonment has been served.

Imprisonment

Article 46

- (1) The punishment of imprisonment may not be shorter than three months or longer than twenty years.
- (2) The punishment of imprisonment shall be imposed in full years and months, whereas the punishment of up to six months shall also be imposed in full days.
- (3) The court may impose the punishment of imprisonment only if the special circumstances of the offense and perpetrator manifestly show that the purpose of the fine cannot be attained or that the enforcement of the fine will not be possible.
- (4) The provision referred to in paragraph (3) of this Article shall not be applicable to the punishment of imprisonment as a substitute for the unpaid fines (Article 50, paragraphs (2) and (3)), or to the revoked suspended sentence (Article 64).
- (5) The punishment of imprisonment of up to one year may be administered exceptionally on the premises where the convicted person resides (house arrest). Such a way of executing the imprisonment sentence may be determined by a court of law against an offender who is old or infirm, seriously ill, a disabled person, a pregnant woman, a single parent of underage children, if it can be reasonably expected that the purpose of the punishment will thus be achieved and if the perpetrator agrees to it.
- (6) A convicted person against whom the execution of an imprisonment sentence is ordered in accordance with paragraph (5) of this Article shall not be allowed to leave the premises where he/she resides, except in the cases prescribed by the law governing the enforcement of criminal sanctions.
- (7) In the event that no conditions exist to enable the control of the execution of house arrest by using the electronic or telecommunication means, the court may order that the control and surveillance measures are to be undertaken by the police at the location of the convicted person's place of residence, with the obligation of regular reporting about the conduct of control and supervision. Should the convicted person violate the ban on leaving the place of residence, the court may order that the remainder of the imprisonment sentence is served by the person at an institution designated for execution of the imprisonment sentence.
- (8) No execution of the imprisonment sentence may be ordered in the way prescribed in paragraph (5) of this Article against a person convicted for the criminal offenses against marriage and family who resides in the same family household with the victim.

Release on Parole

Article 47

- (1) A convicted person who has served two thirds of his/her sentence, but not less than three months, may be released from serving the punishment of imprisonment under condition that during the course of serving the sentence, he/she has displayed an exemplary behaviour, diligence at work and an active participation in the resocialisation process, and that thus he/she can reasonably be expected to show good conduct at liberty, and particularly that he/she will not perpetrate another criminal offence before expiration of the time of the sentence.
- (2) A convicted person who has been sentenced to a punishment of long-term imprisonment may be released on parole once he/she has served two-thirds of the sentence and under the terms and conditions prescribed in paragraph (1) of this Article.
- (3) In determining whether to release a convicted person on parole, due account shall be taken of his/her personality, previous life and convictions, whether there are any other criminal proceedings pending against him/her, his/her attitude to the perpetrated criminal offense and the victim, his/her conduct during the term of serving the sentence and the degree of resocialisation, how successful was the application of the imprisonment sentence execution and work obligation fulfilment programs, taking into account his/her working ability, whether there has been any change in his/her behaviour after the criminal offense was perpetrated, as well as all other circumstances indicating

that the purpose of the punishment has been attained.

(4) The decision on whether the convicted person is to be released on parole shall be taken by a Parole Commission appointed by the Justice Minister.

Revocation of Parole Article 48

(1) The court shall order the 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 imposed.

(2) The court may order the revocation of parole if the parolee perpetrates one or more criminal offences for which a punishment of imprisonment for a term up to one year has been imposed. In deciding whether to revoke the parole or not, the court shall take into special consideration the similarity in the nature of the acts perpetrated, their significance, the motives from which they were perpetrated, as well as other circumstances indicating the appropriateness of revoking parole.

(3) When the court orders the revocation of parole, it shall impose a punishment on the basis of the provisions of Article 56 and Article 58 paragraph (2) of this Code, considering the previously imposed sentence as an already fixed punishment. The part of the punishment that the convicted person has served under the earlier sentence shall be credited toward the service of the subsequent sentence, whereas the period of time spent on parole shall not be credited.

(4) The provisions of paragraphs (1), (2) and (3) of this Article shall also be applicable when the parolee is tried for a criminal offence perpetrated prior to his release on parole.

(5) If the parolee has been convicted to the punishment of imprisonment for a term of up to one year, and if the court does not order the revocation of parole, the term of the release on parole shall be extended for a period of time that the convicted person spent serving the punishment of imprisonment.

(6) Notwithstanding the provisions of this Article, the release on parole may also be revoked by the Parole Commission referred to in Article 47 of this Code, under the terms and conditions determined by the legislation governing the execution of criminal sanctions.

Fines Article 49

(1) Fines shall be pronounced in fixed amounts and, if it is possible to determine the revenue and expenditures of the perpetrator, it shall be pronounced in daily amounts.

(2) If a fine is pronounced in a fixed amount, a minimum amount of the fine may not be less than BAM 300 and a maximum one may not exceed BAM 200,000, whereas for the criminal offences motivated by greed, a maximum fixed amount imposable may not exceed BAM 2,000,000.

(3) If a fine is pronounced in daily amounts, it may amount to at least ten but not more than 360 daily amounts, whereas for the criminal offenses motivated by greed, a maximum fine imposable may not exceed 1,500 daily amounts, except in the cases prescribed by this Code.

(4) The number of daily amounts of the fine shall be determined by the court according to the general rules on meting out penalties. A daily amount shall be determined by the court by taking into account the amount of the offender's daily income calculated on the basis of his/her three-month's net salary and his/her other sources of income, as well as the necessary expenditures. In determining the amount, the court shall take into account the figures that are not older than six months at the moment when the fine is being pronounced.

(5) If the figures referred to in paragraph (4) are unavailable to the court, they shall be provided by the accused within the deadline as set by the court but not later than by the closing of the main trial in the criminal proceedings.

(6) A minimum daily amount of a fine shall be BAM 30 and the maximum amount shall be BAM 1,000.

Execution of Fines
Article 50

- (1) The judgment determines the deadline for payment of a fine that may neither be shorter than fifteen days nor longer than three months. In justified cases, the court may allow the convicted person to pay the fine in instalments, provided that the final payment deadline shall not exceed the period of one year.
- (2) In the event that the convicted person fails to pay the fine in full or in part within a specified period, the court shall order its enforced collection in the procedure prescribed by law. If the fine is not collected through the enforced collection within the period one year, the court shall issue a decision to substitute the fine by imprisonment in such a way that BAM 50, i.e. each daily amount of the fine started, shall be substituted by one day of imprisonment, provided that in this case the imprisonment sentence may not exceed the period of two years.
- (3) In the event that the convicted person has only paid a portion of the fine, the remaining amount shall be proportionally converted into imprisonment and, if he/she then pays the remaining amount, the execution of imprisonment shall be suspended.
- (4) If the convicted person does not have a permanent or temporary place of residence in Bosnia and Herzegovina, the fine shall be collected without delay. In the event that the collection of the fine has not thus been ensured, the court shall replace the fine by imprisonment without delay.

Ban on Driving a Motor Vehicle
Article 51

- (1) The punishment of ban on driving a motor vehicle of a certain type and category may be pronounced against the perpetrator of a criminal offense of endangering the safety of public traffic.
- (2) The court shall pronounce the penalty referred to in paragraph (1) of this Article for a period between six months and five years, and if the endangering of the safety of public traffic has resulted in the death of one or more persons, the sentence shall be pronounced for a period between one and eight years, counting from the date when the decision becomes final. The time spent serving the punishment of imprisonment shall not be credited toward the term of this sentence.
- (3) When imposing a suspended sentence, the court may order that the suspended sentence is to be revoked if the convicted person violates the ban on driving a motor vehicle.
- (4) In the event that the penalty referred to in paragraph (1) has been pronounced against a person holding a foreign driving license, the ban shall be applicable to driving of a motor vehicle on the territory of the Republika Srpska.
- (5) If a convicted person has driven a motor vehicle during the course of the ban period, the court shall substitute this punishment by an imprisonment sentence ordering one month of imprisonment for every six months for driving a motor vehicle.
- (6) The penalty referred to in paragraph (1) of this Article may include the seizure of a driver's license or the prohibition of issuing a driver's license during the period of the duration of the prohibition on driving a motor vehicle.
- (7) The law may prescribe the mandatory pronouncement of a penalty for the prohibition of driving a motor vehicle.

General Principles of Meting out Punishments
Article 52

- (1) The court shall mete out a punishment for a perpetrator of a criminal offense 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 liability, 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/her personal situation and his/her conduct after the perpetration of the criminal offence, as well as other circumstances of relevance for meting out the punishment.

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

(3) If a criminal offence was perpetrated out of hatred as provided in Article 123, paragraph (1), sub-paragraph (25) of this Code, the court shall take it into consideration as an aggravating circumstance, unless the hatred is a qualifying circumstance of that criminal offence.

(4) 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.

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

Reduction of Punishment **Article 53**

(1) For a certain criminal offence the court may impose the punishment below the limit prescribed by the law or may apply a milder type of punishment when only when so is prescribed by law explicitly.

(2) A less severe punishment may be imposed by the court even when the law provides that a perpetrator may be released from punishment, but the court does not release the perpetrator from punishment.

(3) The court may impose a less severe punishment than the one prescribed for a particular criminal offense even when there are particularly mitigating circumstances, especially if the offender has fully or substantially compensated for the damage caused by the criminal offense or where he/she remedied the harmful consequences of the offense in some other way, and if on the basis of such circumstances, the court finds that the purpose of punishment can be achieved by such a less severe punishment.

(4) The court may impose a less severe punishment than the one prescribed for a particular criminal offense in cases of plea agreements, but not beyond the rules and limits prescribed by this Code.

Limitations in Reduction of Punishments **Article 54**

(1) When the conditions for the reduction of punishment referred to in Article 53 of this Code exist, the punishment shall be reduced by the court 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 seven years of imprisonment;
- 2) If a punishment of imprisonment of eight years is prescribed as the lowest punishment for the criminal offence, it may be reduced to five years of imprisonment;
- 3) If a punishment of imprisonment of five years is prescribed as the lowest punishment for the criminal offence, it may be reduced to three years of imprisonment;
- 4) If a punishment of imprisonment of three years is prescribed as the lowest punishment for the criminal offence, it may be reduced to two years of imprisonment;
- 5) If a punishment of imprisonment of two years is prescribed as the lowest punishment for the

- criminal offence, it may be reduced to one year of imprisonment;
- 6) If a punishment of imprisonment of one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment;
 - 7) If a punishment of imprisonment of less than one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment, or if the imprisonment sentence is prescribed without the indication of the lowest measure, the imprisonment sentence may be substituted with a fine;
 - 8) If a fine is prescribed for a criminal offence with the indication of the special lowest measure, the punishment may be reduced down to BAM 300.
- (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.
- (3) The reduction of punishment within the meaning of paragraph (1) of this Article shall not apply to the following criminal offenses: Rape – Article 165; Sexual Intercourse with a Helpless Person – Article 167; Sexual Intercourse with a Child under the Age of 15 – Article 172; Terrorism – Article 299; Funding of Terrorist Activities – Article 300 of this Code, as well as against a perpetrator who was previously convicted for the same type of the criminal offense twice or more times.
- (4) When the court is authorized to release the perpetrator of the criminal offense from punishment, it may reduce the punishment without the restrictions prescribed for reduction of punishment.

Release from Punishment Article 55

- (1) The court may release the perpetrator from punishment only when so is prescribed explicitly by the law.
- (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.
- (3) The court may also release the perpetrator from punishment for a criminal offence punishable with an imprisonment sentence not exceeding five years, if, after the perpetration of the criminal offence, but before he or she found out that the criminal offence was detected, the perpetrator had voluntarily neutralized the consequences of the criminal offence or compensated for the damage caused by the criminal offence.

Concurrence of Criminal Offences Article 56

- (1) In the event that the perpetrator, by a single action or by several actions, has perpetrated several criminal offences, for which he or she 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, on the basis of an assessment of the totality of all these criminal offences and an assessment of the perpetrator's personality.
- (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 or a punishment of long-term imprisonment and imprisonment for one of several criminal offences perpetrated, it shall pronounce the compound punishment of long-term imprisonment which must be higher than each of the individual punishments, but may not exceed the highest measure of a punishment of long-term imprisonment;
 - 2) If the court has meted out a punishment of imprisonment sentence exceeding ten years for one of several criminal offences perpetrated, it may pronounce the compound punishment of long-term imprisonment that must not be as high as the sum of each of the individual imprisonment punishments, nor may it exceed the highest measure of a punishment of long-

term imprisonment;

- 3) 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;
 - 4) 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 ten years;
 - 5) If fines only have been meted out by the court for the criminal offences in concurrence, the compound punishment may not exceed the sum of all fines meted out nor may it exceed the amount of 200,000 BAM, or BAM 2,000,000 if any of the criminal offences was committed out of greed.
 - 6) If the court has meted out the punishments of imprisonment for some of the concurrent criminal offences, and fines for others, the court shall pronounce one compound punishment of imprisonment and one compound fine, in accordance with the provisions set forth in sub-paragraphs 2) through 5) of this paragraph.
- (3) The court shall pronounce an accessory punishment if it has been determined for at least one of the concurrent criminal offences, whereas and if the court has meted out several fines, it shall pronounce a single fine pursuant to the provision referred to in sub-paragraph 5), paragraph (2) of this Article.

Continued Criminal Offence Article 57

- (1) A continued criminal offence consists of a number of identical criminal offences or offences of the same type perpetrated in temporal connection as premeditated offences by the same perpetrator and which all represent an integral whole in the sense of criminal law due to the method of their perpetration, the same identity of the injured party, the spatial connection, the use of the same situation or the same permanent relation, or other similar circumstances connecting these offences.
- (2) Criminal offences against life and limb and criminal offences against sexual and other human freedoms shall not constitute the continued criminal offences.
- (3) In the event that the continued criminal offence includes different forms of the same offence, the continued criminal offence shall be legally qualified as the most serious of those criminal offences.
- (4) In the event that the consequences arising as a result of the offences referred to in paragraph (1) of this Article represent in their entirety a consequence of a more serious criminal offence, the continued criminal offence shall be qualified as that criminal offence.
- (5) For a continued criminal offense a punishment can be pronounced that shall be higher by one half than the maximum punishment prescribed for the established offense, but it must not exceed the highest measure of that type of punishment.
- (6) Criminal offence that is not included in the continued criminal offence shall in the final court judgment constitute a separate criminal offence or shall be included in the separate continued criminal offence.
- (7) The offences perpetrated after submission of the indictment shall not be included in the continued criminal offence.

Meting out Punishment against the Convicted Person Article 58

- (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, long-term imprisonment or juvenile imprisonment, the court shall pronounce a compound punishment for all the criminal offences by applying the provisions set forth under Article 56 of this Code, taking the punishment from the earlier sentence as an already fixed

punishment. The 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 the 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 56 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 or she shall be punished with a disciplinary sanction.

(4) In the event that the convicted person has served the sentence pronounced by the earlier judgment, but before the new trial has started for the criminal offense, the provisions of Article 56 of this Code shall not be applicable.

Crediting the Period Spent in Custody and Crediting the Previous Punishment **Article 59**

(1) The time spent in pre-trial custody, as well as any deprivation of liberty related to the criminal offence, shall be counted as part of the pronounced sentence of imprisonment, long-term imprisonment or the fine.

(2) In every counting of the credit, one day spent in pre-trial custody, one day of deprivation of liberty, one day of juvenile imprisonment, one day of imprisonment, one day of long-term imprisonment and a fine of BAM 50 shall be deemed equal.

Article 60 **Credit for the Detention and Sentence Served Abroad**

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

2. Alternative Measures

Types of Alternative Measures and General Conditions for Their Application **Article 61**

(1) Alternative measures shall include a suspended sentence, a suspended sentence with protective guardianship and a community service.

(2) The alternative measures shall be pronounced against a guilty 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 for the achievement of the purpose of punishment.

Suspended Sentence **Article 62**

(1) By the suspended sentence, the court shall impose an imprisonment sentence on the perpetrator of a 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/she fails to compensate for damage caused by commission of the criminal offence or fails to fulfil other obligations provided for in criminal legislation. The court shall determine the time-limit for the fulfilment of these obligations within the determined probation period.

(3) The security measures, ordered alongside with a suspended sentence, shall be executed.

Requirements for the Pronouncement of a Suspended Sentence

Article 63

(1) A suspended sentence may be imposed when a perpetrator has been sentenced to imprisonment for a term not exceeding one year and when the court, on the grounds of the circumstances referred to in Paragraph (3) of this Article, assesses that it can be justifiably expected from the perpetrator that he/she shall not perpetrate the criminal offences in the future even without the execution of punishment by which he/she is punishable.

(2) The suspended sentence cannot be imposed for the criminal offences for which a punishment of imprisonment for a term of at least ten years or a more severe punishment is specified.

(3) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, pay special attention to the personality of the perpetrator, his/her conduct in the past, particularly whether he/she was ever convicted in the past, his/her behaviour after the perpetration of the criminal offence, and particularly his/her attitude towards the victim and his/her attempts to rectify the damage caused to the injured party, the degree of criminal liability or culpability and other circumstances under which the criminal offence has been perpetrated.

Revocation of a Suspended Sentence because of a New Criminal Offence

Article 64

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

(2) In the event that the convicted person perpetrates one or more criminal offences during the probation period for which the punishment of imprisonment for a term not exceeding one year or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the perpetrated criminal offences and the perpetrator, particularly the possible similarity of the perpetrated offences, their significance and motives from which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment referred to in paragraph (1) of this Article needs to be pronounced against the perpetrator for the criminal offence for which the suspended sentence was imposed and for new criminal offences.

(3) In the event of revocation of the suspended sentence, the court shall impose one compound punishment both for the previously perpetrated and the new criminal offences, pursuant to the provisions of Article 56 of this Code, taking the revoked suspended sentence as an already fixed punishment.

(4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously perpetrated criminal offence.

(5) If the court decides that a suspended sentence should be imposed for the newly perpetrated criminal offence as well, the court shall apply the provisions set forth under Article 56 of this Code to impose one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine one compound probation period in accordance with Article 63, paragraph (1) of this Code commencing on the day the new sentence became effective. If during the new probation period the convicted person perpetrates a new criminal offence with premeditation, the court shall revoke the suspended sentence and pronounce an imprisonment sentence, by applying the provisions of paragraph (3) of this Article.

Revocation of a Suspended Sentence because of a Previously Perpetrated Criminal Offence Article 65

(1) The court shall revoke a suspended sentence in case that, after it was imposed, it learned that the perpetrator had perpetrated a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 64, paragraph (3) of this Code shall be applicable.

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

Revocation of a Suspended Sentence caused by the Failure to Fulfil Particular Obligations Article 66

If the suspended sentence sets forth some obligations referred to in Article 62, paragraph (2) of this Code to be fulfilled by the convicted person and he/she 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 fulfilment 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 fulfil the obligations out of justified reasons, the court shall relieve the convicted person of the obligations or replace such obligations with other obligations provided for in criminal legislation.

Deadlines for Revocation of a Suspended Sentence Article 67

(1) A suspended sentence may be revoked during the probation period. If a convicted person perpetrates a criminal offence during this period, which entails the revocation of the suspended sentence, but it is established by the 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 fulfil certain obligation referred to in Article 62, paragraph (2) of this Code within the 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 the 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 paragraph (1) and paragraph (2) of this Article.

A Suspended Sentence with Protective Guardianship Article 68

(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 the 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 fulfil the obligations pronounced against him/her by the court, the court may warn him or may replace the earlier obligations with others or extend the protective guardianship within the probation period, or may revoke the suspended sentence.

Contents of Protective Guardianship Article 69

(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 counselling centres and acting in accordance with their instructions;
- 4) Training for a profession;
- 5) Accepting employment which is appropriate to the skills and abilities of the perpetrators;
- 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 paragraph (1) of this Article, closely defining what exactly they cover and how they are to be executed.

Community Service Article 70

(1) At the request of the convicted person, an imprisonment sentence imposed for a term of up to one year may be replaced by the court with the community service.

(2) When assessing whether to replace an imprisonment sentence with the community service, the court shall take into consideration all the circumstances determining the type and range of the sentence, provided that it finds that the execution of the imprisonment sentence would not be necessary to realise the purpose of punishment, but that at the same time a suspended sentence would not be sufficient to accomplish the general purpose of criminal sanctions.

(3) The total duration of community service shall not be shorter than 60 hours and longer than 360 hours and the period during which the community service is performed shall not be shorter than one month and longer than six months.

(4) The duration of community service performed over the period of one months shall not be longer than 60 hours.

(5) Community service shall include every form of socially beneficial work that does not hurt human dignity and is not performed with the aim of generating any income.

(6) When, upon the expiry of the determined period, the convicted person has not completed or has only partly completed the community service, the court shall render a decision on the execution of an imprisonment sentence by substituting every 60 hours of initiated community service with the imprisonment sentence whose duration is one month.

(7) The Minister shall adopt a Rulebook in order to prescribe the method of how the community service is to be performed (i.e. the Rulebook on the Method of Performing the Community Work).

3. Security Measures

Purpose of Security Measures Article 71

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

Types of Security Measures Article 72

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

1. Mandatory psychiatric treatment and care in a medical institution,
2. Mandatory psychiatric treatment outside a medical institution,
3. Mandatory addiction treatment,
4. Ban on carrying out a certain occupation, activity or duty,
5. Ban on attending certain sport events,
6. Prohibition to approach or communicate with certain persons,
7. Mandatory psycho-social treatment,
8. Removal from a common household,
9. Forfeiture of items.

Pronouncement of Security Measures Article 73

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 and Care in a Medical Institution Article 74

(1) The security measure of mandatory psychiatric treatment and care in a medical institution shall be pronounced against a perpetrator who perpetrates a criminal offence in a state of mental incapacity or 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 of the perpetrator 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 medical treatment and care in such a medical institution in order to eliminate this risk.

(2) The court shall discontinue the enforcement of the security measure referred to tin paragraph (1) of this Article, when it establishes that the need for medical treatment and care in a medical institution has ceased to exist. Every year the court shall reconsider whether the treatment and care in a medical institution are still required.

(3) The time spent in a medical institution by the perpetrator, who has committed a criminal offence in a state of considerably diminished mental capacity and who has been punished by an imprisonment sentence, shall be deducted from the time of the pronounced sentence. If the time spent in a medical institution is shorter from the duration of the pronounced sentence, the court may order committal of the convicted person to a penitentiary in order for him/her to serve the remaining time of his/her imprisonment or order his/her conditional release. When deciding about whether to release the convicted person conditionally (on parole), the court shall in particular take into account the success of the convicted person's medical treatment, his/her health condition, the time spent at the medical institution, and the remainder of the imprisonment sentence that has yet to be served by

the convicted person.

(4) The security measure referred to in paragraph (1) of this Article may not exceed the duration of the imprisonment sentence.

Mandatory Psychiatric Treatment Outside of a Medical Institution

Article 75

(1) The security measure of mandatory psychiatric treatment outside of a medical institution shall be pronounced by the court against a person who has perpetrated a criminal offense in a state of mental incapacity, if the court finds that the perpetrator could perpetrate the same or more serious criminal offense and that his/her treatment outside a medical institution would be sufficient in order to eliminate this risk.

(2) The security measure referred to in paragraph (1) of this Article may also be pronounced against a perpetrator who perpetrated a criminal offense in a state of mental incapacity and who is under a mandatory psychiatric treatment and care in a medical institution, once the court has determined, on the basis of the results of the treatment, that his/her continued treatment and care in the medical institution is no longer necessary, but that his/her further treatment can be continued outside the medical institution instead.

(3) Under the terms and conditions defined under paragraph (1) of this Article, the court may pronounce a mandatory psychiatric treatment outside a medical institution against the perpetrator who committed the criminal offense in a state of significantly diminished mental capacity or the perpetrator who was released conditionally pursuant to Article 47, paragraph (3) of this Code.

Mandatory Addiction Treatment

Article 76

(1) The security measure of mandatory addiction treatment may be pronounced against a perpetrator who perpetrated a 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/she will repeat the offence in the future.

(2) The security measure referred to in paragraph (1) of this Article shall be enforced in a measure enforcement institution or in a medical or other specialized institution. If this measure is pronounced with a prison sentence, the time spent at the institution for the execution of this measure shall be counted as imprisonment. In this case, this measure may last longer than the sentenced prison sentence, but not longer than three years, and after the expiry of the prison term - is executed at large.

(3) When imposing suspended sentence, the court may order the perpetrator to undergo the treatment in order to be free from drug dependence, taking into account, in particular, the willingness of the perpetrator to undergo such treatment. If the offender without a justifiable reason is not subjected to treatment of dependence on liberty or treatment arbitrarily abandons, the court may order that a suspended sentence be revoked or that this security measure be enforced in a medical or other specialized institution.

(4) The obligatory treatment of dependence shall last until the reasons for which it is pronounced, but not longer than three years.

Ban on Carrying out a Certain Occupation, Activity or Duty

Article 77

(1) The security measure of a complete or partial ban on carrying out a certain occupation, activity or duty may be pronounced on a perpetrator who has misused his occupation, activity or duty in order to perpetrate a criminal offence, if there is a danger that the perpetrator could repeat the criminal offence by carrying out the occupation, activity or duty.

(2) The security measure of a complete ban on carrying out an occupation, activity or duty shall be pronounced on a perpetrator of a criminal offence committed against a child's sexual integrity

wherever through the performance of such an occupation, activity or duty the direct contact with children is maintained.

(3) The court shall decide on the 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 when the decision became final, provided that the time spent serving the punishment of imprisonment or time spent in a medical institution for treatment and care shall not be credited to the term of this security measure. The security measure referred to in paragraph (2) shall be pronounced without any time limitation.

(4) In the event that the security measure referred to in paragraph (1) or paragraph (2) of this Article has been pronounced together with a suspended sentence, but during the probation period the perpetrator of a criminal offense has violated the ban on carrying out the occupation, activity or duty, the suspended sentence shall be revoked.

(5) The mandatory pronouncement of this security measure may be imposed by virtue of law.

Ban on Attending Certain Sport Events Article 78

(1) The court may order the measure of ban on attending certain sport events against the perpetrator of a criminal offense, when such a measure is required for the purpose of protecting the overall security.

(2) The measure referred to in paragraph (1) of this Article shall be enforced by making it binding on the perpetrator of the criminal offense to report himself/herself, immediately before the start of certain sport events, personally to the authorized official at the police station in jurisdiction of which the perpetrator happens to be at the time of the event, and to remain on the police station premises during the course of the sport event.

(3) The court shall determine the duration of the measure referred to in paragraph (1) of this Article, which may not be shorter than one year nor more than five years, counting from the date when the decision has become final, while the time spent in the prison is not counted during the duration of this measure.

