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Department for Legal Affairs



LAW ON AMENDMENTS TO THE CRIMINAL CODE OF THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

**“Official Gazette of the Brcko District of Bosnia and
Herzegovina”, 26/16**

**Criminal Code of the Brcko District of Bosnia and Herzegovina was published in the “Official
Gazette of the Brcko District of Bosnia and Herzegovina”, 10/03.**

Pursuant to Article 22 of the Statute of the Brčko District of BiH – Consolidated text (“Official Gazette of the Brčko District of BiH No. 2/10) the Assembly of the Brčko District of BiH, at the 79th regular session held on 13th July 2016, hereby adopts the

LAW ON AMENDMENTS TO THE CRIMINAL CODE OF THE BRCKO DISTRICT OF BIH

Article 1

In the Criminal Code of the Brčko District of BiH (“Official Gazette of the Brčko District of BiH”, No. 33/13 – Consolidated text), in Article 43a, paragraph (1), the wording: “can” shall be replaced with wording: “shall”.

Paragraph (2) shall be amended to read:

“(2) Imprisonment shall be substituted with a fine in a way that every day of imprisonment shall equal to KM 100 fine.”

Article 2

Article 199 shall be amended to read:

“Article 199 Funding Terrorist Activities

- (1) Whoever by any means, directly or indirectly, provides or collects funds with the aim that they be used or knowing that they are to be used, in full or in part, in order to perpetrate a criminal offence referred to in Article 197 (*Taking Hostages*) and 198 (*Terrorism*) of this Code, or other criminal offence referred to in this Code that may cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate population, or to compel the authorities of the Brcko District of Bosnia and Herzegovina to perform or to abstain from performing any act, regardless whether the terrorist acts are perpetrated or whether the funds were used for the perpetration of terrorist acts, shall be sentenced to imprisonment for a term between one and ten years.
- (2) The punishment referred to in paragraph (1) of this Article shall be imposed on any person who, by any means, directly or indirectly, provides or collects or otherwise raises the funds:
 - a) aiming to enable their use, in full or in part, for any purpose, by terrorist organizations or individual terrorists; or
 - b) Knowing that they are to be used, in full or in part, for perpetration of criminal offences referred to in paragraph (1) of this Article, by terrorist organizations or individual terrorists.

- (3) The collected funds designated for the perpetration of or generated through the perpetration of the criminal offense referred to in paragraph (1) of this Article, shall be seized.
- (4) The funds referred to in paragraphs (1) and (2) of this Article shall include the funds of every kind, no matter whether they comprise property or rights, either tangible or intangible, movable or immovable, regardless of how they have been acquired, and legal documents or instruments in any form, including also those electronic or digital, proving the ownership or the right to ownership over such property, including, but not limited to bank loans, travelers checks, bank checks, money orders, shares, securities, bonds, bills of exchange and letters of credit.”

Article 3

Article 265 shall be amended to read:

“Article 265 Money Laundering

- (1) Whoever, directly or indirectly, accepts, exchanges, keeps, disposes of, uses in commercial or other business activity, the money or other property he/she knows was acquired through perpetration of a criminal offence, or performs its conversion or transfer or otherwise conceals or attempts to conceal its nature, origin, location, disposal, movement, ownership or other right, shall be punished by imprisonment for a term between six months and five years.
- (2) If the perpetrator of the act referred to in paragraph (1) is also a perpetrator of or an accomplice to the criminal offense whose perpetration resulted in the money or material gain referred to in the previous paragraph, shall be punished by imprisonment for a term between one and eight years.
- (3) If the money or property gain referred to in paragraphs (1) and (2) of this Article is of a great value, the perpetrator shall be punished by imprisonment for a term between one and ten years.
- (4) If several persons who joined for perpetration of such offenses perpetrate the offenses referred to in previous paragraphs, the perpetrator shall be punished by imprisonment for a term between two and twelve years.
- (5) If the perpetrator, during the perpetration of the criminal offences referred to in paragraphs (1) and (2) of this Article, acted negligently with respect to the fact that the money or property gain has been acquired through perpetration of 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 gain arising from the material gain acquired through perpetration of a criminal offence referred to in paragraph (1) through paragraph (4) of this Article shall be forfeited.”

Article 4

This Law shall enter into force on the eight day after its promulgation in the “Official Gazette of the Brčko District of BiH”.

Number: 01-02-679/16
Brčko, 13.07.2016

SPEAKER OF THE

ASSEMBLY OF THE BRČKO
DISTRICT OF BIH

Đorđa Kojić