(4) In the event that the court has pronounced a suspended sentence, the court shall order the revocation of that sentence insofar as the perpetrator has violated the ban on attending certain sports events, or insofar as the perpetrator has failed to comply with the obligation referred to in paragraph (2) of this Article.

(5) The ban on attending certain sports events may be imposed by virtue of law.

Ban on Approaching or Contacting with a Person Article 79

(1) For a certain period of time the court may prohibit the perpetrator of a criminal offence with elements of violence to approach or contact the injured person at a certain distance, prohibit him/her access to a space around the place of living or place of work, and prohibit any further harassment against and communication with the injured person, insofar as it can reasonably be expected that further carrying out of such activities by the perpetrator of the criminal offence would be dangerous for the injured person.

(2) Through the security measure referred to in paragraph (1) of this Article, the perpetrator of the criminal offence may be prohibited from approaching or contacting another person, insofar as such conduct on the part of the perpetrator would constitute a psychological harassment against the injured person.

(3) The court shall order this security measure for the duration of no shorter than six months, but no longer than two years, counting from the date when the judgment has become final, provided that the time served in prison, or in an institution for care and treatment shall not be included in the duration of this measure.

(4) If, during the probation period ordered by a suspended sentence, the perpetrator violates the ban on approaching or contacting referred to in paragraph (1) and paragraph (2) of this Article, the court shall revoke the suspended sentence and pronounce the required punishment.

(5) If, during the time of serving the suspended sentence, the perpetrator violates the ban on approaching and contacting referred to in paragraph (1) and paragraph (2) of this Article, the court shall revoke the parole.

Mandatory Psychiatric and Social Treatment Article 80

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

(2) The court shall order this security measure for the duration of no shorter than six months, but not longer than two years, counting from the date when the judgment has become final.

(3) In the event that this measure has been pronounced together with an imprisonment sentence, it shall be enforced within the institution designated for serving the punishment of imprisonment. If, after his/her release on parole, the convicted person fails to continue with the enforcement of this measure in another appropriate institution, the parole shall be revoked.

(4) In the event that, during the probation period ordered by the suspended sentence, the perpetrator fails to undergo the psychiatric and social treatment, the court shall revoke the suspended sentence and pronounce the required punishment.

Removal from the Common Household Article 81

(1) Against the perpetrator of a criminal offence containing the elements of violence committed against a person with whom he/she cohabitates in the common household, the court may pronounce the security measure of the perpetrator's removal from the common household if there is a high degree of danger that the perpetrator shall repeat the violence against the member of the common household and that for the elimination of this danger his/her removal from the common household is necessary.

(2) The court shall order this security measure for the duration of no shorter than six months, but no longer than two years, provided that the time served in prison, or in an institution designated for medical care and treatment shall not be included in the duration of this measure

(3) In the event that the perpetrator fails to comply with the security measure or violates this measure, the parole (conditional release) shall be revoked.

(4) The perpetrator of the criminal offense against whom this security measure has been pronounced shall, in the presence of the police officer, leave the apartment, house or other residential area which makes the common household with the victim immediately after the final judgment becomes final.

(5) The person removed from the household shall have the obligation to contribute to the sustenance of the person who has remained in the household, in the manner determined by the court.

Forfeiture of Objects Article 82

(1) Forfeiture shall be ordered with regard to objects and assets that resulted from the perpetration of a criminal offence.

(2) Objects and assets used or destined for use in the perpetration of a criminal offence shall also be

forfeited from the perpetrator, regardless of whether they are owned by the perpetrator or a third party.

(3) The owner of a forfeited object or asset who has not participated in the perpetration of a criminal offense shall be entitled to recovery of the object or asset, unless he/she knew or could have known that the object or asset would be used for the perpetration of the criminal offense or he/she obtained the object or asset even though he/she knew or could have known that it had been used for the perpetration or had resulted from the perpetration of the criminal offense.

(4) The forfeiture of the objects that are not owned by the perpetrator shall not affect the rights of third parties to obtain damage compensation from the perpetrators.

(5) If the conditions referred to in paragraph (1) of this Article have been met, the court may forfeit the objects and assets even when the perpetrator of the unlawful act is not guilty.

(6) The court shall issue a decision on the objects forfeiture within the legally prescribed procedure even when for the *de facto* and *de iure* reasons no conduct the criminal proceedings against the perpetrator of the criminal offense is possible.

(7) The law may order the mandatory forfeiture of objects and assets or their mandatory destruction. The law may also determine the special conditions for the forfeiture of certain objects and assets on a case-by-case basis.

(8) The forfeited objects and assets shall become the property of the Republika Srpska.

CHAPTER FIVE

CONFISCATION OF THE MATERIAL GAIN OBTAINED THROUGH THE PERPETRATION OF A CRIMINAL OFFENSE

The Basis for the Confiscation of the Material Gain

Article 83

(1) The material gain and the proceeds or other benefits derived from the material gain obtained through the perpetration of a criminal offense shall be confiscated.

(2) The material gain referred to in paragraph (1) of this Article shall be confiscated by the court decision that established the perpetration of a criminal offence, under the terms and conditions set forth under this Code.

(3) The decision on confiscation of the material gain shall be issued by the court within the legally prescribed procedure even when for the *de facto* and *de iure* reasons no conduct the criminal proceedings against the perpetrator of the criminal offense is possible.

(4) The confiscated material gain shall not be reduced by the amount of funds invested in the criminal activity.

Ways of Confiscating the Material Gain

Article 84

(1) The money, valuable objects and every other material gain acquired through the perpetration of a criminal offence shall be confiscated from the perpetrator; however, in the event that the confiscation is not feasible - the perpetrator shall be obliged to pay an amount of money which corresponds to the acquired material gain. Material gain acquired through the perpetration of a criminal offence may be confiscated from a person to whom it has been transferred without compensation or with a compensation which does not correspond to the real value, if the person knew or should have known that the material gain had been acquired through the perpetration of a criminal offence.

(2) If the material gain obtained through the perpetration of a criminal offence has been intermingled with the property acquired from legitimate sources, such property shall be liable to confiscation, but in the amount not exceeding the assessed value of the material gain obtained through the perpetration of the criminal offense.

(3) The proceeds or other benefits derived from the material gain obtained through the perpetration of a criminal offence, or from the property into which the material gain obtained through the perpetration of the criminal offence has been converted, or from the property with which the material gain obtained through the perpetration of the criminal offence have been intermingled shall also be liable to the enforcement of the measures referred to in this Article, in the same way and to the same extent as the material gain obtained through the criminal offence.

Protection of the Injured Party Article 85

(1) In the event that the criminal proceedings have resulted in awarding the property claim to an injured party, the court shall order the confiscation of material gain insofar as such material gain exceeds the awarded property claim of the injured party.

(2) The injured party who has been instructed to initiate a civil case during the course of criminal proceedings regarding his/her property claim, may demand a compensation from the amount of the confiscated value, provided that the civil case is instituted within the period of six months following the day when the decision instructing him/her to initiate a civil case became final and if he/she has demanded the compensation from the confiscated value within the period of three months following the day when the decision legally establishing his/her property claim became final.

(3) An injured party who has failed to report a property claim during the course of criminal proceedings may demand a compensation from the confiscated value, if he/she has instituted a civil case within the period of three months following the day when he/she found out about the verdict confiscating the material gain, but no later than two years following the day when the decision on the confiscation of the material gain became final, and if, within three months following the day when the decision legally establishing his claim became final, he/she has demanded the compensation from the confiscated value.

CHAPTER SIX LEGAL CONSEQUENCES INCIDENT TO CONVICTION

Taking Effect of the Legal Consequences Incident to Conviction Article 86

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

(2) Legal consequences incident to conviction may not occur when the perpetrator of a criminal offence has been imposed a fine or a suspended sentence, or when the court has released him from punishment.

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

Types of Legal Consequences Incident to Conviction Article 87

(1) Legal consequences incident to 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) Revocation of permits or approvals issued by an authority or status recognized by the

- decision of the authority;
- 4) Revocation of decorations/medals;
- (2) Legal consequences incident to 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 authorities of the Republika Srpska, 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 responsible authorities.

Commencement and Duration of Legal Consequences Incident to Conviction **Article 88**

- (1) The legal consequences incident to conviction shall take effect on the day when 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, unless for certain legal consequences a shorter period of duration is provided by law.
- (3) The legal consequences incident to conviction shall cease by the deletion of the sentence.

CHAPTER SEVEN **REHABILITATION AND REQUIREMENTS FOR DISCLOSING THE DATA FROM** **CRIMINAL RECORD**

Rehabilitation **Article 89**

- (1) By rehabilitation the conviction shall be deleted and all its legal consequences shall be terminated, while the convicted person shall be considered as having a clean record of convictions.
- (2) Rehabilitation shall take effect either on the basis of the law itself (statutory rehabilitation) or on the basis of a court decision issued at the request of the convicted person (judicial rehabilitation).
- (3) Rehabilitation shall not affect the rights of third persons arising from the conviction.
- (4) Once the imprisonment sentence or the juvenile imprisonment sentence has been served, pardoned or barred by the statute of limitations, the convicted persons shall freely enjoy all rights provided by the constitution, laws and other regulations, even before the rehabilitation, except for those rights whose exercise is limited as a result of a security measure pronounced against them or as a result of commencement of the legal consequence of the conviction. The provision shall also be applicable to the convicted persons who are released on parole.
- (5) The convictions involving a long-term imprisonment or the convictions for a criminal offence perpetrated against the sexual integrity of a child shall not be deleted from the record of convictions.

Statutory Rehabilitation **Article 90**

- (1) Statutory rehabilitation shall be applicable only with respect to the persons who have not been convicted earlier or are considered under the law as not having prior record of convictions.
- (2) Statutory rehabilitation shall delete from the record of prior convictions:
 - 1) a conviction releasing the perpetrator from punishment, 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, 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 imposing a fine or imprisonment for a term not exceeding one year, 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 that the convicted person does not perpetrate a new criminal offence within that period,
 - 4) the sentences of imprisonment for a term no less than one year but not exceeding three years, after five years have elapsed from the day on which the punishment has been executed, served, pardoned or barred by the statute of limitations, provided that the convicted person does not perpetrate a new criminal offence within that period,
 - 5) the sentences of imprisonment for a term no less than three years but not exceeding five years, after ten years have elapsed from the day on which the punishment has been executed, served, pardoned or barred by the statute of limitations, provided that the convicted person does not perpetrate a new criminal offence within that period,
 - 6) the sentences of imprisonment for a term no less than five years but not exceeding ten years, after fifteen years have elapsed from the day on which the punishment has been executed, 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) Statutory rehabilitation shall not come into effect if the accessory punishment has not been executed, if the criminal proceedings for a new criminal offense are ongoing, if the confiscation of the material gain obtained through the perpetration of a criminal offense has not been fully executed or if the imposed security measures are still applicable.
- (4) The sentence shall be considered deleted from the criminal record at the moment once the requirements for its deletion prescribed by this Article have been met.

Judicial Rehabilitation **Article 91**

- (1) At the request of the convicted person the court may order that the sentence of imprisonment for a term exceeding ten years be deleted from the record of prior convictions, if twenty 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 has not perpetrated a new criminal offence within that period.
- (2) In deciding to delete the conviction, the court shall take into account the behaviour of the convicted person after the sentence has been served, the nature of the criminal offence and other circumstances that may be of relevance for the assessment of whether the deletion is justified.
- (3) Judicial rehabilitation shall not be granted if the criminal proceedings for a new criminal offense are ongoing or if the confiscation of the material gain obtained through the perpetration of a criminal offense has not been fully executed.

Criminal Record **Article 92**

- (1) All judgments pronounced as final and binding shall be entered in the criminal record maintained by a competent authority, in accordance with the Rulebook on Keeping the Criminal Records adopted by the Minister of Justice.
- (2) A special register of persons who have been convicted with a final and binding judgment for the criminal offenses committed against the sexual integrity of a child shall be maintained within the criminal record. The contents and scope of the data, their keeping, as well as the conditions for the disclosure of data from this register shall be regulated by a special regulation.

Disclosure of Information from the Criminal Record
Article 93

- (1) Information contained in the criminal record may be disclosed to the courts, the prosecutors' offices and internal affairs authorities in connection with the criminal proceedings conducted against a person who had been previously convicted, to the competent authorities in charge of the execution of criminal sanctions and the competent authorities participating in the procedure of granting amnesty, pardon or deletion of the sentence.
- (2) Information from the criminal record may, upon the presentation of a reasoned request, also be disclosed to the competent authorities, business companies and other legal persons, if certain legal consequences of the conviction or certain security measures are still in force, or if there is a justified interest for such disclosure based on the law.
- (3) Disclosure of information from the special register persons who have been convicted with a final and binding judgment for the criminal offenses committed against the sexual integrity of a child shall be regulated by a special regulation.
- (4) No information about the deleted convictions shall be allowed to be disclosed to anyone.
- (5) No one shall be entitled to demand from the citizens to present evidence on their being convicted or not being convicted.
- (6) Information on their being convicted or not being convicted may be disclosed to citizens at their request only if the information in question is required for the exercise of their rights or interests.

Termination of Security Measures and Legal Consequences Incident to Conviction on the Basis of the Court Decision
Article 94

- (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, if three years have elapsed from the day on which the security measure took effect.
- (2) The court may order the termination of the legal consequence of a sentence relating to the ban on the acquisition of a certain right after three years have 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 of a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his/her readiness to compensate the damage caused by the perpetration of a criminal offence and to return the material gain acquired through the perpetration of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or of a legal consequence of a sentence.
- (4) The termination of the legal consequences of the sentence shall not impair the rights of third parties arising from the conviction.

CHAPTER EIGHT
STATUTE OF LIMITATIONS

Application of Statute of Limitations to Criminal Prosecution
Article 95

- (1) Criminal prosecution shall not be instituted when the following time periods have elapsed since the perpetration of a criminal offence:
 - 1) Thirty years in the case of a criminal offence punishable with a long-term imprisonment sentence;
 - 2) Twenty years in the case of a criminal offence punishable with an imprisonment sentence for a term exceeding fifteen years;
 - 3) Fifteen years in the case of a criminal offence punishable with an imprisonment sentence for

- a term exceeding ten years;
- 4) Ten years in the case of a criminal offence punishable with an imprisonment sentence for a term exceeding five years;
 - 5) Five years in the case of a criminal offence punishable with an imprisonment sentence for a term exceeding three years;
 - 6) Three years in the case of a criminal offence punishable with an imprisonment sentence for a term exceeding one year.
 - 7) Two years in the case of a criminal offence punishable with an imprisonment sentence for a term not exceeding one year or with a fine.
- (2) If several punishments are prescribed for a single criminal offence, the period of limitation shall be determined according to the most severe punishment prescribed.

**Running and Interruption of the Period Set by Statute of Limitations Regarding the
Institution of Criminal Prosecution
Article 96**

- (1) The running of the period set by the statute of limitations to institute criminal prosecution shall commence on the day on which the criminal offence has been perpetrated, and if the consequence caused by that offence takes effect later, the statute of limitations of the criminal prosecution shall last from the day when the consequence took effect.
- (2) The running of the period set by the statute of limitations to institute criminal prosecution for the extended criminal offences shall commence at the moment of termination of the unlawful state of affairs.
- (3) The running of the period set by the statute of limitations to institute criminal prosecution for the criminal offences against the sexual integrity of a child, marriage and family, that are perpetrated to the detriment of a child, shall commence on the date when the juvenile victim comes of age.
- (4) The running of the period set by statute of limitation shall be suspended for any time during which the prosecution cannot be instituted or continued by reason of a provision of law.
- (5) The running of the period set by statute of limitation shall be interrupted by every procedural action undertaken with respect to the detection and prosecution of the perpetrator on account of the criminal offence perpetrated.
- (6) 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.
- (7) After each interruption, the period set by statute of limitations shall commence anew.
- (8) 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 97**

The pronounced sentence shall not be executed when the following time periods have elapsed:

- 1) Thirty years if a punishment of long-term imprisonment has been pronounced;
- 2) Twenty years if a punishment of imprisonment for a term exceeding fifteen years has been pronounced;
- 3) Fifteen years if the punishment of imprisonment for a term exceeding ten years has been pronounced;
- 4) Ten years if the punishment of imprisonment for a term exceeding five years has been pronounced;
- 5) Five years if the punishment of imprisonment for a term exceeding three years has been pronounced;
- 6) Three years if the punishment of imprisonment for a term exceeding one year has been pronounced;

- pronounced;
- 7) Two 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 98

- (1) The statute of limitations shall apply to execution of a fine as an accessory punishment after five 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 measures after five years have elapsed from the date when the decision pronouncing those measures became final.

Running and Interruption of the Period Set by Statute of Limitations Regarding the Execution of Punishments
Article 99

- (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 when the execution of punishment cannot be undertaken by virtue of law.
- (3) The running set by statute of limitations shall be interrupted with every action of a competent authority undertaken with 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), (3), (4) and (5) of this Article shall be applicable accordingly to statute of limitation with respect to execution of security measures.

CHAPTER NINE
AMNESTY AND PARDON

Amnesty
Article 100

Persons subject to an act of amnesty shall be released from criminal prosecution, or they shall be completely or partially released from the execution of punishment, their pronounced punishment shall be substituted with a less severe one, their sentence shall be deleted or a certain legal consequence of their conviction shall be revoked.

Pardon
Article 101

- (1) By means of pardon, the specifically identified persons shall be completely or partially released from the execution of punishment, their pronounced punishment shall be substituted with a less severe one or with a suspended sentence, their sentence shall be deleted, or the duration of their security measure or a certain legal consequence of the conviction shall be revoked or shortened.
- (2) A person convicted for the criminal offences with a long-term imprisonment sentence shall not be granted pardon before the convicted person has served two-thirds of the pronounced

imprisonment sentence.

Impact of Amnesty and Pardon on the Rights of Third Parties
Article 102

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

CHAPTER TEN
LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

Liability of Legal Persons
Article 103

(1) The provisions of Chapter Ten shall regulate the liability of a legal person, with the exclusion of Bosnia and Herzegovina, the Republika Srpska, the Federation of Bosnia and Herzegovina, the Brcko District of Bosnia and Herzegovina, canton, city, municipality and local community, for a criminal offence that a perpetrator has 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 law 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 applicable accordingly, unless otherwise prescribed by Chapter Ten of this Code.

(4) The criminal procedure against legal persons shall be conducted under the provisions of the Criminal Procedure Code of the Republika Srpska.

Applicability of this Code to Legal Persons with Respect to the Place of Perpetration of the Criminal Offense
Article 104

(1) Domestic and foreign legal persons shall, pursuant to this Code, be liable for criminal offences perpetrated in the territory of the Republika Srpska.

(2) Domestic and foreign legal persons who have their registered seats in the territory of the Republika Srpska or perform their activities in the territory of the 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 the Republika Srpska, its citizens or domestic legal persons.

(3) Pursuant to this Code, a domestic legal person shall also be liable for a criminal offence perpetrated outside the territory of the Republika Srpska against a foreign state, foreign citizens or foreign legal persons, under the conditions referred to in Article 12 of this Code.

Basis for Liability of a Legal Person
Article 105

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 the legal person disposes of the illegally acquired material gain or uses the objects

- acquired through the perpetration of a criminal offence; or
- 4) When the managerial or supervisory bodies of the legal person have failed to carry out a due supervision over the legality of work of the employees.

Limits to Liability of a Legal Person Article 106

- (1) Along with the conditions referred to in Article 105 of this Code, a legal person shall be liable for a criminal offence even when the perpetrator is not held criminally liable for the perpetrated criminal offence.
- (2) Liability of the legal person shall not exclude criminal liability of the 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 105, sub-paragraph (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 person or body other than the perpetrator, which could otherwise 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 Status Change Article 107

- (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 against a legal person under bankruptcy, but only the security measure of forfeiture of objects shall be pronounced or the material gain acquired through the perpetration of a criminal offence shall be confiscated.
- (2) In the event that the legal person has ceased to exist before the criminal proceedings are completed with a final and binding verdict, but the criminal proceedings have established the criminal liability of that legal person, the 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, insofar as 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 of objects shall be pronounced against or the material gain acquired through the perpetration of a criminal offence shall be confiscated from the legal person that is the legal successor of the legal person found to be criminally liable, insofar as its managerial or supervision bodies had knowledge of the perpetrated criminal offence.
- (4) In the event the legal person has ceased to exist after the criminal proceedings were completed with a final and binding verdict, the pronounced criminal sanction shall be executed under the provisions of paragraph (2) and paragraph (3) of this Article.

Liability of a Legal Person for an Attempt Article 108

- (1) In the event that the perpetrator has commenced the execution of a planned criminal offence, but has not completed such offence, the legal person shall be held liable under the terms referred to in the provisions of Article 105 of this Code, insofar as the law prescribes that an attempt to perpetrate the criminal offence is punishable.
- (2) The legal person shall be punished for the attempt with the same punishment as prescribed for the completed criminal offence, but may be punished even less severely.
- (3) In the event that 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.

Complicity of Legal Persons Article 109

(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 105 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 guilty for the criminal offence.

General Reasons for Mitigation of Punishment Against a Legal Person or Release from Punishment Article 110

(1) A legal person, whose managerial or supervisory body has willingly reported the perpetrator after a criminal offence was perpetrated, may be punished less severely.

(2) A legal person whose managerial or supervisory body, following the perpetration of a criminal offence, decides to return the illegally acquired material gain or eliminate the caused harmful effects or communicate the information concerning the grounds for holding other legal persons liable, may be released from punishment.

Punishments Against Legal Persons Article 111

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

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

Fines Against Legal Persons Article 112

(1) Fines shall be no less than BAM 5,000 and shall not exceed BAM 5,000,000.

(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 material gain, the scope of the pronounced fine may be twice as much as the amount of this damage or gain.

(3) In the event that the fine is not paid within the deadline set forth in the verdict, the procedure for forcible collection shall be implemented immediately.

Forfeiture of Property Article 113

(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 the activities of the legal person were partly or entirely used to perpetrate the criminal offence.

(3) In the event of bankruptcy proceedings being brought about as a consequence of the pronounced property forfeiture, the creditors shall be allowed to settle their claims out of the forfeited bankruptcy estate.

Dissolution of the Legal Person as a Punishment

Article 114

- (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 115

- (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 value.

Security Measures Against Legal Persons

Article 116

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

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

Publication of the Verdict

Article 117

- (1) The security measure of publication of the verdict shall be pronounced in the event that it would be useful for the public to learn about the verdict, especially if the publication 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 the 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, broadcasted through the radio or television or in several of the aforesaid media and at the same time as to whether to publish the reasoning of the verdict entirely or as an abstract, taking into account that the applied method of its publication shall enable that all those concerned with the verdict should be well informed about it.

Ban on Certain Activities

Article 118

- (1) By ordering the security measures of a ban on a certain activity, the court may prohibit a legal person from manufacturing certain products or performing certain businesses, or prohibit a legal person from performing certain activities of trade in commodities or from performing other businesses and/or activities.
- (2) The security measure referred to in paragraph (1) of this Article may be pronounced against a legal person if its further performing of a certain activity would present a threat to life and limb of people or be prejudicial to the economic and financial operation of other persons or detrimental to

the economy, or if the legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the perpetration of the criminal offence.

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

Confiscation of the Property Gain from a Legal Person Article 119

If a legal person has acquired the material gain through the perpetration of a criminal offence, such material gain shall be confiscated from the legal person.

Legal Consequences Incident to Conviction of a Legal Person Article 120

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

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

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

Applicability of the Statute of Limitations to Prosecution and Execution of Criminal Sanctions Pronounced Against Legal Persons Article 121

(1) Provisions of Article 95 of this Code shall be applicable with respect to application of the statute of limitations to criminal prosecution.

(2) The statute of limitations shall be applicable 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) Five years for the execution of a fine;
- 2) Ten years for the execution of the property confiscation punishment and of the punishment of dissolution of the legal person.

(3) The statute of limitations shall be applicable to execution of a security measure after the lapse of three years following the date of entry into force of the decision imposing the security measure.

Laws Prescribing the Criminal Offences Committed by Legal Persons Article 122

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

CHAPTER ELEVEN DEFINITION OF THE TERMS USED IN THIS CODE

Definitions Article 123

(1) The terms used in this Code shall have the following meanings:

- 1) *The territory of the Republika Srpska* shall mean the land and water surfaces within its borders and the air space over them.

- 2) *The criminal legislation of the Republika Srpska* shall include this Code and all criminal justice provisions contained in other laws of the Republika Srpska.
- 3) An *official person* means: a person elected or appointed to legislative, executive and judicial office within the Republika Srpska, local self-government units and other governmental and public institutions or services which perform particular administrative, expert and other duties, within the rights and responsibilities of the authority who has founded them; a judge of the Constitutional Court, a judge, a prosecutor and an attorney general; a person who continuously or occasionally executes official duty in the mentioned public bodies or institutions; a notary public, an executor or an arbiter, an authorized person in a business enterprise or in another legal person who has been entrusted by law with the execution of public authorities, who performs certain duties within the scope of the relevant authority on the basis of a law or an arbitration contract; including other persons who are performing official duties on the basis of the authority stipulated by law or other regulations based on the law or other regulations originating from the law and a person who was actually entrusted with the execution of certain official duties.
- 4) when an official person has been indicated as the perpetrator of a particular criminal offence, persons referred to in this may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular regulation that their perpetrator may only be one of the specified persons.
- 5) A *foreign official person* shall include a member of a legislative, executive, administrative or judicial authority of a foreign state, a public office holder of an international organization or its bodies, a judge and other office holder of an international court or other officer of an international court performing a remunerative or a non-remunerative job and serving in the Republika Srpska. The term *foreign official person* shall also include a person who is a member, office holder, or official of a legislative or executive authority of a foreign state, a person who is a judge, a juror, a member, an office holder or an official of a court of a foreign state or an international court, a prosecutor, a person who is a member, office holder or official of an organization and its bodies, a person who is an arbitrator in a foreign or international arbitration, as well as another foreign person performing a certain official duty on the basis of the authority vested in him/her under the law or other regulation adopted on the basis of the law, as well as the person who is actually entrusted with the performance of certain official duties designated for foreigners in the Republika Srpska (owners, co-owners, representatives of companies in the Republika Srpska).
- 6) A *responsible person in a legal person* shall mean a person performing certain tasks of management, supervision or other tasks falling within the core activity of the legal person on the basis of a law, regulation or authorisation, as well as a person who is actually entrusted with the performance of these tasks. The term *responsible person* shall also include an official person insofar as it concerns the criminal offences where the official person has been identified as the perpetrator of these criminal offences, and when those offenses are not stipulated as a criminal offence in the Chapter of this Code prescribing the offenses against the official duties or stipulated as criminal offenses perpetrated by an official person.
- 7) A *child as a victim of a criminal offence* shall mean a person who has not reached the age of 18 years.
- 8) *Several persons* shall mean at least two persons or more.
- 9) A *group* shall mean an assemblage of at least three individuals that are associated for the purpose of habitual, recidivist, or occasional perpetration of criminal offences, which does not need to have any formally defined roles for its members, continuity of its membership, or a developed structure.
- 10) An *organized criminal group* shall mean an assemblage of at least three individuals that are associated for the purpose of perpetration of the criminal offences punishable with an imprisonment sentence for a term of three years or a more serious punishment. The said number of the group members shall also include the organizer or leader of the assemblage.

- 11) A *secret of the Republika Srpska* shall mean a piece of information or documents that have been designated as a secret of the Republika Srpska by virtue of a law, some other regulation or by a general act of the competent body adopted on the basis of the law, and disclosure of which would cause detrimental consequences for the security or interests of the Republika Srpska.
 - 12) *Official secret* shall mean a piece of information or documents that have been designated as an official secret by virtue of a law of the Republika Srpska, some other regulation of the Republika Srpska or by a general act of a competent body of the Republika Srpska adopted on the basis of the law.
 - 13) *Professional secret* shall mean a piece of information about personal or family life of the clients/patients revealed by them to attorneys, defence counsels, notaries public, physicians or other medical employees, confessors and other professionals in the course of discharging their professional duties.
 - 14) *Trade secret* shall be understood to mean a piece of information or document which have been designated as a trade secret by virtue of a law, some other regulation or by the decision of a competent body and disclosure of which could or would have detrimental consequences for a business company or some other legal person.
 - 15) A *document* shall mean any item suitable or designed to serve as evidence of some fact relevant to the legal relations.
 - 16) *Money* shall mean coins and banknotes, which are a legal tender circulating in Bosnia and Herzegovina or in a foreign country.
 - 17) *Representations of value* shall also include the foreign instruments of value as well as national and foreign mail stamps that are no longer in use.
 - 18) A *movable object* shall also include any manufactured or accumulated energy used for generating 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).
 - 19) *Force* shall also include 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.
 - 20) A *motor vehicle* shall mean any engine-run traffic means for land, water and air traffic.
 - 21) *Criminal offence perpetrated out of hatred* (i.e. *hate crime*) shall constitute a criminal offence that is entirely or partly perpetrated on account of racial, national or ethnic origin, language, religious beliefs, skin colour, sex, sexual orientation, social origin, health status or gender identity of a person.
 - 22) When the action of the criminal offence is specified with a continuous verb, the criminal offence is perpetrated if the action was taken one or more times.
 - 23) the term “shall not be punished” shall mean that there is no criminal offense in that case.
 - 24) the term *material gain acquired through perpetration of a criminal offence* (i.e. *the proceeds of crime*) shall mean the direct benefit of a criminal offense consisting of any property increase or any prevention of property decrease that has occurred through the perpetration of a criminal offense, as well as the property into which the direct proceeds of crime have been transformed or changed, as well as any another benefit derived from the direct material gain acquired through perpetration of a criminal offence or from the property into which the direct proceeds of crime have been changed or transformed, regardless of whether it is situated in or outside of the territory of the Republika Srpska,
 - 25) property assets shall include the assets of any kind, regardless of whether they are tangible or intangible, movable or immovable, or any legal documents or instruments proving the right to such property.
- (2) The grammatical expressions used to designate the male or female gender shall mean both sexes and shall be used in the appropriate grammatical gender in the application of this Code.

SPECIAL PART

CHAPTER TWELVE CRIMES AGAINST LIFE AND LIMB

Murder Article 124

- (1) Whoever deprives another person of his/her life shall be punished by imprisonment for a term of no less than five years.
- (2) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed under some particularly extenuating circumstances, the offender shall be punished by imprisonment for a term between one and eight years.

First Degree Murder Article 125

- (1) The punishment of imprisonment for a term of no less than ten years or a long term imprisonment shall be pronounced against a person who:
- 1) deprives another person of his/her life in a particularly cruel or insidious way;
 - 2) deprives another person of his/her life out of greed, in order to commit or cover up another criminal offense, out of unscrupulous vengeance, hatred or from other particularly low motives;
 - 3) deprives a member of his/her family of life by molesting him/her prior to that deprivation;
 - 4) deprives another person of his/her life while acting ruthlessly and violently;
 - 5) deprives another person of his/her life and in doing so intentionally endangers the life of another person as well;
 - 6) commits a premeditated murder of two or more persons, which is not a voluntary manslaughter, an infanticide at birth or a murder under particularly extenuating circumstances (Article 124, paragraph 2);
 - 7) murders a child, a minor or a pregnant woman knowing that she is pregnant,
 - 8) murders a judge or public prosecutor in relation to their judicial and prosecutorial service 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;
 - 9) murders another person during the course of perpetration of a criminal offence of robbery or aggravated robbery.
- (2) The sentence referred to in paragraph (1) of this Article shall also be applicable when an organized or contracted murder has been committed.

Voluntary Manslaughter Article 126

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

Infanticide Article 127

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 one and five years.

Involuntary Manslaughter
Article 128

Whoever deprives another person of his/her life out of negligence, shall be punished by imprisonment for a term between two and eight years.

Incitement to Suicide and Assistance in Suicide
Article 129

(1) Whoever induces another to commit suicide or assist him in committing suicide, and the suicide is actually committed or attempted, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever brutally or inhumanely treats a person who is his/her subordinate or who is in a situation of dependence with respect to him/her, 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 with the punishment referred to in paragraph (1) of this article.

(3) Whoever commits the offense referred to in paragraph (1) of this Article 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.

(4) 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 by imprisonment for a term of at least five years.

(5) Whoever assists another in committing suicide under particularly extenuating circumstances, shall be fined or 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, a suicide has been only attempted, the court may punish the perpetrator less severely.

Illegal Abortion
Article 130

(1) Whoever, in contravention of the abortion regulations, performs an abortion on a pregnant woman with her consent, commences performing an abortion, or assists her in procuring her own miscarriage, shall be punished with a fine or by imprisonment for a term not exceeding three years.

(2) Whoever practices the perpetration of the criminal offence referred to in paragraph (1) of this article, shall be punished by imprisonment for a term between two and five years.

(3) Whoever performs or commences performing an abortion on a pregnant woman without her consent, while the pregnant woman is less than 16 years old and such an abortion is performed without a written consent of her parent, adoptive parent or guardian, shall be punished by imprisonment for a term between three and eight years.

(4) If grievous bodily harm, or a serious illness or death of the pregnant woman on whom abortion has been performed occurs as a result of the acts referred to in paragraphs 1 or 3 of this Article, the perpetrator shall be punished for the act referred to in paragraph (1) by imprisonment for a term between one and five years, whereas for the act referred to in paragraph (3) the perpetrator shall be punished by imprisonment for a term between three and twelve years.

(5) An attempt of the criminal offence referred to in paragraph (1) of this article shall also be punishable.

Light Bodily Harm
Article 131

(1) Whoever inflicts a light bodily injury upon another person or lightly impairs his health shall be punished by a fine or imprisonment for a term not exceeding one year.

- (2) In the event that the injury referred to in paragraph (1) has been inflicted with a weapon, dangerous tools or other means suitable for inflicting serious injuries or seriously impairs health, shall be fined or punished by imprisonment for a maximum term of three years.
- (3) Prosecution for the criminal offence referred to in paragraph (1) shall be undertaken following the submission of a motion.

Grievous Bodily Injury **Article 132**

- (1) Whoever inflicts grievous bodily injury upon another person or gravely impairs his health, shall be punished by imprisonment for a term between one 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, or the offence was perpetrated out of hatred, shall be punished by imprisonment for a term between two and eight years.
- (3) In the event that the acts referred to in paragraphs (1) and (2) of this Article has resulted in the death of the victim, the perpetrator shall be punished by imprisonment for a term between three 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 between six months and three years.
- (5) Whoever commits the acts referred to in paragraphs (1) through (3) in a fit of passion after having been provoked without his own fault into the state of intense irritation by the victim's attack, serious abuse or serious insult, shall be punished for the criminal offence referred to in paragraphs (1) and (2) by imprisonment for a term not exceeding three years, and for the criminal offence referred to in paragraph (3) by imprisonment for a term between six months and five years.

Sexual Mutilation of Women **Article 133**

- (1) Whoever, in whole or in part, removes or permanently changes the outer parts of a female person's sexual organ, shall be punished by imprisonment for a term between six months and five years.
- (2) Whoever persuades a female person to undergo the practices referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term not exceeding three years.
- (3) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated out of hatred, against a child or if a permanent damage has been caused to the health of a female person, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (4) In the event that the death of a female person occurred as a result of the offense referred to in paragraph (1) of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years.
- (5) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated under particularly extenuating circumstances, the perpetrator shall be punished by imprisonment for a term not exceeding one year.

Enforced Sterilization **Article 134**

- (1) Whoever performs a surgery on the other person for the purpose of preventing natural reproduction, without the consent of that person, shall be punished by imprisonment for a term between one and eight years.

(2) In the event that the offense referred to in paragraph (1) has been committed against a child, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Participation in a Fight
Article 135

(1) Whoever participated in a fight which has 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 between six months and five 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/her own or just defended himself/herself or tried to separate the persons fighting.

Exposure to Danger
Article 136

(1) Whoever leaves another person without help in life-threatening or health-risk conditions or circumstances, which he himself has caused, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) In the event that the person sustains a 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 one and five years.

(3) In the event that 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 two and ten years.

Abandonment of a Helpless Person
Article 137

(1) Whoever leaves a helpless person who has been entrusted to him/her or under his/her care without assistance in circumstances dangerous to life or health, shall be punished by imprisonment for a term between six months and three 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 one 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/her life, the perpetrator shall be punished by imprisonment for a term between two and ten eight years.

Failure to Render Help
Article 138

(1) Whoever fails to render aid to a person whose life is in imminent danger, although he/she could have done it without endangering himself or others, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) In the event that the person whose life is in imminent danger sustains a 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 between six months and three years.

(3) In the event that 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 one and five years.

CHAPTER THIRTEEN

CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF CITIZENS

Infringement of the Equality of Citizens

Article 139

(1) Whoever, on the grounds of differences in race, skin colour, religion, sex, gender or gender identity, language, political or other belief, sexual orientation, national or ethnic background, economic status, birth or social origin, education or social status or some other personal property, denies or restricts the freedom or human rights enshrined in the Constitution, a law or a ratified international agreement, or, whoever on the grounds of these differences grants privileges or does favours to citizens contrary to the Constitution, a law or a ratified international agreement, shall be fined or punished by imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph (1) of this Article shall also be applicable to the persons who persecute individuals and organizations that advocate equality.

(3) In the event that the criminal offence referred to in paragraphs (1) and (2) of this Article has been committed by an official person through abuse of official position or authority, he/she shall be punished by imprisonment for a term between six months and five years.

Infringement of the Right to Language and Alphabet

Article 140

(1) Whoever restricts or denies to a citizen the right to use his language or alphabet safeguarded under the Constitution, a law or a ratified international agreement, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed by an official person through abuse of official position or authority, he/she shall be punished by a fine or imprisonment for a term not exceeding two years.

Coercion

Article 141

(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 a criminal organisation, shall be fined or punished by imprisonment for a term not exceeding three years.

Abduction

Article 142

(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 applicable 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) In the event that the abducted person lost his/her 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/her demand was fulfilled, may be released from punishment.

Unlawful Deprivation of Freedom

Article 143

(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) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed by an official person by abuse of official position or authority, he/she shall be fined or punished by imprisonment for a term not exceeding three years.

(3) In the event that the unlawful deprivation of freedom referred to in paragraphs (1) and (2) of this Article has been 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/her health, or if some other serious consequences occurred, the perpetrator shall be punished by imprisonment for a term between one and five years.

(4) In the event that 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.

Persecution

Article 144

(1) Whoever, persistently and over a longer period of time, pursues or stalks another person or tries to establish unwanted contact with him/her directly or through a third person, or otherwise causes in that person the occurrence of lifetime habit changes, anxiety or fear for his/her own safety or safety of persons close to that person, shall be punished by a fine or by imprisonment for a term not exceeding two years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated against a current or former marital or extra-marital partner, a person with whom the perpetrator was in intimate relation or against a child, the offender shall be punished by imprisonment for a term between six months and three years.

Human Trafficking

Article 145

(1) Whoever, by the use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of authority or influence or a relationship of trust, dependence or vulnerability, difficult personal circumstances of another person, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, surrenders, sells, purchases, intermediates in sale, harbours, receives or keeps another person for the purpose of the person's use or exploitation of his/her work, perpetration of a criminal offense, prostitution, use for pornographic purposes, establishing slavery or similar relationship, forced marriage, enforced sterilization, for the purpose of harvesting organs or body parts, for the purpose of use in the armed forces or other forms of exploitation, shall be punished by imprisonment for a term of no less than three years.

- (2) Whoever seizes, holds, counterfeits or destroys personal identification documents for the purpose of perpetrating the offense referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between two and twelve years.
- (3) In the event that the offense referred to in paragraphs (1) and (2) of this Article has been perpetrated within an organized criminal group, the perpetrator shall be punished by imprisonment for a term of no less than five years.
- (4) Whoever uses or enables another person to use sexual services or to perform other forms of exploitation, although he/she was aware that such actions concern a victim of human trafficking, shall be punished by imprisonment for a term between six months and five years.
- (5) In the event that the criminal offense referred to in paragraphs (1) through (4) of this Article has been perpetrated by an official person while exercising his/her official duty, the perpetrator shall be punished by imprisonment for a term of no less than eight years.
- (6) In the event that the perpetration of the criminal offense referred to in paragraphs (1) and (3) has caused a serious health damage, grievous bodily harm or the death of one or several persons, the perpetrator shall be punished by imprisonment for a term of no less than ten years.
- (7) Whether the person who is a victim of human trafficking consented to any form of exploitation referred to in paragraph (1) of this Article, shall bear no relevance to the existence of the criminal offense of human trafficking.
- (8) The items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.
- (9) Criminal proceedings shall not be conducted against the victim of human trafficking who was forced by the perpetrator of criminal offence to take part in perpetration of the criminal offence, insofar as such form of their conduct was a direct consequence of their status as the victim of human trafficking.

Trafficking in Children

Article 146

- (1) Whoever recruits, transports, transfers, surrenders, sells, purchases, intermediates in sale, harbours, receives or keeps a child for the purpose of his/her utilisation or exploitation of his/her work, perpetration of a criminal offense, prostitution or other forms of sexual exploitation, pornography, establishment of slavery or some similar relationship, forced marriage, enforced sterilization, illegal adoption or some similar relationship, for the purpose of harvesting organs or parts of the body, for the purpose of utilisation in the armed forces or other forms of exploitation, shall be punished by imprisonment for a term of no less than five years .
- (2) Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article by use of force or threat of use of force or other forms of coercion, fraud or deception, abduction, blackmailing, abuse of power or influence or a relationship of confidence, dependability or vulnerability, difficult personal circumstances of another person, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person, shall be punished by imprisonment for a term of no less than eight years.
- (3) Whoever uses or enables another person to use sexual services or to perform other forms of exploitation against a child, although he/she was aware that such actions involved a victim of human trafficking, shall be punished by imprisonment for a term of no less than five years.
- (4) Whoever seizes, holds, counterfeits or destroys personal identification documents for the purpose of perpetrating the offense referred to in paragraphs (1) and (2) of this Article, shall be punished by imprisonment for a term between three and fifteen years.
- (5) In the event that the offense referred to in paragraphs (1), (2), (3) and (4) of this Article has been perpetrated within an organized criminal group, the perpetrator shall be punished by imprisonment for a term of no less than ten years.
- (6) In the event that the criminal offense referred to in paragraphs (1), (2), (3) and (4) of this Article has been committed by an official person while executing official duty, the perpetrator shall be

punished by imprisonment for a term of no less than eight years.

(7) In the event that the perpetration of the criminal offense referred to in paragraphs (1) and (3) has caused a serious health damage, grievous bodily harm or the death of one or several persons, the perpetrator shall be punished by imprisonment for a term of no less than ten years.

(8) Whether the minor who is a victim of human trafficking consented to any form of exploitation referred to in paragraph (1) of this Article, shall bear no relevance for the existence of this criminal offense.

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

(10) Criminal proceedings shall not be conducted against the victim of trafficking in children who was forced by the perpetrator of the criminal offence to take part in perpetration of the criminal offence, insofar as such form of his/her conduct was a direct consequence of his/her status as the victim of human trafficking.

Associating for the Purpose of Perpetrating the Criminal Offences of Trafficking in Humans and Children **Article 147**

(1) Whoever organizes a group or an organized criminal group for the purpose of perpetrating the criminal offenses referred to in Article 144 and Article 145 of this Code, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever becomes a member of a criminal group or an organized criminal group referred to in paragraph (1) of this Article or otherwise renders help to a group or an organized criminal group, shall be punished by imprisonment for a term between one and ten years.

Prevention of Return of Refugees and Displaced Persons **Article 148**

(1) Whoever by use of force, serious threat or in some other illegal way, prevents or restricts refugees and displaced persons from returning to the place of earlier residence or some other place in the Republika Srpska or from the right to use their property, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated through organized actions or within a group of persons, or if grievous injuries were inflicted on another person, the perpetrator 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 of no less than ten years.

Abuse, Torture and Other Inhuman and Degrading Treatment **Article 149**

(1) Whoever abuses another person or treats him in a manner that degrades human dignity, shall be fined or punished by an imprisonment for a term not exceeding two years.

(2) Whoever by applying force, threat or other illicit manner inflicts on another person serious pain or serious suffering for such purposes as to obtain from him/her or from a third person a confession, statement or information or to have him/her or a third person intimidated or illegally punished, or does that for any other reason based on any form of discrimination, shall be punished by imprisonment for a term between six months and five years.

(3) In the event that the offence referred to in paragraphs (1) and (2) of this Article has been perpetrated by an authorised official in exercise of duty, the perpetrator shall be punished for the criminal offence referred to in paragraph (1) of this Article by imprisonment for a term between six

months and five years, and for the criminal offence referred to in paragraph (2) of this Article by imprisonment for a term between one year and ten years.

Endangering Safety Article 150

(1) Whoever endangers the safety of another by a serious threat to kill him/her or a person close 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 two years.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been perpetrated against an official person in relation to his duty or against a number of persons or if the offender has done so as a member of a group or of an organized criminal group, the perpetrator shall be punished by imprisonment for a term between six months and three years.

(3) Prosecution for the criminal offence referred to in paragraph (1) shall be undertaken following the submission of a motion.

Infringing the Inviolability of Dwellings Article 151

(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 applicable to anybody who conducts an unauthorised search of an apartment or premises referred to in paragraph (1).

(3) In the event that 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/she shall be punished by imprisonment for a term between six months and three years.

(4) An attempt of the criminal offences referred to in paragraphs (1), (2) and (3) of this Article shall also be punishable.

Illegal Search Article 152

(1) Whoever conducts an unauthorised search of a person or his belongings, shall be punished by imprisonment for a term not exceeding one year.

(2) In the event that 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/she shall be fined or 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 153

(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 one year.

(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) In the event that the criminal offences referred to in paragraphs (1) and (2) of this Article have been 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 between six months and three years in the case of criminal offence referred to in paragraph (1) and by imprisonment for a term between one and five years in the case of criminal offence referred to in paragraph (2).

(4) Prosecution for the criminal offence referred to in paragraph (1) shall be undertaken following the submission of a motion.

Unauthorized Disclosure of a Professional Secret Article 154

(1) An attorney, medical doctor or any other person who without authorization discloses a secret which he/she 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 for the criminal offence referred to in this Article shall be undertaken following the submission of a motion.

Unauthorized Tapping and Sound Recording Article 155

(1) Whoever by use of special devices without authorization taps or records a conversation or a statement which was not intended for him/her 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 be applicable to anyone who records a conversation or a statement, which was intended for him/her 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) In the event that 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/she shall be punished by imprisonment for a term between six months and three years.

Unauthorized Photographing Article 156

(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 or recording to a third party or enables the third party in some other way to have a direct access to the photograph or recording, shall be fined or punished by imprisonment for a term not exceeding one year.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed by an official person through abuse of his/her official position or authority, he shall be punished by imprisonment for a term between six months and three years.

Unauthorized Use of Personal Data

Article 157

(1) Whoever, without the consent of an individual and contrary to the conditions stipulated by the law, collects, processes, communicates or uses his/her 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 also be applicable to anyone who, without authorization, accesses another's protected database with the intention of using it for the purpose of gaining benefits for himself or someone else, or for the purpose of inflicting damage to another person.

(3) In the event that the criminal offences referred to in paragraphs (1) and (2) of this Article have been committed by an official person through abuse of his official position or authority, he/she shall be punished by imprisonment for a term between six months and three years.

(4) An attempt of any criminal offence referred to in paragraphs (1) through (3) shall be punishable.

Violation of the Right to File Legal Actions and Legal Remedies

Article 158

(1) Whoever prevents another person from exercising his right to file 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) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed by an official person through abuse of his official position or authority, he/she shall be punished by imprisonment for a term between six months and three years.

Violation of the Freedom of Religion and Practice of Religion

Article 159

(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 also be applicable to anyone who denies the right to equality of a religious community that honours the law with other religious communities or who denies a religious community to publicly practice its religious services.

Violation of the Freedom to Declare Ethnic or National Background

Article 160

(1) Whoever prevents another person from declaring his national or ethnic background or national or ethnic culture, 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 also be applicable to anyone who forces another person to declare his national or ethnic background.

(3) In the event that the criminal offences referred to in paragraph (1) and (2) of this Article have been committed by an official person through abuse of his official position or authority, he/she shall be punished by imprisonment for a term between six months and three years.

Violation of the Freedom of Expression

Article 161

(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 mass 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 also be applicable 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 or official secret.

Preventing the Printing, Dissemination of Printed Materials and Broadcasting
Article 162

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 163

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 164

(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 between six months and two years.

CHAPTER FOURTEEN
CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY

Rape
Article 165

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

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed against a minor or in a particularly cruel or degrading manner or if on the same occasion the victim was raped by several perpetrators or the rape was perpetrated out of hatred 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 for a term between five and fifteen years.

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

Sexual Blackmailing
Article 166

Whoever coerces another person into a sexual intercourse or any other equivalent sexual act by

serious threat of disclosing some information that would harm the honour or reputation of that person or someone close to that person or by threat of any other serious harm, shall be punished by imprisonment for a term of between one and eight years.

Sexual Intercourse with a Helpless Person **Article 167**

(1) Whoever has had a sexual intercourse or any other equivalent sexual act with a person taking advantage of that person's mental disease, mental retardation, any other mental disorder, helplessness or any other condition of that person which makes him/her incapable of resisting, shall be punished by imprisonment for a term between two and ten years.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed in a particularly cruel or degrading manner or if on the same occasion more instances of sexual intercourse were performed by more perpetrators, or it was perpetrated out of hatred, 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 minimum term of five years.

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

Sexual Intercourse by Abuse of Position **Article 168**

Whoever by abuse of his/her position induces into a sexual intercourse or any other equivalent sexual act a person who is his/her subordinate or who is in a situation of dependence with respect to him/her, shall be punished by imprisonment for a term not exceeding term of between two and five years.

Soliciting to Prostitution **Article 169**

(1) Whoever, in order to get financial benefit or other benefits, entices, incites or lures another person into providing sexual services or whoever, in another way, enables turning a person over to another for the purpose of providing sexual services or whoever, in any way, takes part in organizing or managing the provision of sexual services, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated against several persons, the perpetrator shall be punished by imprisonment for a term between one and eight years and by a fine.

(3) The previous 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.

Sexual Harassment **Article 170**

(1) Whoever is engaged in sexual harassment of another person who is his/her subordinate or who is in a situation of dependence with respect to him/her, or who is particularly vulnerable due to his/her age, illness, disability, addiction, pregnancy, serious physical or mental disorder, shall be punished by imprisonment for a term not exceeding two years.

(2) Sexual harassment shall include any verbal, non-verbal or physically unwanted behaviour of a sexual nature aimed at violating the dignity of a person in the sphere of sexual life, which causes fear or creates an intimidating, hostile, degrading or offensive environment.

(3) Prosecution for the offense referred to in paragraph (1) of this Article shall be undertaken following the submission of a motion.

Article 171

Lechery (Concupiscence)

Whoever in the cases referred to in Articles 165, 166, 167 and 168 of this Code perpetrates some other lecherous act, shall be punished by imprisonment for a term not exceeding three years.

CHAPTER FIFTEEN

CRIMINAL ACTS OF SEXUAL ABUSE AND SEXUAL EXPLOTATION OF CHILDREN

Sexual Intercourse with a Child under the Age of 15

Article 172

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a child under the age of 15 shall be punished by imprisonment for a term between two and eight years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated by a blood relative in the straight line to any degree, and in the lateral line up to the fourth degree, stepfather, stepmother, adoptive parent, teacher, caregiver, physician, religious servant or other person to which the child is entrusted with the purpose of upbringing, education, custody, spiritual guidance or care, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

(3) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated by use of force or threat, or exploitation of the mental disorder or infirmity of the child, or in a particularly cruel or humiliating manner, or by several persons, or if there is a large disparity in terms of maturity and age between the perpetrator and the victim, or if the criminal offence has resulted in grievous bodily injury or a serious impairment of health or pregnancy of the offence victim, the perpetrator shall be punished by imprisonment for at least eight years.

(4) In the event that the offenses referred to in paragraphs (1), (2) and (3) of this Article have resulted in the death of a child, the perpetrator shall be punished by imprisonment for at least ten years or by a long-term imprisonment.

(5) A perpetrator who was avoidably mistaken with regard to the age of the child referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and five years.

(6) The perpetrator shall not be punished for the criminal offence referred to in paragraph (1) of this Article if there is no considerable difference between the perpetrator and the child in terms of their mental or physical maturity.

(7) If another sexual act has been perpetrated under the terms defined by paragraph (1) or paragraph (2) of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years, whereas if another other sexual act has been perpetrated under the terms defined by paragraph (3) of this Article, the perpetrator shall be punished by imprisonment for a term between one and eight years.

Sexual Abuse of a Child over the Age of Fifteen

Article 173

(1) Relatives in the straight line to any degree, and in the lateral line up to the fourth degree, stepfather, stepmother, adoptive parent, teacher, caregiver, physician, religious servant or other person who engages into a sexual intercourse with a child over the age of fifteen entrusted to him/her with the purpose of education, upbringing, custody, spiritual guidance or care, shall be punished by imprisonment for a term between two and eight years.

(2) The punishment referred to in paragraph (1) of this Article shall also be applicable to the person who engages into a sexual intercourse with a child over the age of fifteen by abusing his/her mental

immaturity, innocence or gullibility, or if there is a great discrepancy between them in terms of their maturity or age.

(3) In the event that the offense referred to in paragraph (1) or paragraph (2) of this Article has been perpetrated by abuse of the position towards a child who is the perpetrator's subordinate or who is in a situation of dependence with respect to the perpetrator, or by exploiting any mental disorder or infirmity of the child, the perpetrator shall be punished by imprisonment for a term between two and ten years

(4) If another sexual act has been perpetrated under the terms defined by paragraphs (1), (2) and (3) of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.

Soliciting a Child's Presence During Sexual Acts **Article 174**

(1) Whoever solicits a child to be present during the course of a rape, sexual intercourse or an equivalent sexual act, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated by use of force or threat against a child under the age of fifteen, the perpetrator shall be punished by imprisonment for a term between one and eight years.

Exploitation of Children for Pornography **Article 175**

(1) Whoever solicits a child to participate in the filming of child pornography or whoever organises or makes possible the filming of child pornography shall be punished by imprisonment for a term between six months and five years.

(2) Whoever films the child pornography or produces, offers, makes available, distributes, transmits, imports, exports, procures for himself/herself or for another person, sells, gives, presents or possesses child pornography or knowingly obtains access to child pornography through the computer network, shall be punished by imprisonment for a term between one and eight years.

(3) Whoever by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in the filming of child pornography shall be punished by imprisonment for a term between two and ten years.

(4) The objects used for the perpetration of this offence shall be confiscated, while the pornographic material which was created by the commission of the criminal offence shall be destroyed.

(5) A child shall not be punished for producing and possessing pornographic material depicting him/her alone or him/her and another child, where this material is produced and possessed by them with their own consent and solely for their own private use.

(6) Child pornography shall mean any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated evidently sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes.

(7) For the purpose of this Article, any material that is artistic, medical, scientific, informative or similar in character shall not be considered as pornography.

Exploitation of Children for Pornographic Performances **Article 176**

(1) Whoever entices, recruits or incites a child to participate in pornographic performances shall be punished by imprisonment from one and eight years.

(2) Whoever by means of the use of force or threats, deception, fraud, of abuse of authority or of a

situation of hardship or dependence coerces or induces a child to participate in a pornographic performance, shall be punished by imprisonment for a term between two and ten years.

(3) The same punishment as referred to in paragraph (1) of this Article shall be applicable to the person who watches a pornographic performance that is transmitted live or via a communication means, where he/she knows or should and could have known that it involved the participation of a child.

(4) The objects used for the perpetration of this offence shall be confiscated, while the pornographic material which was created by the commission of the criminal offence shall be destroyed.

Introducing Pornography to Children **Article 177**

(1) Whoever, to a child under the age of fifteen, sells, gives a gift, presents or publicly displays, by means of a computer network or other means of communication media or otherwise makes accessible the files, pictures, audio-visual content or other objects of pornographic content or shows him/her a pornographic performance, shall be punished by imprisonment for a term between six months and three years.

(2) The objects used for the perpetration of this offence shall be confiscated, while the pornographic material which was created by the commission of the criminal offence shall be destroyed.

(3) Pornography shall mean any material that visually or otherwise depicts a person in real or simulated and evidently sexually explicit conduct or any depiction of a person's sexual organs for sexual purposes.

(4) Any material that is artistic, medical, or scientific in character shall not be considered as pornography.

Use of a Computer Network or Communications by Other Technical Means for the Commission of Criminal Offenses of Sexual Abuse or Exploitation of Children **Article 178**

(1) Whoever, with a child over the age of fifteen, by using a computer network or communication by other technical means, arranges a meeting for the purpose of engaging in a sexual intercourse or and other equivalent sexual act, or for the purpose of producing pornographic materials or performing other forms of sexual exploitation, and he/she appears at the venue agreed for this meeting, shall be punished by imprisonment for a term between one and five years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been committed against a child under the age of fifteen, the perpetrator shall be punished by imprisonment for a term between two and eight years.

Satisfying Sexual Lust in the Presence of a Child **Article 179**

Whoever in the presence of a child commits the sexual acts intended to satisfy his/her own or another person's sexual lust, or induces a child to commit such acts in his/her own presence or in the presence of another person, shall be punished by imprisonment for a term not exceeding three years.

Soliciting a Child to Prostitution **Article 180**

(1) Whoever, in order to get financial benefit or other benefits, entices, incites or lures a child into providing sexual services or whoever, in another way, enables turning a child over to another person for the purpose of providing sexual services or whoever, in any other way, takes part in

organizing or managing the provision of sexual services, although he/she knew or must and could have known that such practices concerned a child, shall be punished by imprisonment for a term between one and eight years and by a fine.

(2) Whoever uses the sexual services of a child who has reached the age of fifteen, by granting any financial remuneration or consideration, although he/she knew or must or could have known that such practices concerned a child, shall be punished by imprisonment for a term between six months and five years.

(3) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated against several persons, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(4) The previous 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.

CHAPTER SIXTEEN CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY

Bigamy Article 181

(1) Whoever contracts a new marriage although being already married, 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 applicable to a person who contracts a marriage with another person while knowing such a person to be already married.

(3) In the event that the earlier marriage was annulled or terminated, no prosecution shall be instituted; however, if it has already been instituted, it shall be suspended.

Connivance at Contracting Illicit Marriage Article 182

An authorized official 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.

Forced Marriage Article 183

(1) Whoever, by using force or threat, forces another person to contract a marriage, shall be fined or punished by imprisonment for a term not exceeding three years.

(2) Whoever, for the purpose of the perpetration of the offense referred to in paragraph (1) of this Article, takes another person to another country or, for the same purpose, entices that person to go to a foreign country, shall be fined or punished by imprisonment for a term not exceeding two years.

Non-Marital Cohabitation with a Child Article 184

(1) An adult who cohabitates unwedded together with a minor under the age of 16, shall be fined or 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 a parent, adoptive parent or guardian who permits or induces a minor referred to in paragraph (1) of this Article to cohabit in an unwedded union with another person.

(3) In the event that 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 between one and five years and by a fine.

(3) In the event that marriage has been contracted, no prosecution shall be instituted; however, if it has already been instituted, it shall be suspended.

Abduction of a Child Article 185

(1) Whoever unlawfully detains or abducts a child from his/her parents, adoptive parents, guardian, institution or persons to whom the child has been entrusted, who holds or prevents him/her from being with the person who is entitled to him/her, or who prevents the enforcement of a decision by virtue of which the child has been entrusted into custody of a certain person (i.e. custodial decision), shall be fined or punished by imprisonment for a term not exceeding two years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been committed out of greed or other low motives or with the intent to keep the child permanently or where an offence has caused a serious impairment of health, upbringing or education of the child, the perpetrator shall be punished by imprisonment for a term between one and five years.

(3) The perpetrator referred to in paragraph (1) and (2) of this Article, who has voluntarily handed over the child to a person or institution to the custody of which the child has been entrusted, or who has complied with the custodial decision, may be released from punishment by the court.

(4) When pronouncing the suspended sentence for the offense referred to in paragraphs (1) and (2) of this Article, the court may order the perpetrator to hand over a child, within the required period of time, to a person or institution to the custody of which the child has been entrusted, or order him/her to comply with the custodial decision by virtue of which the child has been entrusted to the concerned person or institution.

(5) An attempt of the offence referred to in paragraph (1) shall also be punishable.

Change in the Family Status Article 186

(1) Whoever, either by setting a child up as a changeling, or substituting him/her or in some other way, has changed the family status of the child, shall be fined or punished by imprisonment for a term not exceeding two years.

(2) Whoever has perpetrated the criminal offence referred to in paragraph (1) out of greed, by abuse of office or authority or as a part of a group or an organized criminal group, shall be punished by imprisonment for a term between one and eight years.

(3) Whoever, either by setting up a child as a changeling or in some other way, has negligently changed the family status of a child, shall be fined or punished by imprisonment for a term not exceeding one year.

(4) An attempt of the offence referred to in paragraph (1) shall also be punishable.

Neglecting and Abusing a Child Article 187

(1) A parent, adoptive parent, guardian or any other person who by gross negligence of his care and upbringing duties neglects a child whom he is obligated to take care of, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment of imprisonment for a term between six months and five years shall be pronounced against a parent, adoptive parent, guardian or any other person who abuses a child, forces a child 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/her development.

(3) If a serious bodily harm or a serious impairment to the child's health has occurred as a result of

the offense referred to in paragraphs (1) and (2) of this Article, or if the child has turned to prostitution, alcohol or other forms of asocial behaviour, the perpetrator shall be punished by imprisonment for a term between one and eight years.

Abandoning a Child Article 188

Whoever abandons his/her child for the purpose of getting rid of the child permanently, shall be fined or punished by imprisonment for a term not exceeding three years.

Violation of the Child's Privacy Article 189

(1) Whoever presents or communicates something from the personal or family life of a child or, contrary to the applicable regulations, discloses the child's photograph or reveals the child's identity and thereby creates a state of disturbance in the child or exposes the child to ridicule from his/her peers or other persons or otherwise endangers the child's safety, shall be fined or punished by imprisonment not exceeding two years.

(2) Whoever commits the offence referred to in paragraph (1) of this Article through a means of mass communication, a computer system or network, at a public gathering or otherwise, making the child's privacy accessible to a larger number of individuals, shall be fined or punished by imprisonment not exceeding two years .

(3) Whoever commits the offense referred to in paragraphs (1) and (2) of this Article in his/her official capacity or during the performance of a professional activity, shall be fined or punished by imprisonment not exceeding three years.

Domestic Violence (Violence in a Family or Household) Article 190

(1) Whoever, by use of violence, threat to attack life and limb, by insolent or arrogant behaviour, violates peace, physical integrity or mental health of a family or household member, and thereby causes harm to his/her physical or psychological integrity, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If, during the perpetration of the violent actions, threats to attack life and limb, insolent and arrogant behaviour, the perpetrator has used weapons or dangerous implements or other instruments suitable to inflict grave bodily injuries or harm the person's health, he/she shall be punished by imprisonment for a term between six months and five years.

(3) In the event that the commission of the criminal offence referred to in paragraphs (1) and (2) of this Article has resulted in a grievous bodily injury of a family member or impairment of his/her health, or if the criminal offence has been committed against a child or in his/her presence, the perpetrator shall be punished by imprisonment for a term between two and ten years.

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

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

(6) For the purpose of this criminal offence, the terms *family member* or *household member* shall include spouses or ex-spouses, their children and children of each of them, unwedded (common law) partners or former unwedded (common law) partners, their children and children of each of them, in-laws up to the second degree of kinship regardless of the fact that the marriage union has

ended, parents of the current and former wedded or unwedded partners, relatives from the full adoption in the direct line without limitation, and in the indirect line up to the fourth degree of kinship, as well as the relatives from partial adoption, persons linked by relation of guardianship, persons who live or lived in the same family household regardless of kinship, and persons who together have a child or have conceived a child, even though they had never lived in the same household.

Breach of Family Obligations Article 191

- (1) Whoever, by gross violation of his/her family obligations defined by law, leaves in a difficult situation a member of his/her family who is not capable of taking care of himself/herself, 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 for the perpetrator to regularly fulfil his/her obligations of caretaking, upbringing and financial supporting.

Evading the Alimony Article 192

- (1) Whoever evades paying the alimony for a person whom he/she is obligated to support on the basis of an enforceable court decision, or an effective settlement entered into before the court or other competent authority, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) Should any 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 imprisonment for a term not exceeding three years and by a fine.
- (3) When pronouncing a suspended sentence, the court may impose a condition for the perpetrator to pay all his/her due obligations and regularly pay the alimony.

Incest Article 193

Whoever has had a sexual intercourse with a linear blood relative or a sibling, shall be punished by imprisonment for a term between one and five years.

CHAPTER SEVENTEEN CRIMINAL OFFENCES AGAINST PUBLIC HEALTH

Transmitting a Contagious Disease Article 194

- (1) Whoever fails to abide by the regulations or ordinances whereby a competent body orders medical examinations, disinfection, quarantine or some other measures for suppressing or preventing the outbreak and spread of human contagious diseases, 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 the outbreak and spread of animal contagious diseases transmittable to humans, 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) In the event that 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.

(5) In the event that the criminal offences referred to in paragraphs (1), (2) and (4) 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 by imprisonment for a term not exceeding three years for the criminal offence referred to in paragraph (4).

(6) In the event that 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 the criminal offences referred to in paragraphs (1) and (2), and 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 195

(1) Whoever, at the time of an epidemic of a human contagious disease, fails to abide by the regulations, ordinances and decisions which order the 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 an animal contagious disease transmissible to humans, fails to abide by the regulations, ordinances and decisions which order the measures for its suppression or prevention.

(3) In the event that 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 196

(1) Whoever, in a hospital, maternity hospital, boarding school, school, business 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) In the event that 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) In the event that 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) In the event that 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 197

(1) A medical doctor who, in rendering medical aid, fails to observe the rules of medical profession and, by doing so, causes the condition of someone's health to deteriorate, shall be fined or 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, fails to observe the rules of medical profession and, by doing so, causes the condition of someone's health to deteriorate.

(3) In the event that 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) In the event that 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 by a fine or imprisonment for a term not exceeding three years for the offence referred to in paragraph (3).

(5) In the event that 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 198

(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 a serious bodily injury or deterioration of health, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that 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 one and five years.

(3) In the event that 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.

Unauthorised Provision of Medical Services Article 199

(1) Whoever, contrary to legislation and having no authorization, engages in offering medical treatment or providing some other medical services, shall be punished by a fine and imprisonment for a term not exceeding two years.

(2) In the event that 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) In the event that 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 200

(1) Whoever, contrary to regulations, transplants human organs or parts of human body organs, human tissues or cells, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in the death of a person, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Careless Preparation and Dispensing of Medicines
Article 201

(1) Any person in charge of dispensing medicines for human consumption who dispenses another medicine instead of the prescribed one or requested one where the replacement is not allowed, or who does not prepare a medicine according to the prescribed ratios 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) In the event that 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) In the event that 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) In the event that 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 202

(1) Whoever produces, sells or puts into circulation medications 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 medical treatment preparations made of these tissues, shall be punished by a fine and imprisonment for a term between six months and five years.

(3) In the event that 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) In the event that 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 between three months and three years for the offence referred to in paragraph (3).

(5) In the event that 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 confiscated.

Unauthorized Production and Circulation of Poisons **Article 203**

(1) Whoever produces, circulates or uses poisons without authorization, shall be punished by imprisonment for a term between six months and five years.

(2) The poisons and means for their preparation shall be confiscated.

Production and Circulation of Harmful Food Products **Article 204**

(1) Whoever produces for sale, sells or in any other way puts into circulation foodstuffs, meals, beverages or other products harmful to human 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 also be applicable to anyone who manufactures for sale, sells or otherwise puts into circulation products for personal hygiene, children's toys and other products for mass use or consumption that are harmful to human health.

(3) In the event that 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) In the event that 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 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) In the event that 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 offences 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 foodstuffs and other products shall be confiscated.

Careless Inspection of Food Products **Article 205**

(1) A veterinarian or another authorized veterinary worker who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to the applicable regulations, fails to carry out the inspection and thus makes it possible for meat or food products harmful to human health to be put into circulation, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) In the event that 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) In the event that 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) In the event that 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 Foodstuffs **Article 206**

(1) Whoever by means of a harmful substance renders dangerous for human lives or health the water they use for drink or food products, thus causing danger for human lives and health, 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) In the event that 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) In the event that 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 Narcotic Drugs **Article 207**

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

(2) Whoever offers for sale, sells or mediates in the sale of substances or preparations declared as narcotic drugs to a child, a mentally deranged person, or does this in a school or other educational, sport, cultural institutions or places used for providing education, upbringing, sport or organizing other social activities of children, or in its immediate proximity, in public bars and pubs or at public events, or whoever in order to commit the offence referred to in paragraph (1) of this Article uses a child, shall be punished by imprisonment for a term between five and fifteen years.

(3) The punishment referred to in paragraph (2) of this Article shall be applicable to an authorised official, teacher, educator, social worker, healthcare worker or priest who perpetrates the offence by using his/her official position of authority, as well as to a person organizing a network of dealers or middlemen for perpetration of the offence referred to in paragraph (1) or paragraph (2) of this Article or where the offence has been perpetrated by several persons.

(4) Whoever, by perpetrating the criminal offences referred to in paragraphs (1), (2) or (3) of this Article, causes a serious health impairment or death of a person to whom the substance or preparation declared as narcotic drug has been sold, or whoever has intermediated in their sale, shall be punished by imprisonment for a minimum term of eight years.

(5) For the purpose of this Code, drug production shall also include the unauthorised cultivation of opium poppy or psychoactive cannabis or other plants used for production of narcotic drugs or those containing narcotic drugs.

(6) Whoever, without authorization, produces, procures, possesses or lends equipment, materials or substances for which he knows are intended for the production of narcotic drugs, shall be punished

by imprisonment for a term between three and five years.

(7) The court may release from punishment the perpetrator who has reported his/her supplier of narcotic drugs, or the perpetrator who has substantially contributed of his/her own free will to the discovery of the offences set out in this Article.

(8) The substances or preparations declared as narcotic drugs, the plants from which narcotic drugs are produced, the means for their production or processing, the means of transport adapted for their concealment and the means for their consumption shall be confiscated.

Enabling Another to Use Narcotic Drugs Article 208

(1) Whoever induces another to use narcotic drugs, or gives to another person some narcotic drugs for his/her use or the use of a third person, or renders available the premises meant for the use of narcotic drugs, or otherwise enables another person to use narcotic drugs, shall be punished by imprisonment for a term between one and eight years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been committed against a child, mentally deranged person or against several persons, or in a school or other educational, sport, cultural institutions or places used for providing education, upbringing, sports or organizing other social activities of children, or in their immediate proximity, or if the offence has been committed by an authorised official, teacher, educator, social worker, healthcare worker or trainer by using his/her official position of authority, shall be punished by imprisonment for a term between two and twelve years.

(3) In the event that the offense referred to in paragraph (1) or paragraph (2) has resulted in the death of the person to whom the narcotic drugs were given, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(4) The narcotic drugs shall be confiscated.

(5) The perpetrator of the criminal offence referred to in paragraph (1) or paragraph (2) who has revealed the criminal offence may be released from punishment.

CHAPTER EIGHTEEN CRIMINAL OFFENCES AGAINST THE LABOUR RIGHTS

Violation of the Fundamental Rights of Employees Article 209

(1) Whoever knowingly disobeys the regulations pertaining to entering into or termination of an employment contract, contracts on salary and other payments from the labour relation, on working hours, breaks, leaves, annual leaves or absence, protection of women, youth and disabled persons, protection of women due to pregnancy or parenthood, protection of elderly employees, on a ban on overtime or night work or payment of regulated remuneration, and thus denies or restricts a right the employee is entitled to, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that the offence referred to in paragraph (1) of this Article had for a consequence the unjustified non-payment of five salaries in part or in whole, or the loss of rights arising from the unpaid benefits, and it is established that there were funds for such payment, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) Whoever terminates the employment of a female employee because of her pregnancy, or requests from a female employee to give a statement confirming that in such case she would give her notice or accept the termination of employment by consent, shall be punished by punishment referred to in paragraph (2) of this Article.

Mobbing at the Workplace
Article 210

(1) Whoever, at the workplace or in connection with work, offends, humiliates, abuses or otherwise harasses another person and thus undermines his/her health, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The prosecution for the criminal offense referred to in paragraph (1) of this Article shall be undertaken following the submission of a motion.

Violation of Rights During Recruitment and Unemployment
Article 211

(1) Whoever denies or restricts the right of citizens to free employment under equal terms and conditions as 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 also be applicable to anyone who knowingly fails to abide by the law and other regulations prescribing the 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 212

Whoever knowingly fails to abide by the 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 213

Whoever by faking or causing an illness or occupational disability or in some other unlawful manner succeeds to be granted a right arising from social security which he/she 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 214

(1) In the event that the person responsible for implementing the occupational safety measures has knowingly failed to abide by the law and other occupational safety measures and has thus jeopardized 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 occupational safety measures within the required timeframe.

CHAPTER NINETEEN
CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS

Preventing Elections and Voting
Article 215

(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 the counting of ballots or the announcement of election results, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been perpetrated in an organized manner or in two or more constituencies, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding three years.

Violation of the Right to Stand for Elections Article 216

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 217

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 that voting list, or prevents a person from exercising his or her voting rights 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 218

(1) Whoever, by use of force, serious threat, bribery, deceit or in any other illegal way, coerces or influences a voter at the elections or voting to vote for or against a particular proposal or not to vote at all or to vote in particular manner, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) A member of a 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 the duty entrusted to him regarding the elections or voting, shall be punished by imprisonment for a term between six months and five years.

(3) A given present or other material benefit or gain shall be forfeited.

Abuse of a Voting Right Article 219

(1) Whoever votes under the name and *in lieu* of another person, or votes or tries to vote again during the same voting after having voted once, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The same punishment shall also be applicable to anyone who participates in the elections or voting although he or she knows that he or she enjoys no voting right.

Corrupt Practices at an Election or Voting Article 220

(1) Whoever offers, gives or promises a reward, present or any other material or immaterial benefit or gain to a voter in order to induce him or her 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 also be applicable to a voter who requests or takes for himself or another person a present or a promise of present or any other benefit or gain in order to vote for or against a particular proposal or not to vote at all or to vote in particular manner.

(3) A given reward, present or other material benefit or gain shall be forfeited.

Violation of Secrecy of Voting Article 221

(1) Whoever breaches the secrecy of voting at an election, shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) A member of a 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 the duty entrusted to him regarding the elections or voting, 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 also be applicable 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 or she has voted and how he or she has voted.

Election Fraud Article 222

Whoever, by adding, subtracting or deleting votes or in any other way falsifies the results of an election or voting, shall be punished by imprisonment for a term between one and five years.

Destroying Election Documents Article 223

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

(2) A member of a 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 voting, shall be punished by imprisonment for a term between six months and five years.

CHAPTER TWENTY CRIMINAL OFFENCES AGAINST PROPERTY

Theft Article 224

(1) Whoever takes and carries away someone else's personal property for the purpose of appropriating it unlawfully, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the value of the taken property does not exceed the amount of BAM 300 and the perpetrator's intent was to acquire a property gain of small value, he/she shall be punished by a fine or imprisonment not exceeding one year.

(3) The punishment referred to in paragraph (1) of this Article shall also be applicable to an individual who, for the purpose of stealing, harvests a mass of forest trees (timber) in the volume exceeding five cubic meters.

(4) In the event that the offense referred to in paragraph (3) of this Article has been perpetrated with the intent of selling the harvested timber or if the volume of the harvested timber exceeds fifteen cubic meters or the offense has been perpetrated in a protective forest, national reserve park or in

another special purpose forest, the perpetrator shall be punished by imprisonment for a term between one and five years and by a fine.

(5) In the event that the offense referred to in paragraph (3) of this Article has been perpetrated with the intent of selling the harvested timber and if the volume of the harvested timber exceeds one hundred cubic meters, the perpetrator shall be punished by imprisonment for a term between three and ten years and by a fine.

(6) An attempt to perpetrate the criminal offense referred to in paragraph (1) and paragraph (3) of this Article shall also be punishable.

(7) The harvested timber referred to in paragraphs (3), (4) and (5) of this Article shall be confiscated.

(8) Prosecution for the offense referred to in paragraph (2) of this Article shall be undertaken following the submission of a motion.

Theft of Electricity or Natural Gas Article 225

(1) Whoever, contrary to the applicable regulations, connects any electric power facilities to a power grid, uses electric energy, thermal energy or natural gas without or against the prescribed measuring devices, or otherwise uses unauthorized electrical or thermal energy or natural gas, or prevents an authorized person from registering the consumed electricity or heat or natural gas, shall be punished by imprisonment for a term between six months and three years and by a fine.

(2) If the perpetrator of the offense referred to in paragraph (1) of this Article is the final consumer, he/she shall be punished by imprisonment for a term between one and five years and by a fine.

(3) The final consumer who fails to report the criminal offense referred to in paragraphs (1) and (2) of this Article shall be punished by imprisonment for a term not exceeding two years and by a fine.

(4) If the value of the stolen electricity, heat or natural gas exceeds the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years and by a fine, whereas if it exceeds the amount of BAM 50,000, he/she shall be punished by imprisonment for a term between two and eight years and by a fine.

(5) An attempt of the criminal offence referred to in paragraph (1) of this Article shall also be punishable.

(6) If the perpetrator of the criminal offense referred to in paragraph (1) or paragraph (2) of this Article is a legal person, he/she shall be punished by a fine in the amount between BAM 20,000 and BAM 200,000, while a responsible person in the legal person shall be punished by imprisonment for a term not exceeding three years and by a fine.

Aggravated Theft Article 226

(1) If a theft has been committed:

- 1) by breaking open or breaking into or surmounting major obstacles protecting any closed buildings, rooms, strong-boxes, cashiers or other enclosed premises ;
- 2) in a particularly dangerous or brazen manner;
- 3) by a person who was in possession of a weapon or dangerous implements used for an attack or defence,
- 4) by a group of persons associated with each other in order to commit 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,
- 7) out of hatred.

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

(2) If the value of the stolen property exceeds the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(3) If the stolen property is an object of special historical, scientific or cultural significance or if the

value of the stolen property exceeds the amount of BAM 50,000, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(4) In the event that the perpetration has assumed the characteristics of an aggravated theft as referred to in paragraph (1), under sub-paragraphs 1), 2), 4) and 7) of this Article, but the value of the stolen property does not exceed the amount of BAM 300, and the perpetrator has intended to obtain only a minor property gain, he/she shall be punished by a fine or by imprisonment for a term not exceeding three years.

Aggravated Robbery Article 227

(1) Whoever, by use of force against another person or by threatening to launch an immediate attack against his life or limb, takes away another person's personal property with the intent of acquiring a material gain for himself or for 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 criminal offence was perpetrated out of hatred, or if the offense has been committed by several persons, or if a weapon or dangerous implement has been used or if the value of the stolen property exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

Robbery Article 228

(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 launch an immediate attack against his life or limb, 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 criminal offence was perpetrated out of hatred, or if the offense has been committed by several persons, or a weapon or dangerous implement has been used or if the value of the stolen property exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between five and fifteen years.

Embezzlement Article 229

(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 the embezzled property exceeds BAM 300 and the perpetrator has been acting with the purpose of acquiring the material gain of little value, he/she shall be punished by a fine or imprisonment for a term not exceeding six months.

(3) In the event that the offense referred to in paragraph (1) of this Article has been committed by a guardian, he/she 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 BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years or if its value exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(5) Whoever unlawfully keeps the personal property of another which he/she has found or accidentally came into possession of, with the intention of acquiring material 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 following the submission of a motion.

Fraud
Article 230

- (1) Whoever, with the intention of acquiring unlawful material gain for himself/herself or for another person, deceives or misleads someone through false representation or concealment of the facts, or keeps deceiving or misleading that person, inducing him/her thereby to do something or to fail to do something to the detriment of his/her or someone else's property, shall be punished by imprisonment for a term not exceeding three years.
- (2) If the value of the material gain acquired through the commission of the criminal offence referred to in paragraph (1) of this Article exceeds BAM 300 and the perpetrator has been acting with the purpose of acquiring a material gain of small value or causing a slight damage, he/she shall be punished by a fine or imprisonment for a term not exceeding one year.
- (3) If the value of the material gain or the damage caused through the commission of the criminal offence referred to in paragraph (1) of this Article exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and five years or if the amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two 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 two years.
- (5) An attempt of the offence referred to in paragraph (1) shall be punishable.
- (6) The prosecution of the criminal offence referred to in paragraph (2) of this Article shall be instituted following the submission of a motion.

Organizing Illegal Games of Chance
Article 231

- (1) Whoever, with the intention of acquiring an unlawful material gain for himself/herself or for another person, organizes, participates or assists in organizing the games of chance for which no licence has been issued by a competent authority, shall be punished by imprisonment for a term not exceeding three years and shall be fined.
- (2) Whoever, with the intention of acquiring an unlawful material gain for himself/herself or for another person, organizes, participates or assists in organizing the games of chance in which players pay fixed amounts of money and expect a gain only if other players join the game, shall also be punished by the punishment referred to in paragraph (1).
- (3) In the event that the perpetration of the criminal offences referred to in paragraphs (1) and (2) has resulted in acquisition of a considerable material gain or a substantial damage, the perpetrator shall be punished by imprisonment for a term between one and eight years and by a fine.
- (4) The objects and instruments used or intended for the perpetration of this offence shall be confiscated.
- (5) Whoever practices the perpetration of the offence referred to in this article shall be punished by imprisonment for a term between one and five years and shall be fined.

Extortion
Article 232

- (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/her or someone else's property, shall be punished by imprisonment for a term between one and five years.
- (2) If the value of the material gain acquired through the commission of the criminal offence referred to in paragraph (1) of this Article exceeds BAM 10,000, the perpetrator shall be punished

by imprisonment for a term between two and ten years,

(3) In the event that the perpetration of the criminal offence referred to in paragraph (1) has resulted in acquisition of a material gain in an amount exceeding BAM 50,000 or in the event that the perpetration of the criminal offence has resulted in a grievous bodily injury of a person, or if a threat of direct attack has been issued against life and limb of a large number of individuals, 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 individuals, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(4) In the event that the offence referred to in paragraphs (1), (2) and (3) has been perpetrated by an organised criminal group, the perpetrator shall be punished by imprisonment for a minimum term of five years.

(5) In the event that the criminal offence of extortion has resulted In the death of an individual, the perpetrator shall be punished by imprisonment for a minimum term of eight years.

(6) Whoever has practiced the criminal offence of extortion for a reward, shall be punished by imprisonment for a minimum term of three years.

Blackmail Article 233

(1) Whoever, with the intention of acquiring an unlawful material gain for himself/herself or another, threatens a person to expose a matter regarding him/her or someone close to him of a nature likely to injure his honour or reputation, and thereby compels him/her to do something or to fail doing something to the detriment of his/her own or someone else's property, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the value of the material gain acquired through the commission of the criminal offence referred to in paragraph (1) of this Article exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, whereas if the amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(3) Whoever has practiced the criminal offence referred to in this Article or where the offence has been perpetrated by a group, shall be punished by imprisonment for a term between two and twelve years.

(4) In the event that the offence referred to in paragraphs (1) and (2) of this Article has been perpetrated by an organised criminal group, the perpetrator shall be punished by imprisonment for term between three and fifteen years.

Abuse of Trust Article 234

(1) Whoever in representing the property interests of a person or taking care of his property fails to perform his/her duty or misuses the given authority with a view of acquiring thereby an unlawful material gain for himself/herself or for someone else or of causing damage to the person whose property interests he/she is representing or whose property he/she is looking after, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that the value of the material gain acquired or damage caused through the commission of this criminal offence exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and five years, whereas if the amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(3) In the event that the perpetrator of the criminal offences referred to in paragraph (1) or (2) of this Article is a guardian or attorney, he/she 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 BAM 20,000, or by imprisonment for a term between two and ten years when the amount exceeds BAM 50,000.

Usury Article 235

(1) Whoever, in return for a service or favour done to a person or money or other expandable items borrowed, accepts or contracts for himself/herself or another a disproportionate material gain 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 between six months and five years and by a fine.

(2) In the event that the perpetration of the criminal offence referred to in paragraph (1) of this Article has resulted in acquisition of a material gain in an amount exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years and by a fine.

(3) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in any serious consequences for the injured party or in the event that the offence has been perpetrated by a group, the perpetrator shall be punished by imprisonment for a term between two and twelve years and by a fine

(4) In the event that the perpetration of the criminal offence referred to in paragraph (1) has resulted in acquisition of a material gain in an amount exceeding BAM 50,000 or if the offence has been perpetrated by an organised criminal group, the perpetrator shall be punished by imprisonment for a term between three and fifteen years and by a fine.

(5) Whoever has practiced the criminal offence of usury shall be punished by imprisonment for a term between two and twelve years and by a fine.

Concealment Article 236

(1) Whoever buys, accepts as a pawn, or in some other way procures, conceals or passes on an item of which he/she knows has been obtained through perpetration of a 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) In the event that the criminal offence referred to in paragraph (1) of this Article has been committed by several persons or if the value of property being concealed exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years, and if the value of the property being concealed exceeds BAM 50,000, 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 through perpetration of a criminal offence, shall be punished by a fine or imprisonment for a term not exceeding two years.

Unlawful Occupation of Premises Article 237

(1) Whoever, without authorisation, occupies another person'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 to vacate the occupied premises within the required period of time.

(3) An attempt of the criminal offence referred to in paragraph (1) shall also be punishable.

Unlawful Occupation of Land Article 238

- (1) Whoever unlawfully occupies another person's land, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever unlawfully occupies another person's land with a view to use it for construction, shall be punished by a fine or imprisonment for a term between six months and three years and by a fine.
- (3) In the event that the occupied land is part of a protective forest, national reserve park or other special purpose land, the perpetrator shall be punished by imprisonment for a term between one and five years.

Match-Fixing and Agreeing the Outcome of Competitions Article 239

- (1) Whoever agrees and fixes the outcome of a sporting event or another competition with intent of acquiring an unlawful material gain for himself/herself or another person, shall be punished by imprisonment for a term between six months and three years and by a fine.
- (2) In the event that the offence referred to in paragraph (1) of this Article has resulted in acquisition of a material gain in the amount exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years and by a fine, whereas if the amount of such material exceeds BAM 50,000 the perpetrator shall be punished by imprisonment for a term between one and ten years and by a fine.
- (3) An attempt of the criminal offence referred to in paragraph (1) of this Article shall also be punishable.

Damaging and Abstraction of Another Person's Property Article 240

- (1) Whoever damages, destroys or renders useless any personal property belonging to another person or whoever takes away such property for purposes of temporary use, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) Whoever takes away another person's motor vehicle and uses it without authorisation for the purposes of long-term driving, or causes a substantial damage to the vehicle, shall be punished by imprisonment for a term between six months and three years.
- (3) Whoever commits the criminal offences under paragraphs (1) and (2) of this Article out of hatred or wantonly and wilfully, or thus causes any substantial damage, shall be punished by imprisonment for a term between one and five years.
- (4) The prosecution for the criminal offences referred to in paragraphs (1) and (2) of this Article shall be instituted following the submission of a motion.

Damaging Residential and Business Buildings and Premises Article 241

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

for a term between six months and five years.

Intentional Interference with the Rights of Another Person
Article 242

(1) Whoever, for the purpose of preventing another person to exercise his/her right to personal property, alienates, destroys or damages the personal property on which another person has a lien or a right of 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 steps to seemingly or actually impairs his financial condition and thereby diminishes chances or prevents at least one of his creditors to settle his/her claim.

(3) The prosecution for the criminal offence referred to in paragraph (1) of this Article shall be instituted following the submission of a motion.

Arson
Article 243

(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) In the event that the criminal offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) In the event that the offense referred to in paragraph (1) of this Article has caused a large-scale damage, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

**Appropriation, Destruction or Damaging of Cultural Monuments, Protected Natural Sites
and Objects That Are of Special Cultural and Historical Significance**
Article 244

(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 also be applicable 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 asset.

(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) In the event that the criminal offences referred to in paragraphs (1), (2) and (3) of this Article have been perpetrated 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 245

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

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has been perpetrated 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 246

In the event that the perpetrator of criminal offences referred to in Articles 224, 229, 230, 237, 238, 240, 241 and 242 of this Code returned the taken or appropriated item, compensated for the damage or otherwise neutralized the consequences of the criminal offence before finding out that the offence was detected, the court may release the perpetrator from punishment.

Prosecution of Criminal Offences Committed Against Close Relatives
Article 247

In the event that the criminal offences referred to in Articles 224, paragraph (2), Articles 229, 230, 236, 237, 240, 241 and 242 of this Code have been perpetrated against a spouse, a direct blood relative, a sibling, an adopted child or adoptive parent or another person cohabitating with the perpetrator in the common household, the prosecution shall be instituted following the submission of a motion.

CHAPTER TWENTY-ONE
CRIMINAL OFFENCES AGAINST THE ECONOMY AND THE PAYMENT SYSTEM

Illegal Practices in Business Operations
Article 248

(1) The responsible person in a business company or in other business entity who, with the intention of acquiring an unlawful material gain for the legal person with which he is employed or another legal entity:

- 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 stock and flow of assets and business results,
- 3) places the legal entity in a more advantageous position when obtaining funds or other benefits that would otherwise not be granted to the legal entity under the current legislation,
- 4) while paying the tax liabilities or other legal obligations, fails to make payments that represent the public revenue,
- 5) uses the available funds contrary to their actual purpose,
- 6) otherwise violates the law or rules of business operation with regard to the property disposal, use and management,

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

(2) In the event that the perpetration of the offence referred to in paragraph (1) has resulted in acquisition of a considerable material gain or it has caused a substantial damage, the perpetrator

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

Abuse of Office by the Responsible Person
Article 249

(1) The responsible person who, by abusing his/her office or authority, by overstepping the limits of his/her authority or failing to fulfil his/her duty, acquires an unlawful material gain for himself/herself or another physical or legal entity or causes damage to another, unless the characteristics of another criminal offense have been achieved, shall be punished by imprisonment for a term between six months and three years and by a fine.

(2) In the event that the perpetration of the offense referred to in paragraph (1) of this Article has resulted in acquisition of an amount of material gain exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and five years and by a fine, whereas if that amount exceeds BAM 50,000, by imprisonment for a term not exceeding ten years and by a fine.

Abuse in the Procedure of Public Procurement
Article 250

(1) The responsible person in a business company or in another business entity that has the capacity of a legal person, or an entrepreneur who in the procedure of public procurement submits a bid based on false information, or consults and agrees in an illicit manner with other bidders, or undertakes other illicit actions with intention to thus influence the decision making of the purchaser in any stage of the procedure of public procurement, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated in the procedure of public procurement the value of which exceeds the amount of BAM 1,000,000, the perpetrator shall be punished by imprisonment for a term between one year and ten years and by a fine.

(3) The perpetrator who voluntarily discloses that the bid is based on false information or on an illicit consultation or agreement with other bidders, or that he undertook other illicit actions with intention to influence the decision making of the purchaser before the purchaser makes the decision of the selection of the bid, may be punished more leniently or be acquitted.

Causing Bankruptcy
Article 251

(1) Whoever, in a business company or another business entity having the capacity of a legal entity, by spending funds unreasonably or disposing of them at a gross undervalue, by borrowing excessively, by assuming excessive liabilities, by recklessly concluding contracts with insolvent entities or by failing to settle claims in a timely fashion or by damaging or concealing property, or by undertaking other actions that are in an apparent contravention with due-diligence conduct of business operations, and has thereby caused bankruptcy and damage to another person, he/she shall be punished by a fine and imprisonment for a term between one and five years.

(2) In the event that the perpetrator has removed the adverse consequences of the criminal offence before finding out that the offence was detected, he/she shall be punished by imprisonment for a term not exceeding one year, but may also be released from punishment.

Abuse of False Bankruptcy
Article 252

(1) Whoever, in a business company or another business entity having the capacity of a legal entity,

with the intent of enabling the entity to avoid settling its liabilities, causes bankruptcy of that entity by causing a seeming or actual impairment of its assets, by:

- 1) selling all or part of its assets seemingly or below their real market value, by concealing or relinquishing such assets without compensation, or by destroying them;
- 2) concluding fictitious contracts or recognising false claims;
- 3) concealing, destroying, altering or keeping its business records, documents and files, which it is obligated to keep by the law or other regulations, in a such manner that the actual financial standing cannot be established or presents this financial standing by making fake documents or otherwise in such a way as to provide the 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) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in serious consequences for the creditor, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

Abuse in the Bankruptcy or Restructuring Proceedings **Article 253**

(1) Whoever, in the bankruptcy or restructuring proceedings, files a false claim or seeks a false order of claim 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 the board of creditors, bankruptcy trustee or bankruptcy administrator who receives for himself/herself or another person 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 otherwise at least one creditor in the bankruptcy or restructuring proceedings, shall be punished by a fine or imprisonment for a term not exceeding three years.

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

Damaging the Creditors **Article 254**

(1) Whoever, in the business entity, knowing that the entity has become insolvent, pays debts or otherwise puts a certain creditor in a more favourable position and thereby causes substantial damage to another creditor, shall be punished by imprisonment for a term between six months and three years.

(2) The person referred to in paragraph (1) of this Article who, knowing that the business entity has become insolvent, and with the intention of defrauding creditors, acknowledges a false claim, draws up a false contract or by some other fraudulent act damages at least a creditor, shall be punished by imprisonment for a term between one and five years.

(3) In the event that the criminal offences referred to in paragraphs (1) and (2) of this Article have resulted in a considerable damage or in the event that as a result of such damage the restructuring or bankruptcy proceedings have been instituted against the injured party, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Making a Prejudicial Contract **Article 255**

(1) Whoever, by acting as a proxy or representative of a legal entity performing business activities, makes a contract being aware of its prejudicial character of such contract for 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 and by a fine.

(2) In the event that the criminal offence referred to in paragraph (1) has resulted in a considerable damage to the legal person, the perpetrator shall be punished by imprisonment for a term between one and ten years and by a fine.

Accepting Bribe in the Performance of Business Activities **Article 256**

(1) Whoever, during the course of performance of a business activity, directly or indirectly demands or accepts a gift or any other benefit or accepts the promise of a gift or another benefit for himself/herself or for another person, in order to conclude a contract or reach a business agreement or provide a service or to refrain from any such action, or whoever breaches other duties in the performance of an economic activity to the detriment or for the benefit of a business entity or another legal entity for which or in which he/she works, the perpetrator shall be punished by imprisonment for a term between one and eight years and by a fine.

(2) The perpetrator referred to in paragraph (1) of this Article who, after concluding or not concluding a contract or after reaching a business agreement or providing a service or after refraining from any such action, demands or accepts a gift or another benefit or accepts a promise of a gift or another benefit for himself/herself or for another person, shall be punished by imprisonment for a term between six months and three years and by a fine.

(3) The received gift or material gain shall be confiscated.

Offering Bribe in the Performance of Business Activities **Article 257**

(1) Whoever makes, offers or promises a gift or another benefit to an official person in order to solicit from that person, during the course of performance of an economic activity, his/her consent to conclude a contract or reach a business agreement or provide a service or refrain from any such action or breach other duties in the course of performing an economic activity to the detriment or for the benefit of the economic entity for which or in which he/she works or to the detriment or for the benefit of another legal or physical entity, or whoever mediates in giving such gifts or other benefits, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) The perpetrator of the offense referred to in paragraph (1) of this Article, who gave a gift or other benefit at the request of the person who is solicited in the course of performing an economic activity to conclude a contract, reach a business agreement, provide a service or breach a duty, but who has reported the offence before finding out that the offence was detected, may be released from punishment.

(3) The received gift and material gain referred to in paragraphs (1) and (2) shall be confiscated.

Unlawful Conduct of an Authorised Auditor **Article 258**

(1) An authorised auditor who has signed an opinion about the financial statements audit, which is contrary to the International Financial Reporting Standards, the International Auditing Standards and other regulations in this field, with the intention of causing damage in any way to a specific person or enabling the person to acquire a material gain, shall be punished by a fine or by imprisonment for a term not exceeding five years.

(2) In the event that the offense has been perpetrated against several persons, the perpetrator shall be punished by imprisonment for a term between one and five years and by a fine.

(3) If, as a result of the offense referred to in paragraphs (1) and 2 of this Article, the perpetrator has acquired a considerable material gain to himself or another person, or has caused a substantial property damage to another person, or has caused damage to a larger number of persons, the

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

(4) The court shall pronounce on the perpetrator a ban on carrying out a certain occupation, activity or duty under the terms and conditions prescribed by Article 77 of this Code.

Disclosure and Unauthorized Procurement of a Commercial Secret Article 259

(1) Whoever, without authorization, communicates, conveys or in any other way makes available to another person any information which constitutes a trade secret, or who obtains such information with the aim of conveying it to an unauthorized person, shall be punished by a fine or by imprisonment for a maximum term of three years.

(2) The punishment referred to in paragraph (1) of this Article shall be pronounced against anyone who, with the aim of making an unauthorized use of such information, unlawfully procures any information kept as a commercial secret.

(3) In the event that the 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 five years and by a fine.

(4) In the event that the criminal offence referred to in paragraphs (1) and (3) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by a fine or by imprisonment for a term not exceeding one year.

Unauthorized Use of Another's Trade-Name and Other Special Commodity or Service Brand Names Article 260

(1) Whoever, with the intention of defrauding the purchasers of goods or the users of services, uses another's trade-name, another's designation of geographic origin, seal, special trade-mark, commodity or service brand name or other proprietary marks or inserts certain features of these designations, names and brands into his/her own trade-name, designation of geographic origin, seal or special trademark, commodity or service brand name or other proprietary marks, shall be punished by a fine or imprisonment for a term between six months and three years.

(2) Whoever, for the purpose of selling in a larger quantity or value, procures, manufactures, processes, markets, leases or stores the goods referred to in paragraph (1) of this Article or engages in an unauthorised service-providing by using another person's trade-marks or brands, shall be punished by imprisonment for a term between one and five years.

(3) In the event that the perpetrator referred to in paragraph (2) of this Article has organized a network of resellers or intermediaries or has acquired a material gain exceeding the amount of BAM 50,000, he/she shall be punished by imprisonment for a term between two and ten years and by a fine.

(4) The items referred to in paragraphs (1), (2) and (3) of this Article shall be forfeited.

Unauthorized Use of Another's Invention Article 261

(1) Whoever, in the course of production or commercial activities, without authorization, uses another person's registered or protected invention, shall be punished by a fine or 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 confiscated.

Breach of the Duty to Keep Commercial and Business Records and Compile Financial Reports and their Counterfeiting or Destruction
Article 262

(1) Whoever fails to keep commercial and business records he/she is required to keep by law or keeps them in such a way that impedes the transparency of business operations or the transparency of financial/property standing, or destroys, conceals, considerably damages or otherwise renders unusable the commercial or business records or business documents that he/she is required to keep, 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 on a person who enters false data or fails to enter some important data into the business or commercial records, documents or files he/she is required to keep by law or other regulation, or by affixing his/her signature or official seal certifies a business or commercial record, document or file containing false data, or by affixing his signature or official seal permits the drawing up of such business or commercial records, documents or files containing false data, or uses such business or commercial records, documents or files as genuine.

(3) Whoever fails to compile the financial statements or compiles them contrary to the International Financial Reporting Standards and other regulations in this area, in order to acquire a material gain for himself/herself or another person, or causes any damage to another person, shall be punished by a fine or imprisonment for a term between six months and five years.

Money Laundering
Article 263

(1) Whoever receives, exchanges, keeps, disposes of or uses in corporate or other business, converts or transfers the money or other property he/she knows were acquired through perpetration of a criminal offense defined by the laws of the Republika Srpska, or otherwise conceals or tries to conceal their nature, source, location, disposal, circulation, ownership or other rights associated with them, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) In the event that 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 acquisition of the money or material gain referred to in paragraph (1) of this Article, he/she shall be punished by imprisonment for a term between one and eight years and by a fine.

(3) If the value of the money or property referred to in paragraphs (1) and (2) of this Article exceeds the amount of BAM 200,000, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

(4) In the event that the criminal offences referred to in the preceding paragraphs have been perpetrated by a group of persons who joined with the intention of perpetrating money laundering or if the money laundering has been perpetrated for the purpose of financing terrorism, the perpetrator shall be punished by imprisonment for a term between three and fifteen years and by a fine.

(5) If, while perpetrating the criminal offences referred to in paragraphs (1), (2) and (3) of this Article, the perpetrator has acted negligently concerning the fact that the money or material gain were acquired through perpetration of a criminal offence, he/she shall be punished by a fine or imprisonment for a term not exceeding three years.

(6) The money, material gain, income, profit or other proceeds created from the material gain acquired through perpetration of the criminal offences referred to paragraphs (1) through (4) shall be confiscated.

Tax and Contribution Evasion
Article 264

(1) Whoever, with the intent that he/she or another person evade paying in full or in part a tax as required under the tax legislation the Republika Srpska, or contribution to the health insurance and retirement insurance plan, by submitting false or incomplete information about the income, property items or other facts which may have an impact on levying the payable amount of tax liability or contribution to the health and retirement insurance plans, or whoever in case of mandatory declaring requirement fails to declare the income, property items or other facts which may have an impact on levying the payable amount of tax liability or contribution to the health and retirement insurance plans, which results in a reduction of the tax liability or the failure to levy the payable amount of tax liability or contribution to the health and retirement insurance plans by an amount exceeding BAM 10,000, shall be punished by a fine and imprisonment for a term between one and five years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced on a person who uses a tax relief in an amount exceeding BAM 10,000 in breach of the terms and conditions under which he/she has obtained such a tax relief.

(3) Whoever perpetrates the offences referred to in paragraphs (1) and (2) of this Article, while the amount of the evaded liability exceeds BAM 50,000, shall be punished by imprisonment for a term between two and ten years and by a fine, whereas if that amount exceeds BAM 200,000, he/she shall be punished by imprisonment for a minimum term of three years and by a fine.

Failure to Pay Withholding Taxes Article 265

(1) A responsible person of a legal entity – taxpayer, including an entrepreneur – taxpayer who, with the intent of evading to pay the taxes after deduction, the contributions for mandatory social insurance after deductions or other prescribed dues, fails to pay the amount calculated as tax after deduction, or/and the contributions for mandatory social insurance after deductions, credit to the prescribed receiving account for public revenue payment, or fails to pay other prescribed dues, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) If the amount of the calculated but unpaid tax, and/or the contributions referred to in paragraph (1) of this Article exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

(3) If the amount of the calculated but unpaid tax, and/or the contributions referred to in paragraph (1) of this Article exceeds BAM 200,000, the perpetrator shall be punished by imprisonment for a minimum term of three years and by a fine.

Abuse of Evaluation Article 266

(1) An authorized evaluator who abuses his authority during an evaluation of property and thereby acquires a material gain for himself/herself or another person or causes damage to another person, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) In the event that the criminal offense referred to in paragraph (1) of this Article has resulted in acquisition of a material gain or has caused damage in an amount exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

(3) In the event that the criminal offense referred to in paragraph (1) of this Article has resulted in acquisition of a material gain or has caused damage in an amount exceeding BAM 50,000, the perpetrator shall be punished by imprisonment for a term between three and twelve years and by a fine.

Incorrect Appropriation of Funds by A Legal Person Article 267

The responsible person in a legal person who is held personally accountable for tax liability

payment on behalf of the legal person under the relevant tax legislation of the Republika Srpska and who has approved an appropriation of funds for the purposes other than those for the payment of tax liability of the legal person and has thus rendered the legal person incapable of making a timely payment of the tax liabilities, shall be punished by a fine or imprisonment for a term not exceeding three years.

Abuse of the Privatisation Process **Article 268**

(1) Whoever, in the process of privatisation, with an aim of acquiring some material gain for himself or for another person, causes some damage to another person or seriously violates the rights of another person, reduces the selling price or allows a purchase at a significantly lower price than the one determined for a legal person in the process of privatisation, by giving false information or concealing data on assets, revenues, encumbrances, expenditures and other rights or other facts relevant for determination of the actual price, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced on a person who has willingly participated in making the decisions that reduce the value of the capital of the economic entity in order to favour any customers in the privatization process.

(3) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in acquisition of a material gain or has caused damage in an amount exceeding BAM 100.000, the perpetrator shall be punished by imprisonment for a term between two and twelve years and by a fine.

(4) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in acquisition of a material gain or has caused damage in an amount exceeding BAM 300.000, the perpetrator shall be punished by imprisonment for a minimum term of three years and by a fine.

(5) An official or responsible person who, knowing about the actions referred to in paragraph (1) of this Article, by abusing his/her official position or powers, exceeding the limits of his/her official power or by failing to exercise official duty, does or fails to do an official act required in the process of privatisation, shall be punished by imprisonment for a term between one and ten years and by a fine.

Fictitious Participation in the Privatization Process **Article 269**

Whoever participates in the privatisation process fictitiously in favour of some of the privatisation participants, on the basis of an agreement reached with the privatization participants, shall be punished by imprisonment for a term between six months and three years and by a fine.

Illicit Production **Article 270**

(1) Whoever produces or processes goods whose production or processing is prohibited, shall be punished by imprisonment for a term between six months and three years and by a fine.

(2) Any such goods and their means of production or processing shall be confiscated.

Illicit Commerce **Article 271**

(1) Whoever, without a valid commercial license, purchases any goods or other commodities of a high value or in large quantities with the intention of re-sale or who, without a license, trades or acts as an intermediary or agent on behalf of domestic economic entities in selling commodities and services on a large scale, shall be punished by imprisonment for a term not exceeding three years

and by a fine.

(2) Whoever trades in commodities whose production he/she has organized without authorisation, shall be punished by imprisonment for a term between one and five years and by a fine.

(3) The punishment referred to in paragraph (2) of this Article shall also be applicable to anyone who engages in any unauthorised sale, purchase or exchange of goods and commodities that are subject to restricted or prohibited trade regimes.

(4) Any person committing an offence referred to in paragraphs (1), (2) and (3) of this Article , who thereby sets up a ring of middlemen or retailers, or acquires a material gain in an amount exceeding BAM 10,000, shall be punished by imprisonment for a term between two and ten years and by a fine.

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

Article 272 **Defrauding Customers**

(1) Whoever, with the intention of defrauding the customers, places into a large scale circulation on the market the products with a label showing information that does not comply with the content, brand, origin or quality of the product, places into circulation the products whose weight or quality does not comply with what is normally expected of such products, or puts on products a trademark for products that are unprotected, or who puts into circulation the products without the indication of content, brand, origin, shelf-life or quality of the product whenever such indication is prescribed, shall be punished by imprisonment for a maximum term of three years and by a fine.

(2) Whosoever, with the intention of defrauding the customers, falsely publishes a statement that the price of the goods has been reduced, that there is a “sale” of goods, that a price increase is expected or in any way uses any false means of advertising to defraud the purchasers about the actual price of products that he/she sells, shall be punished by imprisonment for a maximum term of two years and by a fine.

Insurance Fraud **Article 273**

(1) Whoever, with an aim to collect insurance money from an insurance company, damages or hides an object that has been insured against the said risks and then reports such damage, shall be punished by a fine or by imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced on the person who, with an aim of collecting insurance money from an insurance company in cases of physical impairment, bodily injury, or damage to health, inflicts on himself/herself such an injury, damage or impairment.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this article have resulted in acquisition of a material gain in an amount exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years, while in the event that this amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) An attempt of the criminal offence referred to in paragraphs (1) and (2) of this Article shall also be punishable.

Deception in Getting Loans and Other Benefits **Article 274**

(1) Whoever, with a view to obtaining for himself/herself or another person a loan, investment funds, subsidies or some other benefits, provides the loaner or an entity competent for awarding benefits, with false or incomplete details about his/her financial condition or other details important for getting a loan or other benefit, shall be punished by imprisonment for a term not exceeding three

years and by a fine.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced on the person who uses the awarded loan, investment funds, subsidies or some other benefits for any purpose other than the one for which they were specifically awarded.

(3) Whoever, by perpetrating the criminal offence referred to in paragraph (1) of this Article, has received the funds that exceed BAM 10,000, shall be punished by imprisonment for a term between one and five years and by a fine, while in the event that the funds exceed BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

(4) Whoever, in the cases referred to in paragraph (1) of this Article, willingly prevents the decision-making about the aid and subsidies, he/she may be released from punishment.

(5) For the purposes of this Article, the credits, investments and subsidies of the Republic of Srpska shall also be regarded as equal to the equivalent funds whose allocation is approved from the European Union Funds.

Illegal Banking, Microcredit or Deposit and Loan Activities **Article 275**

(1) Whoever, without a license or contrary to the requirements under which this license was issued, engages in a banking activity, microcredit activity or deposit and loan activities, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) In the event that the criminal offence referred to in paragraph (1) of this Article has resulted in acquisition of a material gain in an amount that exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years and by a fine, while in the event that this amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine, while in the event that this amount exceeds BAM 200,000, the perpetrator shall be punished by imprisonment for a minimum term of five years and by a fine.

Issuing Uncovered Securities **Article 276**

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

- 1) any responsible person in a bank or another legal person issuing securities, who allows the issuance of securities although he/she knew or might have known or was obligated to know that the issuer is not able to meet the obligations arising from the issuance under the terms and conditions and within the timeframe stipulated by law or in the issuance decision,
- 2) any official person, who allows the issuance of securities although he knew or might have known or was obligated to know that the obligations arising from the issuance under the terms and conditions and within the timeframe stipulated by law or in the issuance decision 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 issuance under the terms and conditions and within the timeframe stipulated by law or in the guarantee.

Issuance of Uncovered Checks and Uncovered Means of Non-Cash Payments **Article 277**

(1) Whoever, with the intention of acquiring an illegal material gain for himself or another person, issues or puts in circulation uncovered checks for which he/she knows that they were uncovered, and thus acquires a material gain in an amount that exceeds BAM 1,000, 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 a material gain for himself or another person, 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 that they were uncovered and thus acquires a material gain in an amount that exceeds BAM 1,000.

(3) In the event that the criminal offenses referred to in paragraphs (1) and (2) of this Article have resulted in acquisition of a material gain in an amount that exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while in the event that the amount of material gain has exceeded BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years.

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

CHAPTER TWENTY-TWO

CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF THE REPUBLIKA SRPSKA

Attack on the Constitutional Order

Article 278

Whoever, by force or threat of force, or in some other unlawful way, attempts to change the constitutional order of the Republika Srpska, shall be punished by imprisonment for a term between two and twelve years.

Endangering Territorial Integrity

Article 279

Whoever attempts to detach a part of the territory of the Republika Srpska by use of force or threat of force, or to carry out an annexation of 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 280

Any citizen of the Republika Srpska or Bosnia and Herzegovina who attempts to render the Republika Srpska into a position of subjugation or dependency in relation to another state, shall be punished by imprisonment for a term between three and fifteen years.

Assassination of the Highest Officials of the Republika Srpska

Article 281

Whoever, with the intention of endangering the constitutional order or security of the Republika Srpska, assassinates the President or the Vice-president of the Republika Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the Republic Chief Prosecutor, shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.

Kidnapping the Highest Officials of the Republika Srpska
Article 282

(1) Whoever, with the intention of endangering the constitutional order or security of the Republika Srpska, kidnaps the President or the Vice-president of the Republika Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the 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/she 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 283

(1) Whoever takes part in an armed rebellion which is aimed against the constitutional order or security of the 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.

Preventing Fight Against an Enemy
Article 284

(1) A citizen of the Republika Srpska, who in a time of war or armed conflict prevents the citizens of the Republika Srpska or citizens of its allies from fighting against the enemy, shall be punished by imprisonment for a term between one and ten years.

(2) A citizen of the Republika Srpska in the sense of the provisions of Chapter XXII of this Code shall also be a foreign national with temporary or permanent residence in the Republika Srpska

Service in the Army of the Enemy
Article 285

(1) A citizen of the Republika Srpska, who in time of war or armed conflict serves in the enemy's army or other enemy's armed formations, or participates in a war or armed conflict as a combatant against the Republika Srpska or its allies, shall be punished by imprisonment for a term between three and fifteen years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced on a person who invites, recruits, enlists, conscripts or otherwise persuades the citizens of the Republika Srpska to join the service in the enemy's army or other enemy's armed formations, or for participation in a war or armed conflict against the Republika Srpska or its allies.

Aiding the Enemy
Article 286

(1) A citizen of the Republika Srpska, who at the time of war or armed conflict aids the enemy in performing coercive measures against the population of the Republika Srpska, shall be punished by imprisonment for a term between one and ten years.

(2) A citizen of the Republika Srpska, who with an aim of aiding the enemy politically or economically, collaborates with the enemy at the time of war, shall be punished by imprisonment for a term between two and twelve years.

Illegal Formation of Paramilitary and Parapolice Forces
Article 287

- (1) Whoever organizes, trains, equips, mobilizes or in some other way assists without authority the individuals or groups of persons with the aim of their joining a foreign military, paramilitary or parapolice formation that operates outside the Republika Srpska or who joins such a formation shall be punished by imprisonment for a term between three and fifteen years.
- (2) Whoever raises funds or collects other assets, prepares plans, makes agreements with others, or recruits or undertakes any other action towards creating the direct conditions for the perpetration of this criminal offense, shall be punished by imprisonment for a term between one and ten years.
- (3) Whoever publicly, through the information media, or otherwise sends a message to the public, which aims at instigating another person to perpetrate the criminal offense referred to in paragraphs (1) and (2) of this Article, shall be punished by imprisonment for a term between one and five years.
- (4) The perpetrator of the offence referred to in paragraph (1) of this Article who, by revealing a group, prevents the perpetration of the criminal offense or reveals the group before the perpetration of the criminal offense, shall be punished by imprisonment for a term not exceeding two years, but may also be released from punishment.
- (5) The provisions of this Article shall not be applicable to the persons who have legally acquired the nationality of a foreign country recognized by our country in whose armed forces, military, police formations they serve legally or who serve in the internationally recognized military formations that are controlled by the United Nations.

Undermining the Military and Defensive Capacity of the Republika Srpska
Article 288

- (1) Whoever, with an aim of diminishing the defensive power of the Republika Srpska, destroys, renders useless or enables the defence installations, facilities, positions, arms or other military and defensive means to pass into the hands of the enemy, or surrenders troops to the enemy, or with the same aim hinders or endangers the military or defence measures, shall be punished by imprisonment for a minimum term of three years.
- (2) Whoever plans, makes agreements with others, procures the means or otherwise prepares the perpetration of the criminal offence referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and ten years.

Subversion
Article 289

Whoever, with the intention of endangering the constitutional order or security of the Republika Srpska, by demolishing, burning or in some other manner, destroys or damages industrial or agricultural facilities, means of transport, an installation or plant, communication system facilities, public facilities for the supply of water, heat, gas or power, a dam, a warehouse, a building or any other structure of relevance for the security, public utilities, economy or functioning of civil services, shall be punished by imprisonment for a term between three and fifteen years.

Sabotage
Article 290

Whoever, with the intention of endangering the constitutional order or security of the Republika Srpska, covertly, insidiously or otherwise, while performing his official duties or work obligations, causes a considerable damage to the government authorities of the Republika Srpska or a legal person he is employed with or to another governmental body of the Republika Srpska or a legal

person, shall be punished by imprisonment for a term between two and fifteen years.

Espionage Article 291

(1) Whoever discloses, delivers or makes available any secret economic or official information or documents to a foreign state, international organization or a person in the service thereof, shall be punished by imprisonment for a term between two and twelve years.

(2) Whoever in the 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 otherwise assists the 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, international organization or a person in the service thereof, shall be punished by imprisonment for a term between one and eight years.

(5) In the event that the offence referred to in paragraphs (1) and (2) of this Article has resulted in any serious security, economic or military power repercussions, the perpetrator shall be punished by imprisonment for a minimum term of five years.

Disclosing a Secret of the Republika Srpska Article 292

(1) Whoever discloses or conveys to unauthorized person or makes available any information or a document entrusted to him/her or obtained by him/her in any way, which constitutes a secret of the Republika Srpska, shall be punished by imprisonment for a term between one and ten years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated during a state of war or imminent war threat or armed conflict, or if it has led to the endangerment of the security, economic or military power of the country, the perpetrator shall be punished by imprisonment for a minimum term of five years.

(3) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(4) In the event that the offence referred to in paragraph (2) of this Article has been 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 the Republika Srpska Article 293

Whoever dispatches or transfers armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material to the territory of the Republika Srpska for the purpose of perpetrating criminal offences referred to in Chapter XXII of this Code, shall be punished by imprisonment for a term between two and twelve years.

Incitement to Violent Change of the Constitutional Order of the Republika Srpska Article 294

(1) Whoever, with a view to endangering the constitutional order or security of the Republika Srpska, calls for or incites to a violent change of the constitutional order of the Republika Srpska or

to depose the highest officials representatives of government authorities, shall be punished by imprisonment for a term between one and eight years.

(2) Whoever perpetrates the offence referred to in paragraph (1) of this Article with help from abroad, shall be punished by imprisonment for a term between two and ten years.

(3) Whoever, with a view to distributing it, prints or duplicates any material that calls for and incites to the perpetration of the offence referred to in paragraph (1) of this Article or whoever sends over to or transports into the territory of the Republika Srpska such materials or possesses such materials with a view to his/her or another's distributing it, shall be punished by imprisonment for a term between one and five years.

**Accessory After the Fact in the Commission of the Offences against the Constitutional Order
of the Republika Srpska
Article 295**

(1) Whoever harbours a person who has committed the criminal offences referred to in Articles 278 through 294 of this Code or provides the perpetrator with shelter, food, material, money or some other resources, or in some other way helps him/her in order to make his/her detection or arrest difficult, 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 Group or Organised Criminal Group for the Commission of Criminal Offences
against the Constitutional Order of the Republika Srpska
Article 296**

(1) Whoever sets up a group or an organised criminal group or some other association with the intention of perpetrating any of the criminal offences referred to in Articles 278 through 282 and Article 293 of this Code, shall be punished by imprisonment for a term between two and ten years.

(2) Whoever joins some of the groups referred to in preceding paragraph (1) of this Article, shall be punished by imprisonment for a term between one and eight years.

(3) The perpetrator of the offences referred to in paragraphs (1) and (2) of this Article who prevents the perpetration of the criminal offences referred to in paragraph (1) or reveals their preparation in a timely fashion or reveals such groups and their leading members, shall be punished by imprisonment for a term not exceeding two years, but may also be released from punishment.

**Preparation of Criminal Offences against the Constitutional Order of the Republika Srpska
Article 297**

(1) Whoever organizes, plans or agrees with another to perpetrate, or whoever procures the means for perpetrating or takes other steps towards creating the required conditions for the perpetration of a criminal offence referred to in Articles 278 through 294 and Article 291, paragraphs (1) and (2) , 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 willingly prevents the perpetration of a criminal offence referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term not exceeding one year, but may also be released from punishment.

**Punishment for the Gravest Criminal Offences against the Constitutional Order of the
Republika Srpska
Article 298**

(1) In the event of the criminal offences referred to in Articles 278 through 294 of this Code that

have resulted in the death of one or several persons or in severe violence or large-scale destruction, the perpetrator shall be punished by imprisonment for a term of no less than ten years.

(2) In the event that, during the course of perpetrating the offence referred to in paragraph (1) of this Article, the perpetrator has intentionally killed one or several persons, he/she shall be punished by imprisonment for a term no less than ten years or by a long-term imprisonment.

CHAPTER TWENTY-THREE CRIMINAL OFFENCES OF TERRORISM

Terrorism Article 299

(1) Whoever perpetrates an act of terrorism with the intention of seriously intimidating the population or compelling the authorities of the Republika Srpska to perform or abstain from performing any act, or with the aim of seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of the Republika Srpska, perpetrates one of the following offences that may cause a serious damage to the Republika Srpska:

- 1) an attack against a person's life, which may cause the person's death;
- 2) an attack against the physical integrity of a person;
- 3) any unlawful confinement, keeping confined or in some other way depriving another person of his/her liberty, or restricting his/her freedom of movement, with the intention of compelling him/her or another person to perform or abstain from performing any act or to suffer from it, or taking hostages,
- 4) causing serious damage to the facilities of the Republika Srpska, public facilities, transport system, infrastructure facilities, including any information system, a fixed platform situated on the continental shelf, a public place or private property whose damage is likely to endanger human lives or result in a considerable material damage;
- 5) hijacking of an aircraft, ship or other means for 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 the possession or use of a device for activation or emission of radioactive or ionizing radiation, the use of or damage to a nuclear facility so as to release or cause a risk of releasing radioactive materials, either by use of force or threats, or demanding radioactive materials, devices for activation, spraying or emission of radioactive materials or a nuclear facility
- 7) releasing dangerous substances, or causing fire, explosions or floods, with the aim of endangering human lives;
- 8) interfering with or disrupting the supply of water, electric power or any other fundamental natural resources with the aim of endangering human lives;

shall be punished by imprisonment for a minimum term of five years.

(2) Whoever threatens to perpetrate or prepares for perpetration of an offense referred to in paragraph (1) of this Article shall be punished by imprisonment for a term between one and eight years.

(3) In the event that the offenses referred to in paragraph (1) of this Article have resulted in a large-scale destruction or death of one or more persons, the offender shall be punished by imprisonment for a term of no less than ten years or by a long-term imprisonment.

(4) In the event that during the course of perpetration of the criminal offense referred to in paragraph (1) of this Article, the perpetrator deliberately deprives another person of his/her life, he/she shall be punished by imprisonment for a term of no less than fifteen years or by a long-term imprisonment.

(5) The facilities and other immovable properties used for terrorist activities, as well as the objects or assets intended or used for the perpetration of the offence of terrorism shall be confiscated.

Funding the Terrorist Activities **Article 300**

(1) Whoever gives, directly or indirectly, or in any manner provides or collects funds, property or other assets with the intent of using them or knowing that they would be used, in full or in part, for the purpose of perpetrating one or several offences referred to in Chapter XXIII of this Code, including the criminal offense of Damaging or Destroying Public Facilities (Article 397, paragraphs 1 and 2), Damaging a Dam and Water Management Facilities (Article 398, paragraphs 1 and 2), or any other offence that may result in death or a serious bodily injury of a civilian or a person who is not actively engaged in hostilities in an armed conflict, when the purpose of such offence is to intimidate the population or to compel the authorities of the Republika Srpska to perform or to abstain from performing an act, shall be punished by imprisonment for a minimum term of eight years.

(2) The punishment referred to in the paragraph (1) of this Article shall also be applicable to anyone who in any manner, directly or indirectly, gives, provides or collects funds, property or other assets with the intent of enabling the preparation of the criminal offences referred to in paragraph (1) of this Article, or in any manner provides or collects funds, property or other assets with the intent of their use or knowing that they would be used, in full or in part, in any manner by terrorist organizations or individual terrorists.

(3) An official or responsible person in a bank or other financial institution or a person performing the activities of public interest who is authorized to take the measures or actions to prevent the funding of terrorist activities, but who knowingly fails to take the prescribed measures and thus enables the perpetration of the offenses referred to in this Article, shall be punished by imprisonment for a minimum term of five years.

(4) The punishment referred to in paragraph (3) of this Article shall also be applicable to an official or responsible person who makes an unauthorised disclosure to a client or to any unauthorised person of any information related to the procedure for examining suspicious transactions or other measures or actions taken to prevent the funding of terrorist activities.

(5) In the event that the offences referred to in paragraphs (3) and (4) of this Article have been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(6) In the event that a legal entity is found to be accountable for the offenses referred to in this Article, it shall be punished by a fine and by a measure undertaken to terminate that legal entity.

(7) The funds, property and assets intended for the preparation or perpetration of the offenses referred to in this Article shall be confiscated.

Establishing Terrorist Groups or Organizations **Article 301**

(1) Whoever establishes or organizes a terrorist group or organization or in any other way makes an association of several persons for the purpose of perpetrating the offenses referred to in Chapter XXIII of this Code, including the criminal offense of Damaging or Destroying Public Facilities (Article 397, paragraphs 1 and 2), Damaging a Dam and Water Management Facilities (Article 398, paragraphs 1 and 2), or any other offence that may result in death or a serious bodily injury of a civilian or a person who is not actively engaged in hostilities in an armed conflict, when the purpose of such offence is to intimidate the population or to compel the authorities of the Republika Srpska to perform or to abstain from performing an act, shall be punished by imprisonment for a minimum term of five years.

(2) Whoever becomes a member of a terrorist group or organization referred to in paragraph (1) of

this Article or in some other way provides assistance or participates in their activities, shall be punished by imprisonment for a minimum term of three years.

(3) The punishment referred to in paragraph (2) of this Article shall also be pronounced against anyone who encourages, supports or otherwise assists the establishment of a terrorist organization.

(4) A member of a terrorist group or organization who reveals a terrorist group or organization or otherwise prevents the perpetration of the planned offences shall be punished by imprisonment for a term not exceeding three years, but may also be released from punishment.

(5) A member of a terrorist group or organization referred to in paragraph (1) of this Article who reveals a terrorist group or organisation, before he/she perpetrates any other criminal offence either as member of the group or for the groups causes, shall be punished by imprisonment for a term not exceeding two years, but may also be released from punishment.

(6) The objects and other immovable property used for terrorist activities, including also the items or assets intended to prepare them for the perpetration of terrorist activities shall be confiscated.

Public Incitement to Terrorism Article 302

Whoever publicly expresses or promotes ideas directly or indirectly inciting the perpetration of a criminal offence referred to in Chapter XXIII of this Code, including also other offences perpetrated in order to intimidate the citizens or compel the authorities of the Republika Srpska to perform or to abstain from performing an act, shall be punished by imprisonment for a minimum term of three years.

Recruitment and Training for the Perpetration of Terrorist Activities Article 303

(1) Whoever, with the intention of perpetrating the offenses referred to in Chapter XXIII of this Code, including other offences undertaken in order to intimidate the citizens or compel the authorities in the Republika Srpska to perform or abstain from performing an act, recruits another person to perpetrate, participate or provide assistance in the perpetration of these offenses, or join a group or association whose aim is to perpetrate these offences, shall be punished by imprisonment for a minimum term of three years.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced against a person who agrees with another person to perpetrate the offence referred to in paragraph (1) of this Article or invites another person to join a group or association whose aim is to perpetrate the offences.

(3) The punishment referred to in paragraph (1) of this Article shall also be pronounced against a person who, with the intention of perpetrating the offenses referred to in Chapter XXIII of this Code, gives instructions on how to make and use explosives or explosive devices, fire arms or other weapons or harmful or dangerous substances, or trains other persons to perpetrate or participate in the perpetration of these offences, or provides funds or makes available the training facilities where such persons are trained for their perpetration.

(4) The objects and other immovable properties, including also the items or assets used or intended for terrorist training, recruitment and perpetration of terrorist activities shall be confiscated.

Establishing and Training Groups in Order to Join Foreign Terrorist Organizations Article 304

(1) Whoever recruits, invites, trains, equips, organizes or otherwise mobilizes individuals or groups of persons with the aim of joining foreign paramilitary or parapolice formations engaged in terrorist activities shall be punished by imprisonment for a minimum term of three years.

- (2) Whoever collects financial or other assets, makes plans or agrees with others or recruits others, or undertakes any other action creating the direct conditions for the perpetration of the offense referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between two and fifteen years.
- (3) Whoever publicly, through the information media or otherwise, sends a message to the public in order to incite another person to perpetrate the offense referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and ten years.
- (4) In the event that the offense referred to in paragraph (1) of this Article has been committed by several persons who have made an association in order to perpetrate this offense, the perpetrator shall be punished by imprisonment for a minimum term of five years.
- (5) In the event that the perpetrator of the offense referred to in paragraph (1) of this Article has revealed the group or leading members of the group before detection of the offense or in the event that thus the perpetration of the offence has been prevented, he/she shall be punished by imprisonment for a term between six months and two years, but may also be released from punishment.
- (6) The training facilities, financial and other assets used or intended for the perpetration of the offences referred to in this Article shall be confiscated.
- (7) The punishment referred to in paragraph (1) of this Article shall also be pronounced against a person who joins a foreign paramilitary or parapolice formation engaged in terrorist activities.

Taking Hostages **Article 305**

- (1) Whoever unlawfully confines, keeps confined or otherwise deprives another person of his/her liberty, restricts his/her freedom of movement, captures, detains, threatens to kill, injure or continue to detain that person as a hostage, with the intention of compelling the Republika Srpska to perform or to abstain from performing any act, as an explicit or implicit condition for the release of the hostage, shall be punished by imprisonment for a term between one and ten years.
- (2) In the event that the offence referred to in paragraph (1) of this Article has resulted in the death of any hostage, the perpetrator shall be punished by imprisonment for a minimum term of five years.
- (3) In the event that, during the course of perpetration of the offence referred to in paragraph (1) of this Article, the perpetrator has deliberately deprived the hostage of his/her life, he/she shall be punished by imprisonment for a minimum term of ten years or by long term imprisonment.

CHAPTER TWENTY FOUR **CRIMINAL OFFENCES AGAINST THE AUTHORITIES OF THE REPUBLIKA SRPSKA**

Obstructing an Official in Execution of His Official Duty **Article 306**

- (1) Whoever, by force or threat of immediate use of force, prevents an official person from performing an official act falling within the scope of his/her authority or, by using the same means, coerces him to perform an official act, shall be punished by imprisonment for a term between six months and three years.
- (2) In the event that the perpetration of the criminal offense referred to in paragraph (1) of this Article has resulted in maltreatment of the official person or a light bodily harm has been inflicted upon him/her, or the criminal offense has been perpetrated by using threats to use weapons, the perpetrator shall be punished by imprisonment for a term between one and five years.
- (3) In the event that the perpetration of the criminal offenses referred to in paragraphs (1) and (2) of this Article has resulted in a serious bodily harm of an official person or in the event that such

criminal offences have been perpetrated against an official person during the course of carrying out tasks related to security, apprehension of criminal offense perpetrators or guarding apprehended persons, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) An attempt of the criminal offence referred to in paragraph (1) of this Article shall also be punishable.

(5) In the event that the perpetrator of the criminal offenses referred to in paragraphs (1) through (3) of this Article has been provoked by illegal or rude treatment on the part of the official person, he/she may be released from punishment.

Participating in a Group Which Prevents an Official Person in the Execution of Official Duties
Article 307

(1) Whoever participates in a group which through concerted efforts prevents or tries to prevent an official person to execute his/her official duties, or thus compels the official person to execute the official duties, shall be punished only for the participation by a fine or imprisonment for a term not exceeding three.

(2) Whoever organizes or directs a group that has committed the offences referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and five years.

Attacking an Official Person in the Execution of Official Duties
Article 308

(1) Whoever attacks or seriously threatens to attack an official person in the execution of his duties, shall be punished by a fine or by imprisonment for a term not exceeding three years.

(2) In the event that during the course of perpetration of the offence referred to in paragraph (1) of this Article the perpetrator has inflicted a bodily injury upon the official person, or in the event that the perpetrator has threatened to use a weapon against the official person, the perpetrator he/she be punished by imprisonment for a term between six months and five years.

(3) An attempt of the criminal offence referred to in paragraph (1) of this Article shall also be punishable.

(3) The perpetrator of the offense referred to in paragraphs (1) through (3) of this Article, who has been provoked by unlawful or harsh treatment on the part of an official person, may be released from punishment.

Illegal Change of the Territorial Organisation of the Republika Srpska
Article 309

Whoever, by use of force or serious threat of force or in some other illegal manner, changes or attempts to change the territorial organisation of the 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 310

Whoever is performing without authorization a certain occupation that requires a permission of the competent body 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 311

(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 officially sealed or marked item, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) An attempt of the offence referred to in paragraph (1) shall also be punishable.

Seizing or Destroying Official Seal or Official Files
Article 312

(1) Whoever unlawfully seizes, conceals, destroys, damages or in some other way renders useless an official seal, record, register, file or document belonging to in the possession of a governmental authority, business company, institution or another legal person vested with public powers, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) An attempt of the offence referred to in paragraph (1) shall also be punishable.

False Impersonation
Article 313

(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 acquire a material gain 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 has performed an activity which only a designated official person or a military official is authorized to perform.

Autocracy
Article 314

(1) Whoever arbitrarily exercises a right or a right he believes he/she has, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever arbitrarily exercises a right or a right he believes he/she has, by using force or serious threat of force against life and limb 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 offences referred to in paragraphs (1) and (2) of this Article on behalf of another person, shall be punished by imprisonment prescribed for those offences in paragraphs (1) and (2).

(4) Prosecution of the criminal offences referred to in paragraphs (1) and (2) of this Article shall be undertaken following the submission of a motion.

CHAPTER TWENTY-FIVE
CRIMINAL OFFENCES AGAINST OFFICIAL DUTY

Abuse of Office or Official Authority
Article 315

(1) An official or responsible person who has acquired for himself/herself or another person a material gain or caused damage to another person or seriously violated the rights of another person, by abusing his/her office or official authority, by overstepping his/her official authority or failing to

execute his/her official duty, shall be punished by imprisonment for a term between one and five years.

(2) In the event that the material gain acquired through perpetration of the offence referred to in paragraph (1) of this Article exceeds BAM 10,000 the perpetrator shall be punished by imprisonment for a term between one and ten years, while in the event that the material gain exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(3) The punishments referred to in paragraphs (1) and (2) of this Article shall be also pronounced against a foreign official person or responsible person in a foreign legal entity that has a representation office or performs an activity in the Republika Srpska, or a person performing the activities of public interest, in the event that the offense was perpetrated during the period of exercising or his/her powers or duties.

(4) In the event that the offence referred to in paragraphs (1), (2) and (3) of this Article has been perpetrated in the performance of public procurement or at the expense of the budget of the Republika Srpska, public funds or other public assets, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

Embezzlement in Office Article 316

(1) Whoever unlawfully appropriates money, securities or other movables entrusted to him/her by virtue of his/her office or, generally by his/her position within a governmental authority or legal entity, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the material gain acquired in the course of the perpetration of the offence referred to in paragraph (1) of this Article does not exceed the amount of BAM 300, while the perpetrator's aim was to acquire a small value, he/she 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 perpetration of the offence referred to in paragraph (1) of this Article exceeds the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while if the material gain exceeds the amount of BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Fraud in Office Article 317

(1) An official or responsible person who, with the intention of acquiring an unlawful material gain for himself/herself or another person, 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) In the event that the material gain acquired in the course of perpetration of the offence referred to in paragraph (1) of this Article exceeds the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while in the event that the material gain exceeds the amount of BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Unauthorized Use of Official Property Article 318

Whoever makes an unauthorized use of money, securities or other movables entrusted to him/her by virtue of his/her office within a Republic governmental authority or legal entity generally or without authority passes the said items to another person for unauthorized use, shall be punished by a fine or imprisonment for a term not exceeding two years.

**Accepting Bribe
Article 319**

- (1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts the promise of a gift or other benefit for himself/herself or for other person in order to perform, within his official authorizations or in connection to his official authorizations, an official act, which otherwise must not be performed by him/her, or not to perform an official act, which otherwise must be performed by him/her, shall be punished by imprisonment for a term between two and ten years.
- (2) An official or responsible person, who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit for himself/herself or for other person in order to perform, within his authorizations or in connection to his authorizations, an act, which otherwise must be performed by him/her, or not to perform an act, which otherwise must not be performed by him/her, shall be punished by imprisonment for a term between one and eight years.
- (3) An official or responsible person, who demands or accepts a gift or any other benefit after the performance or failure to perform an official duty referred to in paragraphs (1) and (2) of this Article in connection with the performance or failure to perform, shall be punished by imprisonment for a maximum term of three years.
- (4) A foreign official or responsible person who perpetrates the offence referred to in paragraphs (1) through (3) of this Article shall be punished with a punishment prescribed for that offence.
- (5) The accepted gift or material gain acquired by perpetration of the offences referred to in this Article shall be confiscated.

**Offering Bribe
Article 320**

- (1) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he/she performs, within his official authorizations or in connection to his/her official authorizations, an official act which otherwise must not be performed by him/her, or abstains from performing an official act which otherwise must be performed by him/her, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term between six months and five years.
- (2) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his/her official authorizations, an official act which must otherwise be performed by him/her, or abstains from performing an official act which otherwise must not be performed by him/her, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a maximum term of three years.
- (3) Provisions of paragraphs (1) and (2) of this Article shall be applicable also when the bribe is given, offered or promised to a foreign official or responsible person.
- (4) The perpetrator of the offence referred to in paragraphs (1) and (3) of this Article, who has reported the offence before it was been discovered, may be released from punishment.
- (5) The given gift, i.e. other material gain that is confiscated from the person who received the bribe may be, in the case referred to in paragraph (4) of this Article, returned to the person who gave the bribe.

**Trading in Influence
Article 321**

- (1) Whoever demands or accepts a reward or any other benefit for himself/herself or for another person, directly or through a third party for interceding that an official act be or not be performed by taking advantage of his/her official or social position or his/her actual or presumed influence, shall

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

(2) Whoever, directly or through a third party, offers or gives a reward or any other benefit for interceding that that an official act be or not be performed by taking advantage of his official or social position or his/her actual or presumed influence, shall be punished by imprisonment for a maximum term of three years.

(3) Whoever intercedes that that an official act, which otherwise must not be performed, be performed, or that that an official act, which otherwise must be performed, be not performed by taking advantage of his/her official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and eight years.

(4) Whoever, directly or through a third party, promises, offers or gives to another person a reward or any other benefit for interceding that that an official act, which otherwise must not be performed, be performed, or that that an official act, which otherwise must be performed, be not performed by taking advantage of his/her official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between six months and five years.

(5) In the event that a reward or any other benefit has been demanded or received in return for interceding referred to in paragraph (3) of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(6) A foreign official or responsible person who perpetrates the offence referred to in paragraphs (1) through (4) of this Article shall be punished for that offence.

(7) A reward or material gain acquired by perpetration of the offences referred to in this Article shall be confiscated.

Negligent Performance of Official Duties **Article 322**

(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 negligent manner in the performance of his/her official duties, although he/she 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 person 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) In the event that the serious breach of the rights of another person or damage to property in the amount that exceeds BAM 50,000 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 323**

(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 a fine or by imprisonment for a minimum term of three years.

(2) The punishment referred to in paragraph (1) of this Article shall be pronounced against anyone who, with the intention of making any unauthorized use of such information, obtains unlawfully the information kept as an official secret or who publishes such information without permission.

(3) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated 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) In the event that 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 the irregularities in the organization, performance or management of the service, discloses or facilitates the disclosure of an official secret the contents of which are contrary to the constitutional order of the Republika Srpska, provided that the disclosure has no detrimental effects for the 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.

Spending Funds from the Budget for a Purpose Other than Designated Article 324

In the event that a responsible person in a budget beneficiary or a responsible person in an extra-budgetary fund has incurred obligations on any grounds above the amount of available funds exceeding by BAM 10,000 the sum designated in the budget, a financial plan, or in an act of a competent authority, except for any justifiable obligations that are beyond the person's control, shall be punished by a fine or imprisonment for a maximum term of three years.

Unlawful Granting of Favours to Economic Entities Article 325

(1) An official or responsible person who favours an economic entity by adjusting the terms and conditions of a public procurement contract or concluding a contract with a bidder whose tender is contrary to the terms and conditions defined in the tender documentation, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) The punishment referred to in paragraph (1) of this Article shall also be pronounced against an official or responsible person who takes advantage of the position or authority in making favours, taking over or contracting jobs for its activity or the activity of the person with which he/she is affiliated by common interest.

Unlawful Collection and Disbursement Article 326

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 327

An official person who unlawfully releases a person deprived of his liberty and entrusted to him/her 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 a fine or by imprisonment for a term not exceeding three years.

Forcing out Statements Article 328

(1) Any official person who, in the discharge of his/her duty, uses force, threat or other impermissible methods or means to force out information or some other statement from any

suspect, defendant, witness, expert witness or 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 suspect or 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 329

An official person who, by misuse of his office or official authority, abuses, intimidates or inflicts bodily injuries on another person or treats him/her in a manner offensive to dignity of the person, shall be punished by a fine or imprisonment for a term not exceeding three years.

Illegal Appropriation of Items During the Search or Execution of an Order Article 330

(1) An official person, who during the search of premises or persons, or while executing an order in an administrative or judicial procedure, takes a movable item with the purpose of obtaining illegal property gain for himself/herself or another person, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the item taken away in the perpetration 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.

CHAPTER TWENTY-SIX CRIMINAL OFFENCES AGAINST JUSTICE

Failure to Report the Preparation of Criminal Offence Article 331

(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) In the event that any preparation to commit a criminal offence punishable by a long-term imprisonment has not been reported, the perpetrator shall be punished by a fine or by imprisonment for a term not exceeding three years.

(3) There shall be no criminal offence referred to in paragraph (1) of this Article in the event that the person who failed to report the preparation of the offence was the 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 332

(1) Whoever, knowing the identity of someone who committed a criminal offence punishable by imprisonment for a term of ten years or a 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/she found about in the course of his/her 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 between six months and five years.

(3) There shall be no criminal offence referred to in paragraphs (1) and (2) of this Article in the event that the person who failed to report the offence was the perpetrator's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, including also a defence lawyer or a clergyman acting as confessor.

Accessory After the Fact Article 333

(1) Whoever harbours 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 harbours a convicted person or acts so as to prevent the execution of punishment, security measures or correctional institution 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 a fine or by imprisonment for a term not exceeding three years.

(3) Whoever renders any assistance to a person who committed a criminal offence punishable by a long-term imprisonment, shall be punished by imprisonment for a term between one and eight years.

(4) The type and length/amount of the punishment for the offence referred to in paragraph (1) of this Article may not exceed those of 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 in the event that the person who was accessory after the fact was the 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 a Criminal Offense Article 334

(1) Whoever reports a person as having perpetrated a criminal offence that is prosecuted *ex officio*, knowing that the person has not perpetrated the offence, 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 otherwise causes the institution of a criminal prosecution for a criminal offence that is prosecuted *ex officio* against another person whom he knows not to have perpetrated the offence.

(3) Whoever reports himself/herself as the perpetrator of a criminal offence that is prosecuted *ex officio*, although he/she has not perpetrated the 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 335

(1) A witness, expert witness, translator or interpreter who makes a false statement before a court, in disciplinary, minor offense, 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 party who gives false testimony in the hearing of a judicial or administrative proceedings and the decision taken in the proceedings 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) In the event that the offense referred to in paragraph (3) of this Article has resulted in serious consequences for the accused, the perpetrator shall be punished by 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/she shall be punished by a fine, but may also be released from punishment.

Preventing Presentation of Evidence Article 336

(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 three years.

(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 any judicial, administrative, minor offence or disciplinary proceedings, shall be punished by imprisonment for a term between six months and five years.

Breach of Confidentiality of the Proceedings Article 337

(1) Whoever, without authority, discloses information obtained in the course of judicial, minor offence, administrative or other legal proceedings, which must not be disclosed according to the law or has been declared as secret by the decision of a competent court or authority, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever discloses without the permission of the court the status of criminal proceedings against a juvenile, his/her name or the decision issued in the proceedings, shall be punished by a fine or imprisonment not exceeding three years.

Disclosure of Identity of a Protected Witness Article 338

A judge or other official person who participated in the hearing of a protected witness in the criminal proceedings, who discloses to an unauthorized person the details about the identity of a protected witness, shall be punished by imprisonment for a term between six months and five years.

Attack against a Judge and Public Prosecutor Article 339

(1) Whoever attacks or seriously threatens to attack a judge or public prosecutor in connection with the execution of his/her judicial or prosecutorial service, shall be punished by imprisonment for a term between one and eight years.

(2) Whoever, by using force, threatening to use of force or otherwise obstructs or prevents a judge or public prosecutor from the execution of his/her judicial or prosecutorial service, shall be

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

(3) In the event that the perpetration of the offence referred to in paragraphs (1) and (2) of this Article has resulted in a serious bodily injury of a person or the offence has been perpetrated by the threat of murder, abduction, use of weapons or within a group, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(4) In the event that the offence referred to in paragraphs (1) through (3) of this Article has resulted in the death of a person, the perpetrator shall be punished by imprisonment for a minimum term of eight years.

Violating the Court's Reputation Article 340

Whoever, during the course of proceedings before the court, holds in contempt a court of law or a judge by exposing them to derision and ridicule, or whoever does so in a written submission filed to a court, shall be punished by a fine or imprisonment for a term not exceeding one year.

Failure to Enforce the Decision of the Court Article 341

(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 Republika Srpska Constitutional Court.

(3) In the event that a serious breach of the right of another person or an extensive material damage occurs 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 and five years.

Breach of Court Order on the Ban on the Performance of Certain Occupation or Duty Article 342

Whoever, enables another person to perform certain occupation, activity or duty although knowing that there is a final and binding court decision pronouncing a security measure of a ban to perform certain occupation, activity or duty against that person, or such a security measure has 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 343

(1) Persons who are lawfully detained and who associate 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 a fine or 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 344

Whoever is lawfully detained and escapes, by force or by directly threatening the life or limb of another person, shall be punished by imprisonment for a term between six months and five years.

Facilitating the Escape of a Detained Person
Article 345

(1) Whoever, by force or threat of force, deceit or otherwise facilitates the escape of a person held in lawful detention, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated by an organized group or a number of persons have escaped as a result thereof, the perpetrator shall be punished by imprisonment for a term between one and eight years.

Breach of Law by a Judge or Public Prosecutor
Article 346

(1) A judge or a public prosecutor who, during the course of his/her official duty, with intent of acquiring a material gain or causing damages to another person, issues an unlawful decision or otherwise violates the law, shall be punished by imprisonment for a term between six months and five years.

(2) The same punishment shall also be pronounced against a judge of the Constitutional Court of the Republika Srpska who has perpetrated the offence referred to in paragraph (1) of this Article in the proceedings pending before the Constitutional Court of the Republika Srpska.

(3) In the event that the offence referred to in paragraph (1) or paragraph (2) of this Article has resulted in acquisition of a material gain or has caused in an amount exceeding BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while in the event that this amount exceeds BAM 50,000, perpetrator shall be punished by imprisonment for a term between two and twelve years.

CHAPTER TWENTY-SEVEN
CRIMINAL OFFENCES AGAINST LEGAL TRANSACTIONS

Forging Documents
Article 347

(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 a genuine document and puts such a 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 not exceeding five years.

(3) An attempt of the offence referred to in paragraph (1) shall also be punishable.

Special Cases of Forging Documents
Article 348

The punishment referred to in Article 347, paragraph (1) of this Code shall also be pronounced against:

- 1) anyone who, without authorization, completes a document, blanket 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 his/her 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 349

(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/her signature or official seal certifies an official or business document, record or file containing false data, or who by his/her signature or official seal facilitates the drawing up of documents, records or files containing false data, shall be punished by imprisonment for a term not exceeding five years.

(2) The punishment referred to in paragraph (1) of this Article shall be 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 Documents Article 350

(1) Whosoever manufactures, purchases, sells or lends equipment for forging documents, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The equipment used for forging the documents shall be forfeited.

Misleading for the Purpose of Certification of False Matters Article 351

(1) Whoever misleads a competent body into certifying any false matter in a public document, register or record, 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 record knowing it to be false.

Issuing or Using a False Medical or Veterinary Health Certificate Article 352

(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.

Counterfeiting of Securities
Article 353

- (1) Whoever makes false securities or alters genuine securities with the intention of circulating them as genuine or giving them to another person for use or obtains false securities with the intention of circulating them as genuine, shall be punished by a fine and imprisonment for a term not exceeding two years.
- (2) In the event that the sum of securities referred to in paragraph (1) of this Article exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while in the event that the sum exceeds BAM 50,000, 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 into circulation, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (4) The false securities shall be forfeited.

Counterfeiting of Credit Cards and Other Non-cash Payment Cards
Article 354

- (1) Whoever makes a false credit card or some other card for non-cash payment or alters such a genuine card with the intention of using it as genuine or uses such a false card as genuine, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) In the event that the perpetrator of the criminal offence referred to in paragraph (1) of this Article has acquired any material gain through the use of such a card, he/she shall be punished by a fine or imprisonment for a term not exceeding three years.
- (3) In the event that that the perpetrator of the criminal offence referred to in paragraph (1) of this Article has acquired any material gain exceeding the amount of BAM 10,000, he/she shall be punished by imprisonment for a term between one and eight years, while in the event that the material gain has exceeded the amount of BAM 50,000, the perpetrator shall be punished by imprisonment for a term between two and ten years.

Counterfeiting of Representations of Value
Article 355

- (1) Whoever makes false representations of value or alters genuine representations of value with the intent of using them as genuine or letting another person use them, or whoever uses such false representations of value as genuine or obtains them with such an intention, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) In the event that the sum of representations of value referred to in paragraph (1) of this Article exceeds BAM 10,000, the perpetrator shall be punished by imprisonment for a term between six months and five years, while in the event that the sum exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between one and eight years.
- (3) Whoever removes the cancelling 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) The false representations of value shall be forfeited.

Manufacturing, Procuring and Lending Equipment for Counterfeiting
Article 356

- (1) Whoever manufactures, procures, possesses, sells or lends to another person for use the

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 to another person for use the 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 357**

(1) Whoever, with the intent of using as genuine, makes false trademarks used for the identification of domestic or foreign commodities, such as false seals, stamps or hallmarks for branding gold, silver or other precious metals, livestock, wood or some other commodities, or with the same intent alters such genuine trademarks, or whoever uses false trademarks as genuine, shall be punished by a fine or by imprisonment for a term not exceeding 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 to another person for use the equipment for manufacturing false trademarks, as well as false measures and weights, shall be punished by a fine or by imprisonment for a term not exceeding two years.

(4) The false trademarks, measures and weights shall be forfeited.

CHAPTER TWENTY-EIGHT **CRIMINAL OFFENCES AGAINST PUBLIC PEACE AND ORDER**

Causing Disorder and Riots **Article 358**

(1) Whoever participates in a group of a larger number of persons who, by committing violence against other persons, objects or items or by issuing serious threats to commit violence, disrupt public order and peace, shall be punished by a fine or by imprisonment for a term not exceeding three years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated against a large number of persons, out of hatred, by using weapons or dangerous implements, or in the event that it has resulted in a serious bodily injury or a substantial property damage for a person, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(3) In the event that the offense referred to in paragraph (1) of this Article has resulted in a large-scale damage or death of a person, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(4) There shall be no punishment of the person participating in the perpetration of the offence referred to in paragraphs (1) and (2) who has withdrawn from the group at the request of an official person before the violence is committed.

Publicly Inciting and Inflaming Violence and Hatred **Article 359**

(1) Whoever, by using the press, radio, television, a computer system or a social network, at a public gathering or at a public area or otherwise, publicly calls for, incites or inflames or makes available to the public the leaflets, images or any other materials that call for violence or hatred against a certain person or groups on account of their national, racial or religious or ethnic affiliation, skin colour, sex, sexual orientation, disability, gender identity, origin or other properties, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever commits the offence referred to in paragraph (1) of this Article by employing coercion, duress, abuse, endangering the safety, exposing national, ethnic or religious symbols to derision, damaging other people's belongings, desecrating monuments, memorials or graves, shall be punished by imprisonment for a term between one and five years.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have resulted in riots, violence or any other serious consequences to coexistence of the constituent peoples and others who live in Republika Srpska, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(4) The materials and items containing the messages referred to in paragraph (1) of this Article and equipment used for their production, duplication or dissemination shall be forfeited.

Manufacturing and Purchasing Weapons and Items for the Purpose of Committing Criminal Offences Article 360

(1) Whoever manufactures, possesses, purchases or enables another person to obtain weapons, explosive substances, toxic agents or items necessary for their manufacture knowing they are to be used for the perpetration of a criminal offence, shall be punished by a fine or by imprisonment for a term not exceeding three years.

(2) Whoever makes or provides another with a false key, picklock or some other means for burglary knowing it is designated for the perpetration of a criminal offence, shall be punished by a fine or by imprisonment for a term not exceeding two years.

(3) The punishment referred to in paragraph (2) of this Article shall be pronounced against a person who makes, purchases, sells or lends to another person for use the instructions or items that are to be used for accessing a computer system.

(4) The items referred to in paragraphs (1) through (3) of this Article and the items used for their production, transport and distribution shall be forfeited.

Illegal Manufacturing and Trade of Weapons or Explosive Substances Article 361

(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 or citizens 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) In the event that 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 highly destructive force and extremely dangerous, or if the offence was perpetrated 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/she knows are to be used for manufacturing or use of the items referred to in paragraphs (1) and (2) of this Article, shall be punished for the offence referred to in paragraph (1) of this Article by imprisonment for a term not exceeding three years, while for the offence referred to in paragraph (2) of this Article he/she shall be punished by imprisonment for a term between six months and five years.

(4) Whoever carries, in public, without authority, any firearms the acquisition of which is not forbidden to citizens, but lacks a gun license or permit for such firearms, shall be fined or punished by imprisonment for a term of maximum one year.

(5) The items referred to in paragraphs (1) through (4) of this Article and the equipment used for their production, transport or distribution shall be forfeited.

Violent Behaviour Article 362

(1) Whoever harshly insults, abuses, or commits an act of violence against another person, or provokes a fight or otherwise endangers security of others and thereby causes serious disturbance and fear among citizens or seriously disturbs public order and peace, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated by a group, or if a number of people have been seriously insulted or abused, or if a bodily injury has been inflicted upon another person by the perpetrator, the perpetrator shall be punished by imprisonment for a term between six months and five years.

Violent Behaviour at Sport Events or Public Gatherings Article 363

(1) Whoever physically assaults or engages in a fight with participants in a sport event or public gathering, commits violence or causes damage to property of substantial value while coming to or leaving a sport event or a public gathering, brings into a sports facility or throws onto sports grounds, into a group of spectators or persons attending a public gathering various objects, fireworks, or other explosive, flammable or harmful substances which might cause bodily injuries or endanger the health of those participating in the sport event or public gathering, enters sports grounds or the section of the grandstand intended for supporters of the opposing team without authorization and provokes violence, damages the sporting facility, its equipment, devices, and installations; behaves in such a way or shouts slogans or carry placards at a sport event or public gathering as to provoke national, racial, religious, or some other kind of hatred or intolerance based on some discriminatory grounds, which results in violence or a physical altercation with the persons participating in the event or gathering, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) hereof has been perpetrated by a group, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(3) The ringleader of the group that has perpetrated the offence referred to in paragraph (1) hereof shall be punished by imprisonment for a term between three and twelve years.

(4) In the event that the perpetration of the offence referred to in paragraph (1) hereof has caused riots during which any person suffers a grievous bodily harm or a substantial damage to property, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(5) An official or responsible person who has failed to undertake the security measures while organizing a sport event or a public gathering in order to prevent or stop riots and thus causing any risk for life and limb of a large number of persons or a substantial damage to property, shall be punished by imprisonment for a term not exceeding three years and by a fine.

(6) A security measure of mandatory ban on attending certain sport events shall be pronounced against the perpetrator of any of the offences referred to in paragraphs (1) through (4) hereof perpetrated at a sport event.

(7) Whoever violates the security measure referred to in paragraph (6) hereof, shall be punished by a fine or imprisonment for a term not exceeding six months.

Conspiracy to Commit a Criminal Offence Article 364

Whoever agrees with another to perpetrate a criminal offence punishable by imprisonment for a

term of five years or more, shall be punished by a fine or imprisonment for a term not exceeding one year.

Article 365

Associating for the Purpose of Committing Criminal Offences

(1) Whoever organizes or directs a group of persons with the intention of committing criminal offences punishable by imprisonment for a term of three years or more, shall be punished by imprisonment for a term between six months and five years, unless a more severe punishment for such organising is prescribed by law.

(2) Whoever organizes or directs an organised criminal group with the intention of committing criminal offences defined by this Code, shall be punished by imprisonment for a term between one and eight years, unless a more severe punishment for such organising is prescribed by law.

(3) A member of the group referred to in paragraph (1) hereof, shall be punished by imprisonment for a term not exceeding three years, while a member of an organised criminal group referred to in paragraph (2) hereof, shall be punished by imprisonment for a term between one and five years.

(4) In the event that the offense referred to in paragraphs (1) and (2) hereof refers to a group or organised criminal group whose intent is to commit the criminal offenses punishable by imprisonment for a term of twenty years or a long-term imprisonment, the organizer of a group or the organiser of the organized criminal group shall be punished by imprisonment for a minimum term of five years, while a member of the group or a member of the organized criminal group shall be punished by imprisonment for a term between one and ten years.

(5) An organizer of the group or the organised criminal group referred to in paragraphs (1), (2) and (4), who reports or reveals the group or the organised criminal group in a timely manner, or who, by revealing the group or the organised criminal group or otherwise, prevents the perpetration of any criminal offence for the purpose of which the group or the organised criminal group was organised, shall be punished by imprisonment for a term not exceeding three years, but may also be released from punishment.

(6) A member of the group or a member of the organised criminal group referred to in paragraphs (3) and (4) hereof, who reveals such a group or organised criminal group prior to having committed, either as member of the group or for the group's causes, a criminal offence for the purpose of which the group or the organised criminal group was organised or who reveals the leading members of the group or the organised criminal group, shall be punished by a fine or imprisonment for a term not exceeding one year, but may also be released from punishment.

Perpetration of a Criminal Offense as Part of a Criminal Association

Article 366

(1) Whoever, within a group or an organized criminal group, commits the criminal offense defined by this Code, shall be punished by imprisonment for a term between one and fifteen years, unless a more severe punishment is prescribed for the particular criminal offense.

(2) Whoever, within a group or an organized criminal group, commits a criminal offense defined by this Code as punishable by imprisonment for a term of three years or a more severe sentence, shall be punished by imprisonment for a minimum term of three years, unless a more severe punishment is prescribed for the particular criminal offense.

(3) Whoever organizes or directs a group or an organized criminal group that jointly commits the criminal offense prescribed by this Code, shall be punished by imprisonment for a minimum term of eight years or by a long-term imprisonment.

(4) A member of a group or an organized criminal group who, by joint action, commits the criminal offense prescribed by this Code, shall be punished by imprisonment for a term between one and ten years, unless a more severe punishment is prescribed for the particular criminal offense.

(5) A member of a group or an organized criminal group referred to in paragraphs (1) through (4) of this Article, who reports or reveals in a timely manner the group or the organized criminal group or

their leading members prior to having committed, either as member of the group or for the group's causes, a criminal offence for the purpose of which the group or the organised criminal group was organised, shall be punished by imprisonment for a term not exceeding two years, but may also be released from punishment.

Participating in a Group Which Committed a Criminal Offence
Article 367

(1) Whoever participates in a group which jointly engage in some violent behaviour against persons, causes substantial damage to property or commits any other serious violence or attempts to commit any of these offences, shall be punished by a fine or imprisonment for a term not exceeding three years for participation only.

(2) In the event that the course of action of the group referred to in paragraph (1) of this Article has caused the death of one or more persons or their grievous bodily harm or injury, 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 that has 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.

Gambling
Article 368

(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 punishment referred to in paragraph (1) of this Article shall also be pronounced against anyone who, for a reward, provides the premises or space used for gambling or facilitates the gambling in some other manner in return for such a reward.

(3) Whoever uses any 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 two years.

(4) The gambling items and money found in gambling shall be forfeited.

Desecration of a Grave or a Corpse
Article 369

(1) Whoever, without authorization, digs over, demolishes, damages or desecrates a grave or another place of burial of the deceased persons or otherwise severely violates the memorial designated for the deceased, 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 ashes of the deceased person, or otherwise desecrates a corpse of the deceased or the mortal remains thereof, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) In the event that 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 offensive manner or out of hatred, the perpetrator shall be punished by imprisonment for a term between one and five years.

CHAPTER TWENTY-NINE
CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

Environmental Pollution
Article 370

(1) Whoever, by violating the regulations on the protection, preservation and improvement of the environment, pollutes the air, water or soil to a larger extent or in a wider area, shall be punished by imprisonment for a term between six months and three years.

(2) In the event that the offence referred to in paragraph (1) of this Article has resulted in the destruction or a considerable damage to the forest and other plant communities and their habitats over a wider area or it has caused such a high level of environmental pollution that the human and animal health has been put at risk as a result of it, the perpetrator shall be punished by imprisonment for a term between one and five years.

(3) In the event that the offences referred to in paragraph (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator shall be punished for the offence referred to in paragraph (1) by imprisonment for a term not exceeding two years, while for the offence referred to in paragraph (2) the perpetrator shall be punished by imprisonment for a term between six months and three years.

Polluting the Environment with Waste Materials Article 371

(1) Whoever, contrary to the applicable regulations, processes, disposes, dumps, collects, stockpiles, imports, exports or transports any dangerous waste, nuclear material or other radioactive substances or hazardous materials or whoever mediates in that regard or handles these materials and substances in such a way that can cause a long-term and considerable risk for the quality of air, soil, water or forests, or may cause harm to plants or animals on a large-scale and in a wider area, or may endanger human lives or health, shall be punished by imprisonment for a term between one and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between six months and three years.

(3) Whoever, by abusing his/her official position or authority, allows the undertaking of the actions referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between two and eight years.

(4) In the event that the offenses referred to in paragraphs (1) and (3) of this Article have resulted in the destruction of animal or plant life on a large-scale or the pollution of the environment to such an extent that it has caused harm to human lives and health, the perpetrator shall be punished by imprisonment for a term between two and ten years, while for the offence referred to in paragraph (2) of this Article, the perpetrator shall be punished by imprisonment for a term between one and five years.

Noise and Ionizing Radiation Affecting the Environment Article 372

(1) Whoever, in breach of the applicable legislation, creates noise or ionizing radiation that may cause serious harm for human lives and health, shall be punished by imprisonment for a term between six months and three years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

Causing Harm to the Environment by Breach of the Regulations on Construction of Facilities, Buildings, Installations and Plants Article 373

(1) Whoever, contrary to the applicable regulations, constructs, puts into operation or operates a

plant or facility where dangerous operations take place or where hazardous substances or means used for their preparation are kept or used, which can cause a considerable risk for the quality of air, soil or water or may cause harm to animals or plants or may endanger human lives or health on a large scale or in a wider area, shall be punished by imprisonment for a term between one and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term between six months and three years.

(3) An official or responsible person who, contrary to the applicable regulations, allows the construction, putting into operation or use of such facilities, plants or installations, shall be punished by imprisonment for a term between two and eight years.

Damaging the Facilities, Installations and Equipment Used for Environmental Protection **Article 374**

(1) Whoever damages, destroys, removes or otherwise renders inoperable the facilities, equipment or installations used for environmental protection and thereby causes a considerable risk for the pollution of air, soil or water on a large scale or in a wider area, the perpetrator shall be punished by imprisonment for a term between one and three years.

(2) In the event that the offence referred to in paragraph (1) of this Article have resulted in the destruction of animal or plant life on a large scale or the pollution of the environment to such an extent to cause the risk for human lives or health, the perpetrator shall be punished by imprisonment for a term between two and eight years

(3) In the event that 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 between six months and three years.

Destructing or Damaging Protected Natural Assets or Resources **Article 375**

(1) Whoever, contrary to the applicable regulations, destroys, captures, takes or possesses any protected species of animals, plants or other protected natural assets or protected resources, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated against a strictly protected wild species of animals or plants, the perpetrator shall be punished by imprisonment for a term between one and five years.

(3) In the event that the destroyed or damaged natural resources or assets are of an immense importance, the perpetrator shall be punished by imprisonment for a term between two and eight years.

(4) In the event that the offences referred to in paragraphs (1), (2) and (3) of this Article have been perpetrated out of negligence, the perpetrator shall be punished for the offense referred to in paragraph (1) of this Article by imprisonment for a term not exceeding one year, while for the offense referred to in paragraph (2) of this Article, the perpetrator shall be punished by imprisonment for a term between six months and three years, while for the offense referred to in paragraph (3) of this Article, the perpetrator shall be punished by imprisonment for a term between one and five years.

Destruction of Natural Habitats **Article 376**

(1) Whoever, contrary to the applicable regulations, destroys or causes any considerable deterioration of the natural habitat of a protected species of animals or plants, shall be punished by a fine or by imprisonment for a term not exceeding three years.

(2) Whoever commits the offence referred to in paragraph (1) of this Article against the habitat, or the area of reproduction, breeding, young-animal raising, migration or hibernation of a strictly protected species of wild animals or plants, 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 also be pronounced against the person who has destroyed or caused any significant level of degradation of the habitat in a protected nature reserve area or in an ecologically important area.

(4) Whoever has perpetrated the offences referred to in paragraphs (1), (2) and (3) of this Article, shall be punished for the offense referred to in paragraph (1) of this Article by imprisonment for a term not exceeding one year, while for the offenses referred to in paragraphs (2) and (3) of this Article the perpetrator shall be punished by imprisonment for a term not exceeding three years.

Producing Harmful Products for Medical Treatment of Animals Article 377

(1) Whoever produces the products used for medical treatment of animals or prevention of infectious diseases in animals, for the purpose of selling or placing them on the market, which are dangerous for their life or health, shall be punished by imprisonment for a term between six months and three years.

(2) In the event that the offense referred to in paragraph (1) of this Article has caused the death of animals or other considerable damage, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) In the event that the offenses referred to in paragraphs (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding one year.

Contaminating Animal Fodder and Water Article 378

(1) Whoever, by using any harmful substance, contaminates food or water used for feeding or watering animals and thereby endangers their life or health, 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 also be pronounced against anyone who, by using harmful substances contaminates or pollutes the water in fish farms, lakes, rivers or canals or by stocking them with fish from contaminated waters, which may cause considerable danger for the survival of fish or other aquatic animals.

(3) In the event that the offense referred to in paragraphs (1) and (2) of this Article has caused the death of a large number of animals or fish on a large scale, the perpetrator shall be punished by imprisonment for a term between one and five years.

(4) In the event that the offences referred to in paragraphs (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding one year.

Unlawful Extraction and Introduction of Strictly Protected Plants or Animals or Genetically Modified Organisms Article 379

(1) Whoever, contrary to the applicable regulations, trades, imports, exports, extracts or introduces a strictly protected species of plants or animals, or their parts and derivatives, shall be punished by imprisonment for a term between six months and three years.

(2) Whoever, contrary to the applicable regulations, transports across the border a living genetically modified organism or introduces a living genetically modified organism or foreign wild species of micro-organisms, plants or animals into an environment in which they are naturally unable to

survive and thus causes any considerable or permanent damage to nature, shall be punished by imprisonment for a term between one and five years.

Endangering the Ozone Layer Article 380

(1) Whoever, contrary to the applicable regulations, produces, imports, exports, puts into circulation or uses the substances that may damage the ozone layer, shall be punished by imprisonment for a term between six months and three years.

(2) In the event that the offense referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding two years.

Failure to Comply with the Regulations for Suppression of Animal and Plant Diseases Article 381

(1) Whoever fails to comply with the applicable regulations and an order issued by a competent authority for the purpose of prescribing the measures to suppress or prevent contagious diseases in animals or plants, thus causing a risk of spreading the disease or the cause of the disease or plant pests, 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 also be pronounced against anyone who, during the presence of the risk of the diseases and pests that may endanger the flora, fails to comply with the applicable regulations and orders issued for the purpose of prescribing the measures to suppress or prevent the diseases or pestilences.

(3) In the event that the offense referred to in paragraphs (1) and (2) of this Article has resulted in any considerable damage, the perpetrator shall be punished by imprisonment for a term between one and five years.

(4) In the event that the offense referred to in paragraphs (1), (2) and (3) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding two years.

Malpractice in Circulation of Pesticides Article 382

Whoever puts a pesticide into circulation without the required permit or issues a substitute pesticide other than the one prescribed, in circumstances where no substitution is allowed, or otherwise acts unconscientiously in the pesticide circulation thus causing a risk for human lives and health or risk for the environment, shall be punished by a fine or imprisonment for a term between six months and five years.

Malpractice in Rendering Veterinary Assistance Article 383

(1) A veterinarian or an authorised veterinary assistant who, in rendering the veterinary assistance, prescribes or applies a manifestly inappropriate curing agent or medication or a manifestly improper method of medical treatment or otherwise acts unconscientiously in providing medical treatments to animals, thus causing the mass death of livestock or poultry, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding two years.

Unauthorized Provision of Veterinary Services
Article 384

A person who does not have a prescribed professional qualification, but performs the animal health care activities or other veterinary operations, shall be punished by imprisonment for a term between six months and five years.

Destruction of Crops
Article 385

Whoever, by using a harmful substance, causes the destruction of herbs, fruit trees or other crops and thus causing a damage on a large scale, shall be punished by imprisonment for a term between six months and three years.

Failure to Comply with a Decision on the Environmental Protection Measures
Article 386

(1) An official or responsible person who fails to comply with a decision of the competent authority on measures for the protection of the environment, shall be punished by imprisonment for a term between six months and three years.

(2) When pronouncing a suspended sentence, the court may impose the obligation on the perpetrator requiring of him/her to undertake the measures ordered by the competent authority within the required timeframe.

Importing Hazardous Materials into the Republika Srpska
Article 387

(1) Whoever, contrary to the applicable regulations, imports into the Republika Srpska any radioactive materials or other such wastes or substances that are harmful to human lives or health, shall be punished by imprisonment for a term between one and five years.

(2) Whoever, by abuse of his/her office or official authority, contrary to the applicable regulations, facilitates the importation of substances referred to in paragraph (1) of this Article into the Republika Srpska, shall be punished by imprisonment for a term between two and eight years.

Depredation of Forests
Article 388

(1) Whoever, contrary to the applicable regulations or the 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 an alley, shall be punished by imprisonment for a term between six months and three years.

(2) Whoever commits the offence referred to in paragraph (1) of this Article in a protected forest, national reserve park or in some other special purpose forest, shall be punished by imprisonment for a term between one and five years.

Causing Forest Fire
Article 389

(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 reserve park, orchard or other special

purpose forest 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 three years.

Torture and Killing of Animals **Article 390**

(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 in a wide area, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) In the event that the offense referred to in paragraph (1) of this Article has resulted in the death of a larger number of animals belonging to a group of protected animal species, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) In the event that 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 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).

Unlawful Occupation and Exploitation of Natural Resources and Assets of Common Interest **Article 391**

(1) Whoever, with the intent of owning and using, occupies a property declared to be an asset of common interest, a cultural monument, natural rarity or other natural resource shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) Whoever, contrary to the applicable regulations, exploits mineral resources and other natural resources, shall be punished by imprisonment for a term between one and five years.

(3) In the event that the offense referred to in paragraph (2) of this Article has been perpetrated with the intention of acquiring unlawful material gain, the perpetrator shall be punished by imprisonment for a term between two and eight years.

(4) Whoever, by abusing his/her official position or authority, enables the execution of the actions referred to in paragraph (2) of this Article, while causing as a result of the offences referred to in paragraphs (2) and (3) of this Article a property damage to the Republika Srpska or to a unit of local self-government, shall be punished by imprisonment for a term between two and ten years.

(5) In the event that the offenses referred to in paragraphs (3) and (4) of this Article have caused the environmental pollution to such an extent of endangering human lives or health, the perpetrator shall be punished by imprisonment for a term between three and ten years.

Illegal Hunting **Article 392**

(1) Whoever hunts any game during a closed hunting season, 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 permanently brings out of the country the finest specimens of the harvested trophy game animals.

(3) Whoever, without any authorization, hunts in a restricted game preserve area, kills, wounds or captures the game alive, shall be punished by a fine or imprisonment for a term between six months and three years

(4) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated against any big game, the perpetrator shall be punished by imprisonment for a term between one and five years.

(5) Whoever hunts a permanently or temporarily protected rare game or game in extinction whose hunting is prohibited, or whoever, without a license, hunts game for whose hunting requires a special license or whoever hunts in a manner or by means that kills the game on a massive scale, shall be punished by imprisonment for a term between two and eight years.

(6) The harvested game and the hunting equipment shall be forfeited.

Illegal Fishing

Article 393

(1) Whoever catches fish and other freshwater aquatic animals during a closed season or in a prohibited fishing area, or catches fish and other freshwater aquatic animals by using explosives, electric power, poison, paralyzing substances and thereby causes their death or fishes in any way harmful to their breeding, 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 and thereby causes the death of a large number of fish or other freshwater aquatic animals on a massive scale, shall be punished by imprisonment for a term between six months and three years.

(3) The catch and the fishing equipment shall be forfeited.

CHAPTER THIRTY

CRIMINAL OFFENCES AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY

Causing Public Danger

Article 394

(1) Whoever causes a large scale danger for human lives or property 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 by some other generally dangerous action or 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 responsible person who fails to install the proper devices for the protection against fire, explosion, flooding, poisons, 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 put them in operation when required, or generally fails to comply with rules or technical regulations on protective measures, and who thus causes a large scale danger for human lives or property.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have been perpetrated in the place of gathering of a large number of persons, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) In the event that the offences referred to in paragraphs (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding three years.

(5) In the event that the offences referred to in paragraphs (1), (2) and (3) of this Article have been perpetrated out of hatred, the perpetrator shall be punished by imprisonment for a term between one to ten years.

(6) In the event that 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 in the event that an extensive property damage has been caused as a result of these offences, 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 two and twelve years for the offences referred to in paragraph (3), and by imprisonment for a term between one and eight years for the offences referred to in paragraph (4).

(7) In the event that the offences referred to in paragraphs (1), (2), (3) and (4) have resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of five years for the offences referred to in paragraphs (1), (2) and (3), and by imprisonment for a term between one and ten years for the offences referred to in paragraph (4).

Causing Danger by Breach of Construction Rules Article 395

(1) A responsible person who, in the course of designing a project, directing or carrying out the civil engineering works on a building, bridge, road or any other construction works, acts contrary to regulations and generally accepted technical rules, thus endangering human lives or health or causing a major danger to property, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by imprisonment for a term not exceeding three years.

(3) In the event that 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 and 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) In the event that the 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 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 the event that the criminal offence referred to in paragraph (1) of this Article has resulted in acquisition of an unlawful material gain or has caused any damage exceeding the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years, while in the event that this amount exceeds BAM 50,000, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

Damaging Safety Equipment at Work Article 396

(1) Whoever destroys, damages, disconnects, switches off, or removes any safety equipment in mines, factories, workshops, construction sites or any other working sites, and thereby causes danger to human lives or to property on a large scale, shall be punished by imprisonment for a term between one and five years.

(2) The punishment referred to in paragraph (1) of this Article shall be pronounced against any person responsible for undertaking the occupational security measures in a mine, factory, workshop, construction site or any other working site who fails to install the safety equipment or fails to maintain it in proper condition, or fails to put in operation when necessary, or generally fails to comply with the occupational safety regulations, thus causing a high large scale risk for human lives and property.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding two years.

(4) In the event that one or more persons have suffered a grievous bodily injury as a result of the offences referred to in paragraphs (1), (2) and (3) of this Article, or in the event that an extensive property has been caused as a result of them, 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), and by imprisonment for a term between six months and five years for the offence referred to in paragraph

(3).

(5) In the event that the 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 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 397

(1) Whoever, by demolishing, damaging, appropriating, changing, rendering inoperable or removing any public facilities for the supply of water, heat, gas, electricity or other energy, or communication system facilities or other public facilities, or otherwise damages or renders inoperable any infrastructure facilities, shall be punished by imprisonment for a term between six months and five years.

(2) In the event that the offence referred to in paragraph (1) of this Article has caused any serious disruptions in the operation of such facilities, or a disruption to the orderly life of citizens or the operation of the economy and industry, shall be punished by imprisonment for a term between one and eight years.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have been perpetrated out of negligence, the perpetrator 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 (2).

Damaging a Dam or Water Management Facilities

Article 398

(1) Whoever damages any facility or dam serving as a protection against natural disasters, shall be punished by imprisonment for a term between six months and three years.

(2) Whoever damages, destroys or renders inoperable any important water management facilities, shall be punished by imprisonment for a term between one and five years.

(3) In the event that the offence referred to in paragraph (2) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding three years.

Improper Transport of Explosive or Inflammable Substances

Article 399

Whoever, contrary to the regulations applicable to the transportation of explosive substances or highly inflammable materials, consigns those substances to an operator for their transport by any means of public transportation, or transports such materials himself/herself 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 400

(1) Whoever fails to take steps to avert a fire, flood, explosion, traffic accident or some other danger to human lives or safety or to a property on a large scale, by not notifying the competent authorities in a timely manner or otherwise, even though he/she could have done so without exposing himself/herself or another person 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 person from taking the steps to avert a fire, flood, explosion, traffic accident or some other danger to human lives or safety or to property

on a large scale, shall be punished by a fine or by imprisonment for a term not exceeding three years.

Failure to Participate in Averting Public Danger Article 401

Whoever, without any justifiable reason, refuses to participate in averting a fire, flood or some other emergencies, contrary to an order or call issued by a competent authority or organization, shall be punished by a fine or imprisonment for a term not exceeding one year.

CHAPTER THIRTY-ONE CRIMINAL OFFENCES AGAINST SAFETY OF TRAFFIC

Endangering Public Transport Article 402

(1) In the event that a road traffic participant fails to comply with the applicable traffic regulations and thereby jeopardizes public transport to the point of creating an extensive danger for human lives, thus causing grievous bodily injuries to other persons, shall be punished by imprisonment for a term between six months and five years.

(2) The perpetrator of the criminal offense referred to in paragraph (1) of this Article, who was under the influence of alcohol equivalent to a concentration of more than 1.50g/kg of alcohol in the blood sample, or under the influence of narcotic drugs, or who has driven at a speed exceeding the maximum permitted speed limit by 50 km/h, shall be punished by imprisonment for a term between one and eight years plus the penalty of the prohibition of driving a motor vehicle.

(3) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding three years.

(4) In the event that the 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 plus the penalty of the prohibition of driving a motor vehicle for the offence referred to in paragraph (1), and by imprisonment for a term between three and fifteen years plus the penalty of the prohibition of driving a motor vehicle for the offence referred to in paragraph (2).

(5) In the event that the offence referred to in paragraph (3) of this Article has resulted in the death of one or more persons, the perpetrator shall be punished by imprisonment for a term between one and eight years plus the penalty of the prohibition of driving a motor vehicle.

Endangering Specific Types of Transport Article 403

(1) Whoever violates the applicable 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) In the event that 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 three years.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have resulted in a grievous bodily injury of one or more persons or in an extensive property damage, the perpetrator shall be punished by imprisonment for a term between one and 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) In the event that that the 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 three and fifteen years plus the penalty of the prohibition of driving a motor vehicle for offence referred to in paragraph (1), and by imprisonment for a term between one and eight years plus the penalty of the prohibition of driving a motor vehicle for the offence referred to in paragraph (2).

Endangering Public Transport by Dangerous Actions or Means Article 404

(1) Whoever, by destroying, removing or seriously damaging any traffic equipment, devices, signs or signalling devices designed for traffic safety, or by giving false traffic signs or signals, erecting road blocks or otherwise endangers public transport to the point of creating an extensive danger to human lives or safety or property on a large scale, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated out of negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year.

(3) In the event that the offences referred to in paragraphs (1) and (2) of this Article have resulted in a grievous bodily injury of one or more persons or in an extensive property damage, the perpetrator shall be punished by imprisonment for a term between one 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) In the event that that the 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 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 405

(1) A responsible person who was entrusted with the supervision of the condition and maintenance of roads and associated equipment, means of transportation, public transport, or the implementation of the prescribed working conditions for drivers, or a person entrusted with managing the driving and who in the careless performance of his/her duties causes any danger to human lives or safety or a large scale risk for 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 travelling although being aware that the driver is incapable of safely operating his/her vehicle due to fatigue, illness, the influence of alcohol or some other reason, or if the vehicle is not in a proper operating condition, and thereby causes a danger to human lives or safety or a large scale risk for property.

(3) In the event that 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) In the event that the offences referred to in paragraphs (1), (2) and (3) of this Article have resulted in a grievous bodily injury of one or more persons or in an extensive property, 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) In the event that that the 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 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 406

(1) The driver of a motor vehicle or other means of transport who injures another person with that vehicle or whose injury he/she 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) In the event that the failure to render aid has resulted in a grievous bodily injury of the injured person, the perpetrator shall be punished by imprisonment for a term between six months and three years.

(3) In the event that the failure to render aid has resulted in the death of the injured person, the perpetrator shall be punished by imprisonment for a term between one and eight years.

CHAPTER THIRTY-TWO
CRIMINAL OFFENCES AGAINST COMPUTER DATA SECURITY
Damage to Computer Data and Programmes
Article 407

(1) Whoever, without authorization, deletes, alters, damages, conceals or otherwise renders unusable any computer data or programme, shall be punished by a fine or imprisonment term of a maximum one year.

(2) In the event that the offence referred to in paragraph (1) of this Article has caused damages in the amount exceeding BAM 10,000 the perpetrator shall be punished by imprisonment of a term between six months and three years.

(3) In the event that the offence referred to in paragraph (1) of this Article has caused damages in the amount exceeding BAM 50,000, the perpetrator shall be punished by imprisonment of a term between one and five years.

(4) The devices and means used for the perpetration of the offences referred to in paragraphs (1) and (2) of this Article shall be forfeited.

Computer Sabotage
Article 408

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise renders unusable computer data or program, or destroys or damages a computer or other device for electronic processing and transmission of data with the intent of preventing or significantly interfering with the process of electronic processing and transmission of data which is important for the Republic governmental bodies, public services, institutions, business companies or other entities, shall be punished by imprisonment for a term of between six months and five years.

Developing and Introducing Computer Viruses
Article 409

(1) Whoever develops a computer virus with the intention of introducing it into someone else's computer or computer network or telecommunications network, shall be punished by a fine or imprisonment for a maximum term of six months.

(2) Whoever enters a computer virus into someone else's computer or computer network and thus causes damage shall be punished by a fine or imprisonment term for a maximum term of two years.

(3) The devices and means used for the perpetration of the criminal offences under paragraphs (1) and (2) of this Article shall be forfeited.

Computer Fraud Article 410

(1) Whoever enters any false information, fails to enter correct data or otherwise conceals or falsely represents the data and thus affects the results of the electronic data processing and transmission with the intent of acquiring for himself/herself or another person any unlawful material gain, and thereby causes property damage to another person, shall be punished by a fine or imprisonment term for a maximum term of three years.

(2) In the event that material gain acquired by the offence referred to in paragraph (1) of this Article exceeds the amount of BAM 10,000, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(3) In the event that the material gain acquired by the offence referred to in paragraph (1) of this Article exceeds the amount of BAM 30,000, the perpetrator shall be punished by imprisonment of a term between two and ten years.

(4) Whoever perpetrates the offence referred to in paragraph (1) of this Article with the intention of only causing damage to another person, shall be punished by a fine or imprisonment for a maximum term of six months.

Unauthorised Access to Protected Computers, Computer Networks, Telecommunication Networks and Electronic Data Processing Systems Article 411

(1) Whoever, in violation of the security measures, connects to a computer or computer network or accesses an electronic data processing system without authorization, shall be punished by a fine or imprisonment for a maximum term of six months.

(2) Whoever records or uses the data obtained in the manner provided in paragraph (1) of this Article, shall be punished by a fine or imprisonment for a maximum term of two years.

(3) In the event that the offence referred to in paragraph (1) of this Article has stalled or seriously disrupted the functioning of the electronic data processing and transmission or a network or caused other serious consequences, the perpetrator shall be punished by imprisonment term not exceeding three years.

Preventing and Limiting Access to a Public Computer Network Article 412

(1) Whoever obstructs or prevents access to a public computer network without authorisation, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) In the event that the offence referred to in paragraph (1) of this Article has been perpetrated by an official person in the execution of his/her duties, he/she shall be punished by a fine or imprisonment for a maximum term of three years.

Unauthorised Use of Computers or Computer Networks Article 413

(1) Whoever uses any computer services or computer networks without authorization with the intention of acquiring unlawful material gain for himself/herself or another person, shall be

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

(2) The prosecution of the offence referred to in paragraph (1) of this Article shall be initiated following the submission of a motion.

CHAPTER THIRTY THREE TRANSITIONAL AND FINAL PROVISIONS

Article 414

Within the period of six months following the entry into force of this Code, the Minister shall adopt:

- 1) the Rulebook on the Method of Performing the Community Work as referred to in paragraph (7) of Article 70 of this Code;
- 2) the Rulebook on Keeping the Criminal Records as referred to in paragraph (1) of Article 92 of this Code.

Article 415

As of the date of entry into force of this Code, the Criminal Code of Republika Srpska (“Official Gazette of the Republika Srpska”, Nos. 49/03, 108/04, 37/06, 70/06, 73/10, 1/12 & 37/13) shall cease to be applicable.

Article 416

This Code shall enter into force on the eighth day following the date of its publication in the “Official Gazette of the Republika Srpska”.

No: 02/1-021- 641/17
Date: 15 June 2017

PRESIDENT
OF THE NATIONAL ASSEMBLY

Nedeljko Čubrilović